



**King County**  
**Charter Review Commission Agenda**  
**King County Chinook Building**

**1st Floor Executive Conference Rooms 121/123**  
**401 5th Ave. Seattle, WA 98104**  
**Wednesday, November 20, 2019 | 6:00 p.m. – 8:00 p.m.**

**Purpose:**

- Review final edits to full report draft.
- Review final steps of CRC process and evaluation

<b>Agenda Topic</b>	<b>Lead</b>	<b>Time</b>	<b>Attachments</b>
1. Welcome and Review Agenda	Co-Chairs	5 min	
2. Public Comment	Co-Chairs	As needed	
3. Approve 11-6-19 Meeting Minutes	Co-Chairs	5 min	11-6-19 Draft Meeting Minutes
4. Review and discuss final edits received to date on report draft	Facilitator	45 min	Draft report to King County Council
5. Review process for post-mortem evaluation of CRC review process	Facilitator	15 min	
6. Discuss advice for next Commission	Facilitator	30 min	
7. Scheduling and next steps	Facilitator	15 min	CRC Meeting Calendar
8. Adjourn	Co-Chairs		

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## King County

### Charter Review Commission

November 6, 2019

### Meeting Minutes

#### **In Attendance:**

Louise Miller (Co-Chair), Tim Ceis, Elizabeth Ford, David Heller, Michael Herschensohn, Sean Kelly, Linda Larson, Clayton Lewis, Marcos Martinez, Toby Nixon, Nikkita Oliver and Rob Saka.

#### **Excused:**

Joe Fain, Ian Goodhew, Nat Morales, Beth Sigall, Ron Sims, Alejandra Tres, Kinnon Williams and Sung Yang.

#### **Council and Executive Staff:**

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

#### **Also in Attendance:**

Mike Sinsky, Senior Deputy Prosecuting Attorney, King County Prosecuting Attorney's Office, meeting facilitator Betsy Daniels, Co-President, Triangle Associates, Inc. and Mishu Pham-Whipple, Project Associate, Triangle Associates, Inc.

#### **1. Welcome and Call to Order**

Co-Chair Miller called the meeting to order at 5:36 p.m. and reviewed the evening's agenda.

#### **2. Public Comment:**

Alex Tsimmerman provided public comment.  
A letter received from George Cheung will be included with public comment.

One of the appendices to the report will be public comments.

Action: Staff will close the Charter Review mailbox and the public comment section on the Charter Review Commission website prior to the last meeting on November 20<sup>th</sup>.

### **3. Approval of Minutes**

Commissioner Nixon moved approval of the minutes of the September 25, 2019, October 15, 2019, October 16, 2019, October 17, 2019 and October 23, 2019 town halls and commission meetings. The motion was seconded. Co-Chair Miller had a correction to the October 23<sup>rd</sup> minutes. At that meeting, she said if the commission continues to move forward with the appointed sheriff ordinance, the commission should recommend to the County Council that it be the only charter amendment on that particular ballot. There was approval to add this language to the October 23<sup>rd</sup> minutes. The minutes of the September 25<sup>th</sup>, October 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> meetings were approved as written, and the minutes of the October 23<sup>rd</sup> meeting were approved as amended.

### **Discussion Regarding Potential Additions and Recommendations**

Based on the volume of public testimony, there are three items under consideration today to be included in the report. Commissioners will have one more opportunity to provide comment on the report following today's meeting, however, no new topics will be included.

Commissioners reviewed and discussed four draft proposed ordinances amending the Charter.

#### Changes to Preamble

Action: Staff will change "insure" to "ensure" on line 17 of the proposed ordinance relating to changing "citizen" to "public/resident".

Motion: A vote was taken on whether to have line 21 read 1) read "superior quality of life and secure..." or 2) leave it as proposed. Option 1 passed by a consensus of the vote.

Action: Staff will draft a justification for the recommendation along with a minority report.

#### Sheriff as an appointed official

The proposed changes, mainly on page 2 beginning on line 22 of the draft proposed ordinance, revise the prior charter amendment to make the position of sheriff an executive staff position appointed by the Executive and confirmed by the Council. Language was also added to include additional protections similar to those of the public defender with the exception of a special committee and incorporates the language in the "elected removal" section. Language related to the sheriff bargaining the working conditions side of the collective bargaining setup was removed.

Action: The report will reflect those who voted no on this topic.

Motion: Chair Miller moved that a recommendation be included in the report that should the appointment of the sheriff go to the ballot, it would be an item unto itself.  
The motion failed.

#### Career Service Exempt Positions

Revised language would allow for the passage of an ordinance that would exempt additional leadership positions and their confidential support staff from the career services system.

Motion: Commissioner Nixon moved inclusion of the revised language related to career service positions. The motion passed unanimously.

#### Changing the term "Citizen" to "public" or "resident"

Motion: Commissioner Nixon moved to include the proposed changes in the report.  
The motion passed unanimously.

#### **Review and Discuss Edits Received to Date on Report Draft**

- A revised report will be circulated for Commissioner review prior to the last meeting.
- Discussion ensued regarding additional technical edits to the Charter.
  - Indicate (Section 3) that the Council has the prerogative to amend the recommended changes.
  - Include the names of the facilities where the last four town halls meetings were held (Section 3, 2018-2019 Charter Review Process).
  - Include a description of major changes in the County over the past ten years.

Motion: Commissioner Heller moved that the Commissioner's place of residence be included in the table of Section 4. The motion failed for lack of a second.

Motion: A motion was made to have the table in section 4 include each Commissioner's Council district of residence rather than affiliation. The motion passed.

Action: Commissioners should let Mishu know of any updates to the table in section 4. Staff will eliminate any reference to place in the Affiliation column of the table in section 4 except as necessary.

Regarding proposed changes to the Office of Law Enforcement Oversight (OLEO) it was noted that it lacked reference to collective bargaining.

Action: Commissioner Ford will draft revised language for the OLEO portion that includes reference to collective bargaining being the impediment to the granting of subpoena powers and look at rephrasing the last sentence of the proposed revisions.

Action: Commissioners Heller, Ceis, Oliver and Larson will work on redrafting the proposed language under the section for “County Sheriff as an Appointed Position”. This will incorporate a notation of the dissenting votes.

Action: Revise the terminology in section 6.i. from “non-partisan” to something along the lines of “diverse/inclusive representative working group”. Commissioner Heller will draft a proposed revision and submit for inclusion in the draft report.

It was noted that the next draft of the “Citizen” and “Preamble” amendments will contain justification for the first time. A reminder will be included in the cover to the packet.

### **Process for Post-mortem Evaluation of CRC Review Process**

Triangle Associates will interview each of the Commissioners following conclusion of the November 20<sup>th</sup> meeting, and provide a summary evaluation focusing on best practices and recommendations to future Commissions. The draft evaluation will be distributed to Commissioners for comment.

Action: A final meeting will be arranged via telephone to take a vote on inclusion of the evaluation with the final report to the Council.

The meeting was adjourned at 7:21 p.m.



**King County**

**2019 King County Charter Review Commission:**

**Report to The King County Council**

**v. 11/14/19**

**King County, Washington**

**November 2019**

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## 1. Letter to the Council



Honorable Rod Dembowski, Chair  
Metropolitan King County Council

DateXXXXXX

Dear Councilmember Dembowski,

Attached for the Council's review and action is the report of the 2018-2019 King County Charter Review Commission. Over the course of our deliberations, the Commission convened seven town hall style public meetings, held X meetings of the full commission, and used X subcommittee meetings to inform our work.

The Commission is recommending the 11 amendments that are included in this report. These include the three early action items that we transmitted to the Council in May of 2019. The Commission focused its work, and recommended amendments, on the changing population and demographics of King County, conforming the Charter to changes that have occurred in state law, and acknowledging the needs of the various branches of County government.

The Commission operated on a consensus model, and these recommendations reflect the consensus of the Commission. We recommend that the Council forward each of these amendments to the voters. We understand that it is unlikely that all of them could be on the same ballot, so we defer to your political judgement on when and how many amendments are appropriately included in future general elections.

We are happy to answer any questions, and we thank you for your continued support of the Commission throughout the process.

Sincerely,

Louise Miller  
Co-Chair Charter Review Commission

Ron Sims  
Co-Chair Charter Review Commission

## 2. Executive Summary

King County is a home-rule county<sup>1</sup> with authority from the Washington State Constitution to establish and amend a charter form of government as its voters see fit. The King County Charter provides the basic structure for King County government. The Charter institutionalizes core values of checks and balances, accountability and oversight, and seeks to promote an effective, efficient, and responsive government. According to the Charter and King County Code, a Charter Review Commission is convened every ten years to review and recommend Charter amendments to the County Council. The Council then determines which proposed amendments to bring before the voters<sup>2</sup>. This process is intended to preserve the integrity of the charter document as values and local governance issues shift over time.

The 2018-2019 Charter Review Commission, comprised of twenty-three<sup>3</sup> citizen volunteers appointed by the King County Executive and confirmed by the King County Council, met from July 2018 to January 2019. The Commission developed its attached Charter amendment recommendations by gathering information on priority issues relevant to the Charter review process from a variety of sources, including elected and appointed King County officials and staff persons, interested organizations, members of the general public, and Commissioners' own perspectives and experiences. The Commission initially held three in-person Town Hall meetings and hosted an online Town Hall to gauge interest from the public on issues of particular concern or importance. Once an initial set of priority issues were identified, the Commission established subcommittees to develop proposed Charter amendments for the broader Commission's consideration.

Another round of Town Halls was conducted in October, 2019, to solicit public feedback on specific proposed amendments that the Commission deemed appropriate for further Council consideration. Town Halls were held in Bellevue, Shoreline, Federal Way, and Seattle.

In May of 2019, the Commission forwarded three "early action" Charter amendments to the Council to facilitate their potential inclusion on the 2019 general election ballot if the Council so desired. These three expedited recommendations are discussed in section 5 of this report. The ordinances resulting from these interim recommendations are included as Attachment I of this report.

The Commission has completed its work and now transmits its recommendations to the King County Council via this report. The Charter requires the Council to take action on each of the recommended amendments<sup>4</sup>. A majority vote of the people is required to pass a Charter amendment. In addition to the ordinances recommended by the Commission, this report also includes a number of additional areas where the Commission believes the public would benefit from further analysis by the Council and Executive.

The proposed amendments are as follows:

- 1. Preamble:** The Commission is recommending several changes to the Preamble of the Charter. These changes add the concept that County government should be equitable and available to all residents. The changes also remove the concept of citizenship being a requirement to benefit from county resources and add the concepts of protecting and enhancing a healthy rural and urban environment and promotion of a superior quality of life.

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<sup>1</sup> Home rule charter counties have constitutional authority to establish a form of County government that differs from the commission model otherwise prescribed by statute. See [Article XI Section 4, Article XI Section 5, of the Washington State Constitution](#) (link).

<sup>2</sup> [King County Charter, Section 800](#) (link)

<sup>3</sup> A complete list of Charter Review Commissioners is included in Section 4 of this report. Three Commissioners resigned during the process.

<sup>4</sup> [King County Charter](#) (link)

2. **Updates and Clarifications to the Initiative and Referendum Process:** Establish technical changes aligning the timelines in the Charter with changes in state election law and clarify the initiative and referendum process.
3. **Office of Law Enforcement Oversight (OLEO) Subpoena Power (Early Action Item):** Include subpoena power for OLEO in the Charter. This authority currently only exists in the County Code.
4. **Addition of Leadership Positions to the Exemptions from Career Service:** Create a process whereby the Council and Executive can increase the number of positions, by ordinance, that are exempt from the career service system.
5. **Removal Process for Elected Officials:** Provide a process to remove elected officials from office for malfeasance, misfeasance or violations of their oaths of office. Currently the only course of action is a recall election.
6. **County Sheriff as an Appointed Position:** Reestablish the office of County Sheriff as a position nominated by the Executive and confirmed by the Council.
7. **Anti-discrimination:** Prohibit discrimination in county employment and contracting based on status as a family caregiver, military status, or status as a veteran who was honorably discharged or discharged solely as a result of sexual orientation or gender identity .
8. **Inquests (Early Action Item):** Specify that inquests should be performed for in-custody deaths and provide the family of the deceased with legal representation during the inquest process.
9. **Affordable Housing (Early Action Item):** Remove a charter impediment to the sale of county property below market value for affordable housing purposes, in accordance with recent amendments to state law.
10. **Cleanup of Typographical and Grammatical Errors:** The commission has included a recommended "cleanup" amendment that makes typographical and grammatical corrections to various sections of the charter.
11. **Revise "Citizen" to "Resident":** The charter makes several references to the concept of citizenship being necessary to access certain aspects of County Government. This amendment converts those references from citizenship to either public or resident, depending on the context.

### 3. Introduction

#### KING COUNTY CHARTER

In 1968 the voters of King County shifted the structure of the County from a Commission to a home rule charter form of government. As a result, the three County Commissioner structure was replaced with a County Executive and a nine-member County Council. The Charter became the guiding document for County governance by acting as a constitution and providing voter-approved direction on the operation of King County government, which serves its 2.1 million residents.

Under the King County Charter, the County Executive and County Council are required to convene a Charter Review Commission (CRC, or Commission) every ten years. The 2018-2019 CRC is comprised of 23 citizen volunteers appointed by the King County Executive and confirmed by the County Council. The Commission has regularly convened for 16 months, beginning July 2018. The Commission was tasked with developing recommendations for Charter amendments for the County Council's consideration. This resulting report was developed by King County staff in coordination with and on behalf of the Charter Review Commission. The report describes the Commission's recommended Charter amendments and rationale. Based on this report, the County Council may then decide to place recommended Charter changes on a general election ballot. The County Council has the prerogative to amend the recommended changes.

## 2018-2019 CHARTER REVIEW PROCESS

The process to develop recommendations consisted of several phases of review, including information gathering, subcommittee evaluation and synthesis of data and information, drafting proposed Charter amendments, determining final proposals, and gathering final input from the public. A summary of the approach is included below.

**Information Gathering:** The Commission first convened in the summer of 2018 to develop an understanding of its role and ~~of the~~ key issues ~~related to that fall within the bounds of~~ the Charter. The Commission's analysis ~~of potential Charter amendments~~ was based on ideas from King County Councilmembers and other King County officials ~~and staff, research from King County staff,~~ feedback from the public, and ~~perspective gained from the ideas brought forward from~~ Commissioner members' own experiences. One of several presentations provided to the Commission by King County staff described the demographic trends in King County over the last 10 years. The trends outlined below provided context for how the County has changed since the last Charter Review Commission was convened:

- Historic population growth. King County has seen sustained population growth over the last ten years, even adding population during the Great Recession. The population has increased by almost 300,000 people since 2010. King County experienced its highest annual population growth ever from 2014-15, adding over 52,000 people.
- Continued, increasing diversity. Over  $\frac{3}{4}$  all of the population growth in the last ten years has been people of color. Over half of our total population growth has been from people born outside of the U.S. The population speaking a language other than English at home has also continued to grow, with 1 in 4 people over 5 speaking another language at home.
- Increased urbanization. Our historic population growth has focused in King County's cities, particularly Seattle, which has absorbed nearly half of the county's growth in the past decade. Growth in the rural area has been declining since the early 1990s, with the passage of the Growth Management Act, but has been very low in the last ten years.
- Increased income inequality. While we've experienced record growth over the last decade, it hasn't been spread equally across income groups. Growth has been concentrated at both ends of the income spectrum, with very little change in the number of middle income households. While growth has been centralized in the urban area, many cities have seen increases in the share of people living in poverty. King County's recent prosperity has not been shared equally or equitably across racial groups.

To gather input on a range of suggested issues and to identify new issues for consideration, the ~~in~~ February 2019, the Commission held three Town Hall meetings across King County (Magnuson Park, Seattle; Federal Way Community Center, Federal Way; and Chief Kanim Middle School, Fall City) ~~in~~ February 2019, to gather input on a range of suggested issues and to identify new issues for consideration. The Commission also reached out to over one hundred interest groups and organizations to collect viewpoints on a range of priority issues.

**Convene Subcommittees:** Following the town hall meetings, the Commission established four subcommittees to further study the priority issues: Equity for All, Access, Transparency and Accountability, and Regional Coordination. Each subcommittee had two designated Co-Chairs to provide oversight and coordinate with County staff on proposed amendments that fell within the scope of its subject area. Most of the deliberation regarding the rationale and need for the proposals occurred in the subcommittees.

The Commission agreed to conduct an expedited process to review and forward to the Council for early consideration certain Charter amendments that both received prompt consensus from

Commissioners and were deemed time sensitive. These Charter amendments were labeled Early Action Items and included the following:

- language removing a charter impediment to the sale of county property at below market value for affordable housing purposes, in keeping with recent state law amendments;
- language supporting the Office of Law Enforcement Oversight's subpoena power; and,
- language establishing 1) that inquests should be performed for deaths occurring in in-custody situations, and 2) that the family of the deceased should receive county-provided legal representation during the inquest process.

The Charter amendments for the Early Action Items were developed by the Equity for All and Regional Coordination subcommittees,

**Prioritization:** The Commission reviewed the remaining subcommittee proposals at subsequent commission meetings, and collectively determined which issues were to move forward as Charter amendment proposals, and which issues the subcommittees should continue to evaluate.

**Draft Charter Amendments:** In preparation for the second winnowing Commission meeting, subcommittees developed a position and a Charter amendment proposal for each of the approved issue items. Proposals were either tabled within the subcommittee or approved to move to the full Commission for consideration. Although this process varied by subcommittee, each proposal generally had one or two lead persons who coordinated with County staff to draft proposed language and rationale. The proposals were then circulated among the subcommittee for review. The subcommittee structure helped narrow down the list of proposals for the full Commission to consider by ensuring that proposals were well developed and had the support of the relevant subcommittee.

**Determine Final Proposals:** During the subsequent Commission meetings, the Commission considered the proposals and determined which recommendations would be included in the final report. The Commission also decided to include several proposals as issues warranting further research by the Council or by future Charter Review Commissions.

**Final Input Gathering:** Once the Commission reached consensus on the slate of Charter amendments to include in the final report, the Commission held four more Town Hall meetings in Bellevue City Council Chambers, Shoreline City Council Chambers, Federal Way City Council Chambers, and the King County Courthouse in Seattle in October of 2019 to gather additional public input on the proposed recommendations.

## 4. King County Charter Review Commission Members

Member	Affiliation	Title	Council District of Residence
Louise Miller (Co-Chair)	King County Council	Former Councilmember, District 3	4
Ron Sims (Co-Chair)	U.S. Department of Housing and Urban Development	Former Deputy Secretary Former King County Executive	2
Tim Ceis	Ceis Bayne East Strategic	Partner	8
Joe Fain	Bellevue Chamber of Commerce	CEO	7

Elizabeth Ford	Seattle University School of Law	Distinguished Practitioner in Residence	2
Ian Goodhew	University of Washington Medicine	Director of Government Relations	1
David Heller	Heller Law Firm, PLLC	Owner and Attorney	5
Michael Herschensohn	Queen Anne Historical Society	President	4
Sean Kelly	City of Maple Valley	Mayor	9
Linda Larson	Nossaman, LLP	Partner	4
Clayton Lewis	Arivale	CEO and Co-Founder	8
Marcos Martinez	Casa Latina	Executive Director	5
Nat Morales	US Senator Patty Murray	King County Outreach	4
Toby Nixon	City of Kirkland; Washington Coalition for Open Government	Councilmember; President	6
Nikkita Oliver	Creative Justice	Co-Executive Director and Attorney	2
Rob Saka	Microsoft	Attorney	8
Beth Sigall	Eastside Educations Network	Founder	3
Alejandra Tres	Municipal League of King County Foundation	Executive Director	8
Kinnon Williams	Inslee Best Doezier and Rider, PS	Attorney/Shareholder	1
Sung Yang	Pacific Public Affairs	Principal	2
William Ibershof (resigned)	Waste Management	Public Sector Manager	1
Jeff Natter (resigned)	Pacific Hospital Preservation and Development Authority	Executive Director	2
Brooks Salazar (resigned)	State of Washington	Judicial Clerk	8

## 5. Proposed Charter Amendments

### Preamble:

The Preamble to the County Charter serves as an introduction to the document itself. While the rest of the document is largely aimed at outlining the structure and layout of county government, the Preamble provides an opportunity for the voters to identify the activities, goals and objectives of County government. In fact, it's an opportunity for the voters to tell everyone what exactly it is they believe in and want their county government to be pursuing. As such, it's a powerful tool to make policy objectives very clear. This CRC has proposed several changes to the Preamble. The proposed amendment would modify the Preamble to read as follows:

We, the people of King County, Washington, in order to form a more just, equitable and orderly government for all, establish separate legislative and executive branches,

((~~insure~~)) ensure responsibility and accountability for local and regional county governance and services, enable effective ((~~citizen~~)) public participation, preserve, protect, and enhance a healthy rural and urban environment and economy, promote a superior quality of life and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.

The first two changes – the addition of “for all” and “equitable” – note that County government should be a resource and provide service to all residents of the county in an equitable manner. This involves not just providing services equally, but actually finding out what different communities might need and facilitating their different needs and helping them to access county services. This will likely require the county to “go meet the people where they are” as opposed to just making services available through the internet or in person. It will require significant work on the part of the county to be seen as providing access in an equitable manner.

The change of “insure” to “ensure” is a grammatical change.

The change of the word “citizen” to “public” in the Preamble is also recommended in a separate charter amendment that replaces almost all references to citizenship in the charter. The Commission views this change as an important symbolic change to make it very clear that County government, its institutions and services are available to all residents irrespective of citizenship status. We consider this to be a symbolic change as the Commission is unaware of any instances (except running for office) where citizenship is actually used as a test for accessing county services. However, we believe the reference should be removed.

Finally, we believe that the county has a role in promoting a superior quality of life and in protecting healthy urban and rural environments. There was a great deal of discussion amongst the Commission members regarding the appropriate role of the County in areas such as economic development, education, arts, cultural, heritage and recreational activities. The County has a direct role, through service provision, in some areas and does not provide services directly in other areas. However, even in areas where the County might not currently provide direct services, like economic development or education, the County can still serve as a leader, convener or facilitator of improvements in these areas.

**MINORITY REPORT:** This Preamble change is the only one of the amendments where the Commission has included a minority report. A minority of the Commission does not feel that this change goes far enough in highlighting the areas where the County should be investing time and resources. The minority of Commissioners believe that direct references to these additional services, specifically Arts, Culture and Recreation should be included directly in the Preamble. These Commissioners believe the phrase, at a minimum should read:

“promote a superior quality of life including recreation, arts, and cultural opportunities”

This proposed ordinance is included as Attachment A to this report.

**Initiative and Referendum Process Updates and Clarifications:** The CRC's proposals regarding the initiative and referendum process are mostly technical. The proposed changes align timelines in the Charter with those expressed in state election law and include other clarifications to the Charter's initiative and referendum process.

Proposed Charter edits are summarized as follows:

- §230.40 – Clarify that it is the *intent to file* a referendum that must be submitted before the original effective date of an ordinance, not the *signed petitions*.
- §230.40 – Specify that referenda should appear only on general election ballots, to avoid the cost of a countywide special election, unless the Council specifies an earlier date.
- §230.40 – Change the number of days before an election by which the referendum must be referred to the ballot to match the state election timeline (which is now three months before the election instead of 45 days). The deadline for submission of signed petitions should be far enough ahead of the referral date to allow adequate time for signature verification.
- §230.40 – Simplify the language in this section to use the term “emergency ordinance” defined in §230.30, instead of the full description “an ordinance necessary for the immediate preservation of the public peace, health or safety or for the support of county government and its existing public institutions”.
- §230.50 – Clarify that if the council adopts a submitted initiative, it may not immediately amend the ordinance in order to avoid having to put both the original language and the alternative language on the ballot.
- §230.50 – Specify that initiatives should appear only on a general election ballot to avoid the cost of a countywide special election, unless the Council specifies an earlier date.
- §230.50.10 – Clarify that when the Council “take(s) action” on an initiative proposed by cities, it has the option to approve, amend and approve, or reject the initiative.
- §230.75 – Clarify that, if the Council adopts an ordinance submitted as an initiative, it cannot amend it before the two-year window that would have applied if the voters had approved the ordinance at the ballot.

This proposed ordinance is included as Attachment B to this report.

**Office of Law Enforcement Oversight (OLEO) Subpoena Power (previously recommended as an Early Action Item):** The Charter Review Commission recommends that the Office of Law Enforcement Oversight (OLEO) have explicit Charter-based subpoena power as one option to make sure that OLEO can effectively carry out its mandate. While OLEO subpoena authority currently exists in County Code, the Commission determined that inclusion of subpoena power in the Charter itself sends a strong signal that this important office should have all the investigatory tools necessary to complete its work, even though it is our hope and expectation that a subpoena would rarely need to be used. The CRC understands that inclusion of this item in the Charter doesn't immediately create the authority;

however, there was no compelling reason to not provide the office with this power that other county agencies currently possess.

This proposed ordinance is included as Attachment I to this report.

**Addition of Leadership Positions to the Exemptions from Career Service:** The Career Service System is intended to insulate day-to-day employees from political pressure and patronage. Also known as a civil service system, King County's Career Service System covers most non-executive level employees who work for King County. The County's exclusions from Career Service coverage are individually defined by the Charter. While they are not included in the Charter's list of exemptions, positions like Division Directors and their confidential secretaries are excluded by county code. Thus, there is a risk that these exemptions could be viewed as being inconsistent with the Charter.

The Commission wanted to recognize the need to conform the Charter to the reality of modern-day management, where positions like Division Director, Deputy Director, Chief Financial Officer or Chief of Staff may be outside of the traditional scope of career service, and in fact are senior leadership positions within the Executive branch.

The Commission recommends that Section 550 of the Charter be amended to include "other leadership positions as defined by ordinance." This will afford the Legislative and Executive branches of County Government sufficient flexibility to determine the particular leadership positions that are appropriate for civil service coverage.

This proposed ordinance is included as Attachment C to this report.

**Removal Process for Elected Officials:** The Charter Review Commission recommends a Charter amendment that would provide a process to remove elected officials for cause. The possibility of removal of an elected official is an extremely serious issue and the Commission believes there should accordingly be a very high standard for conduct justifying removal. As such, the Commission recommends that misfeasance, malfeasance, or violation of the oath of office should be the standard for removal. This standard is parallel to the one which applies to the recall of elected officials pursuant to Chapter 29A.56 RCW and Article 1 Section 33 of the Washington State Constitution.

The Commission recommends the following section be added to the Charter:

Any officer holding an elective county office may be removed from office, and the office shall be deemed vacant, when it is determined by an ordinance approved by an affirmative vote of at least seven council members that the officer has committed an act or acts of malfeasance or misfeasance while in office, or has violated his or her oath of office. A councilmember shall not vote on his or her own removal. The council shall provide the officer with due notice setting forth the charges upon which the proposed removal is based and indicating the time and place of the council's consideration. The officer shall have the right to be present, to be assisted by counsel, to offer evidence, and to be heard in the officer's own defense. The county council shall adopt by ordinance rules of procedure governing the time, place and conduct of such hearings. An ordinance directing removal shall not be subject to veto or referendum.

This proposed ordinance is included as Attachment D to this report.

**County Sheriff as an Appointed Position:** The Charter Review Commission recommends a Charter amendment that would reestablish the office of County Sheriff as an Executive appointed position.

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For 26 years, starting in 1968 when King County became a chartered or “home rule” county, the Sheriff was appointed by the County Executive, with confirmation by the County Council.

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For 23 years, starting in 1996 when the voters of King County approved a charter amendment, the Sheriff has been an elected official with a 4-year term.

The Commission weighed the pros and cons of electing versus appointing a Sheriff, discussing this issue in sub-committees and at public hearings. We received input from several members of the public and twice from the Sheriff in person. As the Commission considered the issue, we also looked to the model used by the City of Seattle, and almost all of the cities within the state of Washington, whose police chiefs are appointed by the mayor and confirmed or rejected by the City Council.

Ultimately the Commission has concluded, with 2 dissenting votes, to recommend a Charter amendment changing the Sheriff’s office from an elected position back to an appointed position.

In coming to this conclusion, the Commission intends absolutely no disparagement of the current Sheriff, who has held that position for almost 2 years. We would have reached the same conclusion regardless of who the Sheriff is, because our conclusion is based upon certain concerns inherent in the state of affairs in which King County has an elected Sheriff.

#### CHANGES WITHIN KING COUNTY:

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We note that King County has become a very different place from what it was in 1996 when the Sheriff became an elected position. There are two changes of particular note:

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1. King County’s population is now more diverse than ever before.

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This diversity is expected to continue to increase both in population and in location. More diverse peoples are moving into King County. As diverse communities already here move out of their neighborhoods or are displaced and forced to move into other parts of the County and region, communities will continue to rapidly shift and change. These demographic changes are occurring during a time when society has become increasingly more aware of the problems with biased policing and the excessive use of force by some law enforcement officers upon Black, Native and people of color communities, low-income communities, and neurodiverse communities. At public meetings unrelated to the Charter Review process, County residents have expressed grave concerns about biased policing and use of force.

2. Fewer and fewer of the voters are people whom the Sheriff polices.

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In rural counties, Sheriffs exercise law enforcement jurisdiction over a large portion of the population. But in King County, the number and population size of incorporated municipalities has grown, and thus the areas and population of unincorporated King County have shrunk. While 13 cities contract with the King County Sheriff’s Office to provide police services, all other King County cities have their own independent police forces with their own appointed police chiefs. The result is that a significant majority of the King County voters who currently vote in Sheriff elections do not live in places where the Sheriff’s Office provides direct police service.

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#### ADDITIONAL CONSIDERATIONS REGARDING AN APPOINTED VERSUS AN ELECTED SHERIFF:

In addition to the above, the Commission considered the following factors:

1. Elections politicize an important law enforcement function.

Elections for Sheriff can prove disruptive to department operations. The most recent Sheriff election featured a deputy running against an incumbent Sheriff. Such an event predictably and inevitably caused divisions within the department, between some pro-incumbent and some pro-challenger factions, to the detriment of departmental morale. Additionally, special interests associated with the department play significant roles in the electoral campaigns for Sheriff, raising the possibility of special influence within the department based upon campaign support.

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2. Appointment would provided increased accountability to residents.

The Commission heard arguments that just voting for the Sheriff made that office more accountable to residents, particularly those in unincorporated areas. In our deliberations we came to the opposite conclusion. 2.2 million people live in King County. Approximately 1.95 million live in cities and about 250,000 people reside in unincorporated King County. Considered from the perspective of representative democracy and one person one vote, people in cities have almost 8 times the representation than residents of the unincorporated areas. Even if the population of the contract cities is combined with the population of unincorporated areas, the disproportionality of representation is still about 3 to 1. We believe if the Sheriff is appointed, the elected County Executive and nine Councilmembers, six of whom represent unincorporated areas, would significantly improve proportional representation and voter accountability regarding the selection of the Sheriff.

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3. Appointment provides flexibility when change is needed.

Several years ago, the U.S. Department of Justice took formal action against the Seattle Police Department in response to concerns about biased policing and excessive use of force. Seattle was able to respond to this situation about two years later by conducting a nationwide search and hiring a new police chief who had no previous affiliation with SPD. This out-of-region hire was part of the City's effort to reform the department and change the culture at SPD.

Four years later, Seattle hired a new Chief, this one from within the ranks of SPD, after another national search and an evaluation of 3 other finalists from other jurisdictions.

Since 1996, when the office returned to an elected position, each Sheriff has been appointed or elected from among the ranks of the department. That is due in part to residency and voter registration requirements for elected officials in the State of Washington, but also because internal candidates have an advantage of political support within the department and from constituencies that may endorse and contribute to Sheriff campaigns.

The result is that, as long as the Sheriff is elected, there appears to be no external mechanism, other than voting every four years, to address any need for reform or to change the culture at the King County Sheriff's office.

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4. Appointment avoids the internal strife that contested elections can cause.

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A contested election for Sheriff has produced internal divisions with different factions supporting or opposing candidates for Sheriff. Appointment of a Sheriff would allow internal candidates to compete on an equal footing with external candidates, and would remove the campaign-related polarization that has occurred.

5. An appointed Sheriff is more accountable for performance and for complying with County ordinances and policies.

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As a separately elected official, the Sheriff is answerable to the voters every four years, but during the Sheriff's term there are few if any accountability mechanisms within County government. When the previous Sheriff was facing serious accusations of misfeasance, neither the Executive nor the Council had the authority to investigate or take any actions to ensure the integrity of the Office of the Sheriff or its operations.

Also, as an officer of the County, the Sheriff should implement ordinances and policies adopted by the County Council. But under the present system, this is not always the case. For example, the Commission learned in testimony from the current Sheriff that she does not support subpoena powers for the Office of Law Enforcement Oversight (OLEO), and has made her position known to the King County Police Officers Guild, likely impacting collective bargaining on that issue. Additional civilian oversight by the County Executive and County Council should improve adherence to County ordinances and policies.

The Commission believes that a large urban county, with an increasingly diverse population, combined with a complicated patchwork of municipal jurisdictions, should strive to have the most capable law enforcement leadership available, whether it is from within the Sheriff's Office or from candidates elsewhere in the country. An appointment process is the best way to ensure that outcome.

Two Commissioners, Former King County Councilmember Louise Miller and Mayor Sean Kelly of Maple Valley, voted against this Commission recommendation.

The Commission believes that an appointed sheriff would better serve the county at this time because:

- Integrity, impartiality, and professionalism are promoted by removing politics from the office of sheriff.
- The candidate pool would be national rather than restricted to registered King County voters who have lived in the County for a year or more. In practice, the present system limits the candidate pool to current deputies of the King County Sheriff's Office. Experienced, qualified law enforcement professionals would be more likely to apply for an appointed position.
- The sheriff could be removed for cause if needed; currently there is no process for doing so other than a contested election (either the next election or a recall election).
- The sheriff's department would avoid internal negative effects from an election contest between two internal candidates.
- The Commission is aware that other Washington counties elect their sheriffs. However, King County had an appointed sheriff for decades until 1996. Also, throughout the state, chief law enforcement officers other than sheriffs, i.e., police chiefs, are appointed.

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This proposed ordinance is included as Attachment E to this report.

**Anti-Discrimination Language:** The Commission recommends that additional antidiscrimination language be added to Section 840 of the King County Charter. The antidiscrimination language would apply to King County as an employer and as a contract party and would prohibit discrimination based on 1) status as a family caregiver; and 2) military status or status as a veteran who was honorably discharged or who was discharged solely as a result of sexual orientation or gender identity.

Many families are dealing with the very real implications of having an elderly parent or an infant child that requires care to be provided by another family member or professional care provider. Since very few individuals can afford to pay out-of-pocket for care, this responsibility often falls to other family members. The Commission believes that those required by circumstances to be that provider of care should not be discriminated against in county hiring or contracting.

In addition, the Commission believes that those that have served our country through military service should be protected against discrimination in hiring and contracting. Those having been honorably discharged or other than honorably discharged due to their sexual identification or gender identity also should be protected and honored, not discriminated against.

This proposed ordinance is included as Attachment F to this report.

**Inquests (previously recommended as an Early Action Item):** The Charter Review Commission recommends that the King County Charter be amended to add the following two provisions: 1) guarantee the right to counsel (at County expense) to families of the decedent for an inquest; and 2) require an inquest to be held where a death might have resulted from a member of any law enforcement agency's action, decision, or possible failure to offer the appropriate care. "Member of any law enforcement agency" includes noncommissioned staff and agents of detention facilities or corrections facilities, to encompass deaths relating to a person's in-custody status. The Commission felt that understanding in-custody deaths, learning from each death, and using information to make positive changes to the system, outweighed any concern about cost or about having too many inquests.

This proposed Charter amendment ordinance is included as Attachment I to this report.

**Affordable Housing language (previously recommended as an Early Action Item):** The Commission recognizes the importance of affordable housing and believes the County should have access to all options available under the law to address the affordable housing shortage. Washington state law changed in 2018 to allow local governments, in some circumstances, to sell publicly-owned land for less than full market value, for affordable housing purposes. Thus, the Commission recommends eliminating the existing Charter language that prohibits such an action, bringing the Charter into line with state law. While there may still be other restrictions preventing such sales, removing the Charter prohibition will allow the County to exercise that option should it otherwise be legally permissible. A report from the Regional Coordination subcommittee is also included as Attachment I to this report; it contains additional matters the Council would need to consider before undertaking actual below-market land sales, should this amendment pass.

This proposed ordinance is included as Attachment I to this report.

**Cleanup of Typographical and Grammatical Errors:**

As part of its initial work, the Commission identified typographical and grammatical errors in the Charter. While not as pressing as the policy issues contained within this report. The Commission believes this amendment should be forwarded to voters to clarify and correct those errors.

This proposed Charter amendment ordinance is included as Attachment G to this report.

**Revise “Citizen” to “Resident”:**

There are many instances in the charter where the word “citizen” is used generally to mean “person who lives in King County.” This is not surprising due to the fact that the Charter was written more than 50 years ago. The Commission believes that “Citizen” was used in those days as a synonym for “civilian”, *i.e.*, a person who is not employed by the government. However, the Commission believes that citizenship is not and should not be a requirement to access the services and institutions of County government.

The County has passed policies to this effect, specifically prohibiting – in most cases – immigration status from being a consideration in the provision of or access to county services. Two of the most glaring exceptions to these policies are voting rights and the ability to run for and hold public office.

This amendment converts references to citizenship to either “public” (instances like public participations) or to “resident” (description of those living in the county). The amendment also would rename the “Office of Citizen Complaints” to the “Office of Public Complaints,” a change which will also require a change to the county code, should the amendment be approved by the voters.

There is one reference to citizenship that will remain in the Charter if this amendment is passed. Currently State law requires citizenship to hold elective office in Washington. The Commission has not recommended removing this reference at this time.

This proposed charter amendment is included as Attachment H to this report.

## **6. Topics Encouraged for Further Consideration by the Council**

**Items for Further Council Study** (areas where the Commission spent some time but couldn’t get to consensus):

- i. Ranked Choice Voting – there was extensive discussion about ways to increase participation in the election process, increase the number of candidates running for office (particularly persons of color), make elections more efficient, and reduce the level of partisanship in the County. One approach which was specifically discussed by the Commission was the adoption of Ranked Choice Voting. The pros and cons of this idea are complex; therefore the Commission recommends that the County convene a inclusive workgroup to examine the implementation of Ranked Choice Voting in King County. A discussion and staff work surrounding this concept is included as Appendix I.
- ii. Additional Non-Discrimination language: immigration status, criminal history, natural hair. In addition to the amendment that has been forwarded to the Council, the Commission believes that the County should study the possibility of adding immigration status, criminal history, and choices about styling of hair to the list of protected classes in the Charter. (The Commission notes that in June, 2019, California banned discrimination against individuals based upon the expression of their natural hair.) Particularly with regard to immigration status and criminal history, there are potential legal and policy

considerations that would need careful analysis; if such non-discrimination language were adopted, it might be necessary to carve out certain exceptions.

**Items Worth Consideration** (that the Commission did not have time for):

- i. Public Advocate or Community Advocate – Late during the CRC process, a recommendation came from the community, that the County look at creating a community advocate position, potentially similar to the Public Advocate position that has long existed within New York City Government. The Commission thought this idea might be worthy of further consideration but did not have time to study this idea or its implications.

## 7. Conclusion

The Commission thanks the Council and Executive for the support shown to us throughout the process. We were excited to work on real policy issues that impact the 2.1 million residents of King County.

We recommend that you forward each of the 11 amendments to the voters. We do not express a preference on order or ranking of the amendments as we believe each should be forwarded. The Commission would be happy to address any questions you might have about our work.

We would also like to thank the County Staff and Triangle Associates, who supported our work throughout the process.

Finally, Triangle Associates will be doing some close-out work on this project and will be interviewing those Commissioners who are interested. We recommend that the County Council provide that feedback to the next Charter Review Commission so that some of what we have learned throughout this process can be passed on to the next Commission. We believe this might help the next Commission avoid having to “re-invent the wheel”.

## **8. Attachments**

**ATTACHMENT A – PREAMBLE ORDINANCE**

**ATTACHMENT B – INITIATIVE AND REFERENDUM PETITIONS ORDINANCE AND STAFF REPORT**

**ATTACHMENT C – ADDITION OF LEADERSHIP POSITIONS TO THE EXEMPTIONS FROM CAREER SERVICE ORDINANCE**

**ATTACHMENT D – ELECTED OFFICIAL REMOVAL ORDINANCE**

**ATTACHMENT E – APPOINTED SHERIFF ORDINANCE AND STAFF REPORT**

**ATTACHMENT F – NON-DISCRIMINATION ORDINANCE AND STAFF REPORT**

**ATTACHMENT G – CLEANUP OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS ORDINANCE**

**ATTACHMENT H – REVISE “CITIZEN” TO “RESIDENT” ORDINANCE**

**ATTACHMENT I – EARLY ACTION REPORT TO KING COUNTY COUNCIL:**

- **OFFICE OF LAW ENFORCEMENT OVERSIGHT ORDINANCE AND STAFF REPORT**
- **INQUESTS ORDINANCE AND STAFF REPORT**
- **HOUSING ORDINANCE, COMMISSIONER REPORT, AND STAFF REPORT**

**ATTACHMENT J – REPORTS ON EARLY ACTION ITEMS:**

- **STAFF REPORT ON OFFICE OF LAW ENFORCEMENT OVERSIGHT ORDINANCE**
- **STAFF REPORT ON INQUESTS ORDINANCE**
- **COMMISSIONER AND STAFF REPORT ON HOUSING ORDINANCE**

## **9. Appendices**

### **APPENDIX I – ITEMS RECOMMENDED FOR FURTHER COUNCIL STUDY**

- A. RANKED CHOICE VOTING**
- B. NON-DISCRIMINATION: IMMIGRATION STATUS, CRIMINAL HISTORY, AND NATURAL HAIR**
- C. PUBLIC ADVOCATE OR COMMUNITY ADVOCATE**

### **APPENDIX II – STAFF REPORTS ON TOPICS NOT PROPOSED BY THE COMMISSION**

- A. STAFF REPORT ON RANKED CHOICE VOTING**
- B. STAFF REPORT ON SIZE OF COUNTY COUNCIL**
- C. STAFF REPORT ON COUNTY'S REGIONAL COMMITTEES**
- D. STAFF REPORT ON ELECTED PUBLIC DEFENDER**
- F. STAFF REPORT ON PUBLIC FINANCING OF CAMPAIGNS**

### **APPENDIX III – WRITTEN PUBLIC COMMENTS RECEIVED BY THE COMMISSION**

- A. PUBLIC COMMENTS RECEIVED THROUGH NOVEMBER 13, 2019**
- B. LETTERS FROM COUNTY COUNCILMEMBERS, BOARDS, AND OFFICES**
- C. FEBRUARY 2019 TOWN HALL SIGN INS AND TABLE NOTES**
- D. OCTOBER 2019 TOWN HALL SIGN INS AND TESTIMONIES**

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Date Created:	<b>May 8, 2019</b>
Drafted by:	<b>Patrick Hamacher</b>
Sponsors:	<b>Charter Review Commission</b>
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the Preamble to the  
3 King County Charter to include among the charter goals,  
4 equitable government, a strong urban and rural economy,  
5 and superior quality of life, to replace the word “citizen”  
6 with “public”, and to make a grammatical correction; and  
7 submitting the same to the voters of the county for their  
8 ratification or rejection at the November 3, 2020 general  
9 election.

10 ..Body

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. There shall be submitted to the qualified voters of King County for  
13 their approval and ratification or rejection, at the November 3, 2020 general election, an  
14 amendment to the Preamble to the King County Charter, as set forth herein:

15 **Preamble.**

16 We, the people of King County, Washington, in order to form a more just,  
17 equitable and orderly government for all, establish separate legislative and executive  
18 branches, ~~((insure))~~ ensure responsibility and accountability for local and regional county  
19 governance and services, enable effective ~~((citizen))~~ public participation, preserve,  
20 protect, and enhance a healthy rural and urban environment and economy, promote a

21 superior quality of life and secure the benefits of home rule and self-government, in  
22 accordance with the Constitution of the State of Washington, do adopt this charter.

23 SECTION 2. The clerk of the council shall certify the proposition to the director  
24 of elections, in substantially the following form, with such additions, deletions or  
25 modifications as may be required by the prosecuting attorney:

26 Shall the Preamble of the King County Charter be amended to include among the  
27 charter goals equitable government, a strong urban and rural economy, and  
28 superior quality of life to replace the word “citizen” with “public” and to make a  
29 grammatical correction?

Date Created:	
Drafted by:	
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing an amendment to the King  
3 County Charter to update the charter, clarify terms and  
4 bring the charter into compliance with state law, as it  
5 pertains to referendum, initiative and charter ballot measure  
6 timelines; amending Sections 230.40, 230.50, 230.50.10,  
7 230.60, 230.70, 230.75 and 800 of the King County  
8 Charter; and submitting the same to the voters of the county  
9 for their ratification or rejection at the November 3, 2020  
10 general election.

11 ..Body

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. There shall be submitted to the qualified voters of King County for  
14 their approval and ratification or rejection, at the November 3, 2020 general election,  
15 amendments to sections 230.40, 230.50, 230.50.10, 230.60, 230.70, 230.75 and 800 of  
16 the King County Charter, to read as follows:

17 **230.40 Referendum.**

18 Except as provided herein, an enacted ordinance may be subjected to a referendum  
19 by the voters of the county by filing with the county council (~~((prior to the effective date of~~  
20 ~~the ordinance))~~ no later than forty-five days after enactment of the ordinance petitions  
21 bearing signatures of registered voters of the county equal in number to not less than eight

percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, except as provided herein, an enacted ordinance which pursuant to state law is effective only in unincorporated areas of the county may be subjected to a referendum by the voters of the unincorporated areas of the county by filing with the county council (~~((prior to the effective date of the ordinance))~~) no later than forty-five days after enactment of the ordinance petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than eight percent of the votes cast at the last preceding election for county executive, provided however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the ordinance to be referred. The ordinance to be referred shall, in compliance with state law timelines for placing local measures on the ballot, be placed on the ballot either at the ~~((special or))~~ next available general election (~~((occurring more than forty-five days after the petitions are filed))~~) following filing of the petitions or at an earlier election designated by the county council, (~~((provided that))~~) although, in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

An appropriation ordinance; an emergency ordinance (~~((necessary for the immediate preservation of the public peace, health or safety))~~) or an ordinance necessary for the support of county government and its existing public institutions; an ordinance proposing amendments to this charter; an ordinance providing for collective bargaining; an ordinance approving a collective bargaining agreement; an ordinance providing for the compensation

or working conditions of county employees; or an ordinance which has been approved by the voters by referendum or initiative shall not be subject to a referendum.

### **230.50 Initiative**

Ordinances, except ordinances providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters of the county equal in number to not less than ten percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, an ordinance which pursuant to state law is effective only in unincorporated areas of the county, except an ordinance providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than ten percent of the votes cast at the last preceding election for county executive, provided, however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the proposed ordinance.

The county council shall consider the proposed ordinance. If the proposed ordinance is not enacted within ninety days after the petitions are ~~((presented))~~ filed, ~~((it shall be placed))~~ the county council shall, in compliance with state law timelines for placing local measures on the ballot, place the proposed ordinance on the ballot either at the next ((regular or special)) available general election ((occurring more than one hundred thirty five days after the petitions are filed)) following the ninety-day period or at an earlier election designated by the county council. ~~((However, if the proposed ordinance is enacted~~

68 at any time prior to the election, it shall not be placed on the ballot or be voted on unless it  
69 is subjected to referendum.))

70 If the county council rejects the proposed ordinance and adopts a substitute  
71 ordinance concerning the same subject matter, the substitute ordinance shall be placed on  
72 the same ballot with the proposed ordinance; and the voters shall first be given the choice  
73 of accepting either or rejecting both and shall then be given the choice of accepting one and  
74 rejecting the other, provided that in the case of an ordinance effective only in  
75 unincorporated areas of the county, the proposed ordinance shall be voted upon only by the  
76 registered voters residing in unincorporated areas of the county. If a majority of the voters  
77 voting on the first issue is for either, then the ordinance receiving the majority of the votes  
78 cast on the second issue shall be deemed approved. If a majority of those voting on the  
79 first issue is for rejecting both, then neither ordinance shall be approved regardless of the  
80 vote on the second issue.

81 **230.50.10 Institutional Initiative.**

82 Any city or town located within the county may, after securing the consent, by  
83 motion or resolution, of at least one half of the cities within the county, propose an  
84 ordinance of county-wide significance directly to the metropolitan county council, except  
85 an ordinance which is not subject to a referendum under the provisions of Section 230.40  
86 of this charter. Such proposed legislation shall be in ordinance form. The metropolitan  
87 county council shall ~~((take action on))~~ approve, amend and approve, or reject such  
88 proposed legislation within ninety ~~((90))~~ days of its filing with the county council.

89 **230.60 Referendum and Initiative Petitions.**

90 The county council shall establish by ordinance the form to be used for referendum  
91 and initiative petitions. All referendum and initiative petitions shall be sponsored by an  
92 individual or committee of individuals, which shall secure the approval of the clerk of the  
93 county council as to the form of the proposed petitions before circulating them. Within five  
94 days after the form of the proposed petitions is submitted to the clerk of the county council,  
95 the clerk shall return it to the sponsor with an indication of the clerk's approval or with a  
96 detailed written explanation of the clerk's objection to the form.

97 **230.70 Effective Date of Ordinances.**

98 Except as provided herein, the effective date of an ordinance shall be ten days after  
99 its enactment unless a later date is specified in the ordinance. If an ordinance may be  
100 subjected to a referendum as provided in Section 230.40 of this charter and if a proposed  
101 referendum petition is submitted to the clerk of the county council as provided in  
102 ~~((Subsection))~~ Section 230.60 of this charter prior to the tenth day after its enactment, the  
103 effective date of the ordinance shall be ~~((forty-five))~~ sixty days after its enactment unless  
104 either a later date is specified in the ordinance or the director of elections determines before  
105 sixty days from enactment that petitions are insufficient to proceed to referendum, in which  
106 case the effective date shall be the date of the director of elections's determination of  
107 insufficiency. If an ordinance is subjected to referendum, it shall not become effective until  
108 after it is approved by the voters. If it is approved by a majority of the voters voting on the  
109 issue, the effective date of an ordinance which is subjected to referendum or proposed by  
110 initiative, or a substitute ordinance proposed by the county council as provided in  
111 ~~((Subsection))~~ Section 230.50 of this charter, shall be ten days after the results of the  
112 election are certified unless a later date is specified in the ordinance. The effective date of

113 an emergency ordinance shall be the date of its enactment unless a later date is specified in  
114 the ordinance.

115 An ordinance which is subject to the veto power of the county executive and which  
116 is not vetoed, or the approved portions of an appropriation ordinance which has been  
117 partially vetoed, shall be deemed enacted on the date that it is approved by, or ten days after  
118 it is presented to, the county executive. An ordinance which is vetoed or the vetoed  
119 portions of an appropriation ordinance shall be deemed enacted on the date that the county  
120 council overrides the veto or partial veto. An ordinance which is not subject to the veto  
121 power of the county executive shall be deemed enacted on the date it is approved by the  
122 county council.

123 **230.75 Amendment or Repeal of Ordinances Approved by the Voters.**

124 No ordinance that is approved by the county council in response to the filing of an  
125 initiative petition or that is approved by a majority of the voters voting thereon, whether as  
126 the result of a referendum or initiative, shall be amended or repealed by the county council  
127 within a period of two years following the effective date of such ordinance; provided that  
128 such ordinance may be amended within the two-year period by ordinance adopted by a vote  
129 of not less than two-thirds of all members of the county council, which amendatory  
130 ordinance shall not be subject to referendum.

131 An ordinance approved by the county council in response to the filing of an  
132 initiative petition or by the voters may be amended or repealed by an ordinance approved  
133 by a majority of the voters voting thereon at any special or general election. Ordinances  
134 may be enacted to facilitate and effectuate this provision.

135 **Section 800 Charter Review and Amendments.**

136           At least every ten years after the adoption of this charter, the county executive shall  
137   appoint a citizen commission of not less than fifteen members whose mandate shall be to  
138   review the charter and present, or cause to be presented, to the county council a written  
139   report recommending those amendments, if any, which should be made to the charter.  
140   Appointees shall be subject to confirmation by a majority of the county council. This  
141   citizen commission shall be composed of at least one representative from each of the  
142   county council districts. The county council shall consider the commission's report and  
143   recommendations and decide at an open public meeting how to proceed on each of the  
144   commission's recommended charter amendments, as provided by ordinance.

145           The county council may propose amendments to this charter by enacting an  
146   ordinance to submit a proposed amendment to the voters of the county. The county council  
147   shall comply with state law timelines for placing local measure on the ballot and shall place  
148   the proposed amendments on the ballot at the next available general election (~~occurring~~  
149   ~~more than forty-five days after the enactment of the ordinance~~). An ordinance proposing  
150   an amendment to the charter shall not be subject to the veto power of the county executive.  
151   Publication of a proposed amendment and notice of its submission to the voters of the  
152   county shall be made in accordance with the state constitution and general law. If the  
153   proposed amendment is approved by a majority of the voters voting on the issue, it shall  
154   become effective ten days after the results of the election are certified unless a later date is  
155   specified in the amendment.

156           SECTION 2. The clerk of the council shall certify the proposition to the director  
157   of elections, in substantially the following form, with such additions, deletions or  
158   modifications as may be required by the prosecuting attorney:

159        Shall the King County Charter be amended to comply with state law as it  
160        pertains to initiative, referendum and charter ballot measure timelines, and  
161        to clarify definitions and terms related to the referendum and initiative  
162        process?



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Sahar Fathi
<b>Proposed No.:</b>		<b>Date:</b>	March 14, 2019

#### SUBJECT

Brief analysis on referendum and initiative process at the City of Seattle, King County, and State of Washington for the Charter Review Commission.

#### SUMMARY

The below staff report provides a comparison of timelines and requirements for initiatives and referenda across Washington State, King County and the City of Seattle.

#### BACKGROUND

In 1912, Washington became one of the first states to adopt the initiative and referendum process.<sup>1</sup> The power of initiative is used to propose new legislation and the power of referendum is used to review previously adopted legislation.<sup>2</sup> The powers of initiative and referendum are not available to all classes of municipalities. These powers are not automatically included in the powers granted to cities, towns, or counties. The authority for use of these powers is found either in the state constitution or in enabling legislation adopted by the state legislature, or both. In Washington, the only cities that have been granted the powers of initiative and referendum are the first class cities (of which Seattle is one), code cities that have formally adopted these powers, and cities with the commission form of government<sup>3</sup>. The only counties that may exercise these powers are counties that have formally adopted them by charter. Of the 39 counties in Washington, 33 retain the commission structure as outlined in Title 36 RCW; six counties have established themselves as charter counties by drafting a charter and submitting it to a vote of the people. The state constitution specifically grants the authority to adopt a charter to first class cities, and RCW 35.22.200 specifically provides that a first class city charter may provide for direct legislation by the people through the initiative and

<sup>1</sup> Office of Secretary of State, "Initiatives & Referenda in Washington State." [https://www.sos.wa.gov/\\_assets/elections/initiatives/initiative%20and%20referenda%20handbook%202017%20.pdf](https://www.sos.wa.gov/_assets/elections/initiatives/initiative%20and%20referenda%20handbook%202017%20.pdf) at 3.

<sup>2</sup> Municipal Research and Services Center, "Initiative and Referendum Guide for Washington Cities and Charter Counties." Found at: <http://mrsc.org/getmedia/18593ba0-fa89-4776-84dc-3dcab86b3449/Initiative-And-Referendum-Guide.pdf.aspx?ext=.pdf> at 1

<sup>3</sup> Specific statutory rules apply to petitions in cities, including referendum and initiative petitions. These are found in RCW 35.21.005 and RCW 35A.01.040.

referendum process. All of the ten first class cities in Washington have adopted the powers of initiative and referendum, and the procedures for exercising these powers are set out in the city charter of each city.<sup>4</sup>

The state constitution grants counties the option of adopting a charter for their own form of government, and that charter may provide for direct legislation by the people through the initiative and referendum process. Seven counties have adopted a charter: Clallam, Clark, King, Pierce, San Juan, Snohomish, and Whatcom. Each has adopted the powers of initiative and referendum. Procedures for the exercise of these powers are set out in the charter of each county.<sup>5</sup>

In general, under Washington State law only ordinances may be enacted by initiative or repealed by referendum. The powers of initiative and referendum are not applicable to any other type of legislative enactment by a city or county council, such as a motion, order, or resolution. In 2003, the Washington State Supreme Court held that amending the county charter was not outside the scope of the initiative power. In ruling that the King County charter did not restrict the people's authority to amend the county charter the state supreme court stated that "one of the foremost rights of Washington State citizens is the power to propose and enact laws through the initiative process."<sup>6</sup>

## **ANALYSIS**

### **Referendums:**

State law governs when a general or special election must be held in Washington. A county legislative authority may call a special county election on one of the following dates as set out in RCW 29A.04.321: 1. The second Tuesday in February; 2. The fourth Tuesday in April; 3. The third Tuesday in May; 4. The day of the primary election as specified by RCW 29A.04.311; 5. The first Tuesday after the first Monday in November (this is the same date as the general election date in November).

Table 1: REFERENDUMS - Comparison between Washington State, King County<sup>7</sup> and City of Seattle<sup>8</sup>

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<sup>4</sup> Municipal Research and Services Center, "Initiative and Referendum Guide for Washington Cities and Charter Counties." Found at: <http://mrsc.org/getmedia/18593ba0-fa89-4776-84dc-3dcab86b3449/Initiative-And-Referendum-Guide.pdf.aspx?ext=.pdf> at 3

<sup>5</sup> Municipal Research and Services Center, "Initiative and Referendum Guide for Washington Cities and Charter Counties." Found at: <http://mrsc.org/getmedia/18593ba0-fa89-4776-84dc-3dcab86b3449/Initiative-And-Referendum-Guide.pdf.aspx?ext=.pdf> at 4

<sup>6</sup> Maleng v. King County Corrections Guild, 76 P.3d 727 (2003), found at: <https://law.justia.com/cases/washington/supreme-court/2003/74130-1-1.html>

<sup>7</sup> The state constitution grants counties the option of adopting a charter for their own form of government, and that charter may provide for direct legislation by the people through the initiative and referendum process.

<sup>8</sup> The state constitution specifically grants the authority to adopt a charter to first class cities, and RCW 35.22.200 specifically provides that a first class city charter may provide for direct legislation by the people through the initiative and referendum process.

	Washington State	King County	City of Seattle
<b>Signature Requirements</b>	Referendum measures <sup>9</sup> : Petition signatures equal to <b>four percent</b> of the total votes cast for the office of Governor in the last election. <sup>10</sup>	Signatures of no less than <b>eight percent</b> of voters in the county that voted in the last election for county executive. <sup>11</sup>	Signatures equal to not less than <b>8 percent</b> of the total number of votes cast for the office of mayor at the last preceding municipal election.
<b>Deadlines</b>	Referendum measures may be filed within 90 days after the Legislature has passed the law.	If sufficient, the referendum will be put on the ballot at the next special or general election occurring more than 45 days after the petitions are filed.	The amount of time allowed to gather signatures is typically only 29 days. <sup>12</sup>

## Initiatives

*Countywide special elections are rare and expensive. Should this be only primary or general elections to avoid the cost of a countywide special election?*

There is some language in the City of Seattle with regard to Initiatives and Special Elections. The City of Seattle's Charter, Article IV (E) states that a special election is required: "If an initiative petition shall be signed by a number of qualified voters of not less than twenty (20) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or shall at any time be strengthened in qualified signatures up to said percentage, then the City Council shall provide for a special election upon said subject, to be held within sixty (60) days from the proof of sufficiency of the percentage of signatures."

Table 2: INITIATIVES Comparison between Washington State, King County and City of Seattle

<sup>9</sup> There are two types of referenda: Referendum Measures and Referendum Bills. Referendum Measures are laws recently passed by the Legislature and placed on the ballot by referendum petition. A referendum may be filed on all or part of the law. Referendum Bills are proposed laws referred to the voters by the Legislature.

<sup>10</sup> Secretary of State, "Referendum Quick Facts." Found at <https://www.sos.wa.gov/elections/referendumquickfacts.aspx>

<sup>11</sup> For unincorporated areas - an enacted ordinance which pursuant to state law is effective only in unincorporated areas of the county may be subjected to a referendum by the voters of the unincorporated areas of the county by filing with the county council prior to the effective date of the ordinance petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than eight percent of the votes cast at the last preceding election for county executive, provided however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county.

<sup>12</sup> This is because the referendum must be filed before the effective date of the ordinance being referred.

	Washington State	King County	City of Seattle
<b>Deadlines</b>	<u>Initiatives to the People</u> <sup>13</sup> <ul style="list-style-type: none"> <li>Filing starts late December or early January with signature petition sheets due in early July.</li> </ul> <u>Initiatives to the Legislature</u> <sup>14</sup> <ul style="list-style-type: none"> <li>Filing starts in early March with signatures due in early January</li> </ul>	If sufficient, the council has 90 days to adopt the ordinance as petitioned or place the proposed ordinance on the ballot not less than 135 days after the petitions were filed.	The petition coordinator will have 180 days to collect the required number of signatures <sup>15</sup> . Begin counting on the day after the date of the letter providing notification of the approved ballot title. Include Saturdays, Sundays and legal holidays in the count.
<b>Signature Requirements</b>	Equal to or in excess of <b>8 percent</b> of the total votes cast for the office of Governor at the last regular state gubernatorial election.	Not less than <b>10 percent</b> of the voters of the county that voted in the last election for county executive. <sup>16</sup>	Not less than <b>10 percent</b> of the total votes cast for mayor at the last Mayoral election. <sup>17</sup>

## Referendum Petitions

Table 3: REFERNDUM PETITIONS - comparison between Washington State, King County and City of Seattle

	Washington State	King County	City of Seattle
<b>Background Ordinances</b>	RCW 35A.01.040	K.C.C. 1.16.020 and K.C.C. 1.16.065 (A)	SMC 2.12.010 and SMC 2.8.030
<b>Paper</b>	Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of	Printed on single sheets of white paper of good quality, eight and one-half inches in width and fourteen inches in	Printed on single sheets of paper of good writing quality at least eight and one-half (8½) inches in

<sup>13</sup> Initiatives to the People are submitted for a vote of the people at the next state general election. Initiatives submitted to the people require a simple majority of voter approval to become law (except for gambling or lottery measures, which require 60 percent approval).

<sup>14</sup> Initiatives to the Legislature are submitted to the Legislature at its regular session each January. Once submitted, the Legislature must take one of the following three actions: (1) The Legislature may adopt the initiative as proposed and it becomes law without a vote of the people; (2) The Legislature may reject or refuse to act on the proposed initiative and the initiative must be placed on the ballot at the next state general election; or (3) The Legislature may propose a different measure dealing with the same subject and both measures must be placed on the next state general election ballot. Found in: Office of Secretary of State, "Initiatives & Referenda in Washington State."

<https://www.sos.wa.gov/assets/elections/initiatives/initiative%20and%20referenda%20handbook%202017%20.pdf> at 4.

<sup>15</sup> Seattle City Charter Art. IV, § 1.B.; see also RCW 35.21.005(8)

<sup>16</sup> In addition, an ordinance which pursuant to state law is effective only in unincorporated areas of the county, except an ordinance providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than ten percent of the votes cast at the last preceding election for county executive, provided, however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county.

<sup>17</sup> Seattle City Charter, Art. IV, § 1.B

	petition paper having a space thereon for signatures shall contain the text or prayer of the petition and a warning. <sup>18</sup>	length, with a margin of one and three-quarters inches at the top for binding. The front side of the petition shall have a minimum font size of eight point font.	width and eleven (11) inches in length, but no larger in size than eleven (11) inches in width and seventeen (17) inches in length with a margin of at least one (1) inch at the top.
<b>Signature lines</b>	Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;	Numbered lines for not more than twenty signatures on each sheet	Each petition should consist of not more than one (1) sheet with numbered lines for not more than twenty (20) signatures on each sheet. The printed words shall be legible.
<b>Language/Supporting Information to be included</b>	(1) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any; (2) If the petition initiates or refers an ordinance, a true copy thereof; (3) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area, (4) The warning statement. <sup>19</sup>	A full, true and correct copy of the measure being proposed or referred printed on the reverse side of the petition or on sheets of paper of like size and quality as the petition, and a web address if one exists to the measure being proposed or referred in twelve point font at the top of the reverse side of the petition, firmly fastened to the petition  The prescribed ballot title or sufficient room for the ballot title to be inserted if the ballot title has not yet been prepared by the prosecuting attorney	A full, true and correct copy of the proposed measure referred to therein shall be printed on the reverse side of the petition; provided that in lieu of being printed on the reverse side of the petition, such proposed measure may be printed on sheets of paper of like size and quality as the petition and firmly fastened thereto.

<sup>18</sup> WARNING: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

<sup>19</sup> See Footnote 18.

## Effective Date of Ordinances

Table 4: EFFECTIVE DATE OF ORDINANCES- Comparison between Washington State, King County and City of Seattle

	Washington State	King County	City of Seattle
<b>Overview</b>	90 days after the adjournment of the session at which it was enacted.	10 days after its enactment unless a later date is specified in the ordinance.	After a proclamation by the mayor, which shall be made and published in the City official newspaper, within five (5) days after the election. Provided, however, that if the ordinance itself shall designate a subsequent date for taking effect, the proclamation shall name the said date as the time for taking effect. <sup>20</sup>

## Amendment or Repeal of Ordinances Approved by Voters

Table 5: AMENDMENT OR REPEAL OF ORDINANCES APPROVED BY VOTERS - comparison across Washington State, King County, and City of Seattle.

	Washington State	King County	City of Seattle
<b>Timeline</b>	No amendment or repeal within a period of two years following enactment.	No amendment or repeal within a period of two years following enactment.	No amendment or repeal within a period of two years following enactment.

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<sup>20</sup> <http://clerk.seattle.gov/~public/initref/ReferendumFAQ.htm>

Date Created:	_____, 2019
Drafted by:	<b>Hamacher/Slonecker</b>
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County  
3 Charter to allow the King County council to designate  
4 certain executive branch leadership positions and  
5 confidential positions supporting leadership positions as  
6 career service exempt by ordinance; amending Section 550  
7 of the King County Charter; and submitting the same to the  
8 voters of the county for their ratification or rejection at the  
9 November 3, 2020 general election.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the qualified voters of King County for  
12 their approval and ratification or rejection, at the November 3, 2020 general election, an  
13 amendment to Section 550 of the King County Charter to read as follows:

14 **550. Career Service Positions.**

15 All county employees and officers shall be members of the career service except  
16 those in the following positions: all elected officers; the county auditor; the clerk and all  
17 other employees of the county council; the county administrative officer; the chief officer  
18 of each executive department and administrative office and such other leadership positions  
19 and confidential positions supporting leadership positions as may be designated by  
20 ordinance; the members of all boards and commissions; the chief economist and other  
21 employees of the office of economic and financial analysis; administrative assistants for the

22 county executive and one administrative assistant each for the county administrative  
23 officer, the county auditor, the county assessor, the chief officer of each executive  
24 department and administrative office and for each board and commission; a chief deputy  
25 for the county assessor; one confidential secretary each for the county executive, the chief  
26 officer of each executive department and administrative office, and for each administrative  
27 assistant specified in this section; all employees of those officers who are exempted from  
28 the provisions of this charter by the state constitution; persons employed in a professional  
29 or scientific capacity to conduct a special inquiry, investigation or examination; part-time  
30 and temporary employees; administrative interns; election precinct officials; all persons  
31 serving the county without compensation; physicians; surgeons; dentists; medical interns;  
32 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and  
33 health departments of the county.

34 Part-time Employees. All part-time employees shall be exempted from career  
35 service membership except, effective January 1, 1989, all part-time employees employed at  
36 least half-time or more, as defined by ordinance, shall be members of the career service.

37 SECTION 2. The clerk of the council shall certify the proposition to the director  
38 of elections, in substantially the following form, with such additions, deletions or  
39 modifications as may be required by the prosecuting attorney:

40 Shall Section 550 of the King County Charter be amended to allow the  
41 King County Council to designate additional executive branch leadership  
42 positions and confidential positions supporting leadership positions as  
43 career service exempt?

Date Created:	<b>May 8, 2019</b>
Drafted by:	<b>Patrick Hamacher</b>
Sponsors:	<b>Charter Review Commission</b>
Attachments:	

1 ..Title

2 AN ORDINANCE proposing an amendment to the King  
3 County Charter to allow the council to remove elected  
4 officials from office in certain circumstances; adding a new  
5 section 671 to the King County Charter; and submitting the  
6 same to the voters of the county for their ratification or  
7 rejection at the November 3, 2020 general election.

8 ..Body

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. There shall be submitted to the qualified voters of King County for  
11 their approval and ratification or rejection, at the November 3, 2020 general election, the  
12 addition of a new Section 671 to the King County Charter, to read as follows:

13 **Section 671. Removal by the council of an officer holding elective county**  
14 **office.**

15 Any officer holding an elective county office may be removed from office, and  
16 the office shall be deemed vacant, when is the council determines, and an ordinance with  
17 that determination is approved by an affirmative vote of at least seven councilmembers,  
18 that the officer has committed an act or acts of malfeasance or misfeasance while in  
19 office or has violated the officer's oath of office. A councilmember shall not vote on the  
20 councilmember's own removal. The council shall provide the officer with due notice  
21 setting forth the charges upon which the proposed removal is based and indicating the

22 time and place of the council's consideration. The officer has the right to be present, to  
23 be assisted by legal counsel, to offer evidence and to be heard in the officer's own  
24 defense. The council shall adopt by ordinance rules of procedure governing the time,  
25 place and conduct of hearings held under this section. An ordinance directing removal is  
26 not subject to the veto power of the county executive or to referendum.

27 SECTION 2. The clerk of the council shall certify the proposition to the director  
28 of elections, in substantially the following form, with such additions, deletions or  
29 modifications as may be required by the prosecuting attorney:

30 Shall the King County Charter be amended to allow the council to remove  
31 elected officials from office in certain circumstances?

Date Created:	<b>May 29, 2019</b>
Drafted by:	<b>Nick Bowman</b>
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County  
3 Charter to reestablish the office of county sheriff as an  
4 executive appointed position represented by the executive  
5 in collective bargaining with department of public safety  
6 employees; amending Sections 350.20.40, 680.10, and 890  
7 of the King County Charter and repealing Sections 645 and  
8 898 of the King County Charter; and submitting the same  
9 to the voters of the county for their ratification or rejection  
10 at the November 3, 2020 general election.

11 ..Body

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. There shall be submitted to the qualified voters of King County for  
14 their approval and ratification or rejection, at the November 3, 2020 general election, an  
15 amendment to Sections 350.20.40 and 680.10 of the King County Charter and a repeal of  
16 Section 645 of the King County Charter, as set forth herein:

17 **Section 350.20.40 Department of Public Safety.**

18 The department of public safety shall be administered by the county sheriff who  
19 shall perform the duties specified by general law. The county sheriff shall be ~~((elected by~~  
20 ~~the voters of the county, and the sheriff's term of office shall be four years))~~ appointed by  
21 the county executive and confirmed by county council. The department of public safety

shall be an executive department subject to the civil service personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished or combined with any other executive department or administrative office and shall not have its duties decreased by the county council.

**Section 645 repealed.** Section 645 of the King County Charter, "Sheriff; Election, Term of Office and Compensation, is hereby repealed.

**680.10 Designation, Appointment and Election to Fill Vacancy.**

Immediately upon commencing their terms of office, the county executive, county assessor, county director of elections(~~(;)~~) and county prosecuting attorney (~~(and county sheriff)~~) shall each designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, county assessor, county director of elections(~~(;)~~) or county prosecuting attorney(~~(-or county sheriff)~~), respectively.

Except for a designation made by the metropolitan county council, a designation of an interim official shall only be effective if the county executive, county assessor, county director of elections(~~(;)~~) and county prosecuting attorney (~~(and county sheriff)~~), each for that officer's elective office, complies with the following procedure; commits the designation to writing; identifies the order of precedence if more than one county officer or employee is designated; signs the written designation; has the written designation notarized; files the written designation with the county office responsible for records; and provides a copy of the written designation to the chair of the metropolitan county council.

The county executive, county assessor, county director of elections(~~(;)~~) and county

44 prosecuting attorney ~~((and county sheriff))~~ may, at any time, amend such designation by  
45 complying with the same procedure established for making the designation.

46 In the event the county executive, county assessor, county director of elections ~~((;))~~  
47 and county prosecuting attorney ~~((and county sheriff))~~ neglects or fails to make such a  
48 designation within seven calendar days of commencing his or her term of office, the  
49 metropolitan county council may by ordinance designate one or more employees who serve  
50 as a deputy or assistant in such office to serve as an interim official in the event of a  
51 vacancy in the elective office of the county executive, county assessor, county director of  
52 elections ~~((;))~~ or county prosecuting attorney ~~((and county sheriff))~~, respectively. A  
53 designation made by the metropolitan county council shall be effective upon adoption of  
54 the ordinance therefor and may be amended by ordinance; provided that a designation by  
55 the county executive, county assessor, county director of elections ~~((;))~~ or county  
56 prosecuting attorney ~~((and county sheriff))~~ which occurs subsequent to the adoption of an  
57 ordinance shall take precedence over the designation by ordinance.

58 The designated county officer or employee shall immediately upon the occurrence  
59 of a vacancy serve as the interim official and shall exercise all the powers and duties of the  
60 office granted by this charter and general law until an acting official is appointed as  
61 provided in this section.

62 The metropolitan county council shall, after being appraised of a vacancy in the  
63 elective office of county executive, county assessor, county director of elections ~~((;))~~ or  
64 county prosecuting attorney ~~((and county sheriff))~~, fill the vacancy by the appointment of  
65 an employee who served as a deputy or assistant in such office at the time the vacancy  
66 occurred as an acting official to perform all necessary duties to continue normal office

67 operations. The acting official shall serve until the vacancy is filled by appointment  
68 pursuant to general law for nonpartisan county elective offices.

69 A vacancy in an elective county office shall be filled at the next primary and  
70 general elections which occur in the county; provided that an election to fill the vacancy  
71 shall not be held if the successor to the vacated office will be elected at the next general  
72 election as provided in Section((s)) 640 ((and 645)) of this charter. The term of office of an  
73 officer who has been elected to fill a vacancy shall only be for the unexpired portion of the  
74 term of the officer whose office has become vacant and shall commence as soon as he or  
75 she is elected and qualified.

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

79 **Section 890 Employee Representation.**

80 The county council may enact an ordinance providing for collective bargaining by  
81 the county with county employees covered by the personnel system. If an ordinance  
82 providing for collective bargaining is enacted, it shall not be subject to the veto power of  
83 the county executive; and, ~~((except with respect to bargaining by the county with~~  
84 ~~employees of the department of public safety pursuant to Section 898 of this charter\*))~~, it  
85 shall designate the county executive as the bargaining agent of the county. Any  
86 agreement reached as a result of negotiations by the county bargaining agent with county  
87 employees shall not have the force of law unless enacted by ordinance.

88 **Section 898 repealed.** Section 898 of the King County Charter, "Department of  
89 Public Safety Employee Collective Bargaining", is hereby repealed.

90           SECTION 2. The clerk of the council shall certify the proposition to the director  
91 of elections, in substantially the following form, with such additions, deletions or  
92 modifications as may be required by the prosecuting attorney:

93           Shall the King County Charter be amended to reestablish the office of  
94 county sheriff as an executive appointed position represented by the  
95 executive in collective bargaining with department of public safety  
96 employees?



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Nick Bowman
<b>Proposed No.:</b>		<b>Date:</b>	February, 2019

#### SUBJECT

History of the sheriff as an elected position in King County.

#### BACKGROUND

From 1852 to 1969, the King County Sheriff was an elected position that operated more or less independently of the three county commissioners, who exercised both legislative and executive power. According to HistoryLink.org, the sheriff, along with other elected county officials, including the assessor, auditor, clerk, coroner, prosecuting attorney and treasurer had considerable discretion over the operations of their departments without much oversight by the commissioners. The independent authority of these elected offices to, "[dispense county jobs and funds] permitted the growth of a patronage system that both political parties fought to control."<sup>1</sup>

In 1948, the Seattle League of Women Voters and the Municipal League of Seattle and King County, successfully pushed for the adoption of Amendment 21 to the state constitution, which permitted counties to adopt Home Rule Charters with voter approval.<sup>2</sup> After rejecting an initial charter in 1952, the voters of King County approved a Home Rule Charter in November 1968. The charter replaced many quasi-independent elected officials, including the sheriff, with appointed positions subordinate to the executive. Proponents of the proposed charter stated that an appointed sheriff would be chosen on merit and professional qualifications and "[create] a climate for professional, career employees isolated from political involvement."<sup>3</sup> According to reports at the time, the King County Sheriff's Office and the Seattle Police Department "had been buffeted by charges of corruption and cronyism, and there were state and federal investigations of reported police payoffs,"<sup>4</sup> investigations which eventually led to a grand jury

<sup>1</sup> Oldham, Kit. "Freeholders propose new Home Rule charter for King County on July 28, 1952." Historylink.org 3 June 2006. <https://historylink.org/File/7790>

<sup>2</sup> "A History of Washington's Local Governments: Washington State Local Governance Study Commission Report (Update). Municipal Research and Services Center for Washington. October 2007. <http://leg.wa.gov/JointCommittees/Archive/JSCJTD/Documents/2007HistoryofWALocalGov.pdf>

<sup>3</sup> Vogel, Andrea. "The Charter." *The Seattle Times*. October 6, 1968

<sup>4</sup> Schaefer, David. "Back to the Future: An Elected Sheriff – Nonpartisan Office- Holder to be Chosen." *The Seattle Times*. November 6, 1996.

indictment of King County Sheriff Jack Porter and Seattle Police Chief Frank Ramon among other local government officials.<sup>5</sup> Opponents of the charter, including *The Seattle Times* Editorial Board, argued that making the sheriff an appointed position would expose the county commissioners to “corrosive influences in the form of election contributions from those who might benefit from law enforcement ‘tolerances’,”<sup>6</sup> or police policies that ignore activities of doubtful legality. Other charter opponents such as the King County Labor Council, argued it would undemocratically deny the public the right to elect the sheriff and undermine efforts to establish collective bargaining for county employees.<sup>7</sup>

For the next twenty-five years, the top law enforcement officer in King County was appointed by the executive as the Director of the Department of Public Safety, as the Sheriff’s Office was renamed under the charter. In late 1995, King County Council Chair Kent Pullen introduced Proposed Ordinance 95-755<sup>8</sup> which sought to reestablish the sheriff as an independently elected position. “[At the time, King County Executive Gary Locke had proposed a budget which included cuts and staff reductions in the Dept. of Public Safety. Council Chair Pullen argued that an elected sheriff would be in a better position to protect the budget from such cuts over that of a sheriff that also is a county department head reporting to the county executive. Executive Locke stated that he opposed the ordinance on the ground that the sheriff should be viewed as a law enforcement professional rather than an elected politician.]”<sup>9</sup>

In May 1996, after a series of hearings in the Law, Justice and Human Services Committee, Proposed Ordinance 95-755 was adopted by the County Council. The ordinance submitted to the voters a charter amendment to establish the county sheriff as a nonpartisan elected official with a four year term. If approved by the voters, the sheriff would be elected in November 1997, with the first year of their term beginning in 1998. The ordinance maintained the Dept. of Public Safety as an executive department and also maintained the civil service employment status of the department’s employees. As listed in the available council materials, representatives from the King County Police Officers Guild and other police unions supported the ordinance, while a representative from the executive’s office opposed the measure.<sup>10</sup>

With the adoption of Proposed Ordinance 95-755, the decision to make the county sheriff an elected position went to the voters in November 1996 under the ballot title: “Charter Amendment No. 2”. Leading up to the election, various parties made their case for and against the measure.

The arguments **for** Charter Amendment No. 2 offered by a majority of the King County Council and the King County Police Officers Guild, generally consisted of the following:

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<sup>5</sup> Anderson, Rick. “Shakedown Streets: Excerpts from Seattle Vice.” *Seattle Weekly*. October 19, 2010

<sup>6</sup> Editorial Board. “The County Charter: Controls Voters Should Retain.” *The Seattle Times*. November 19, 1967.

<sup>7</sup> Bender, James King County Labor Council. “Is the Proposed King County Charter a Tax-Eating Monster in Disguise?” Paid advertisement in *The Seattle Times*. November 4, 1968

<sup>8</sup> Ordinance 12301

<sup>9</sup> Schaefer, David. “County Council Chairman Calls for Sheriff to be Elected Official- He Thinks Change Would Help Protect Police Budget from Cuts.” *The Seattle Times*. October 26, 1995.

<sup>10</sup> Hurd, Catherine. “Proposed Ordinance 95-755 An Ordinance proposing to amend the King County Charter to create the elected office of county sheriff, Staff Report.” May 7, 1996.

- “[The county executive has generally appointed a sheriff from out of state with no community ties or knowledge of the interworking of the county’s police force;
- An appointed sheriff reporting to the county executive is unable to effectively fight budget cuts or go public with requests for additional funding that he or she may feel are necessary;
- Nationally, 3,085 counties have elected sheriffs while only 11 counties have appointed sheriffs; and
- King County voters are intelligent enough to choose for themselves who they want as the county’s top law enforcement officer.]”<sup>11</sup>

The arguments **against** Charter Amendment No. 2, offered by Seattle Mayor Norm Rice, King County Councilmember Greg Nickels, Former King County Executive John Spellman and *The Seattle Times* Editorial Board generally consisted of the following:

- “[Politics and ‘electability’ should not determine the top law enforcement officer in such a populous county;
- Investigations into graft and corruption at the King County Sheriff’s Office was one of the reasons the voters approved the Home Rule Charter and made the sheriff an appointed position;
- Since the sheriff became and appointed position there have been no major investigations into corruption or criminal activity in the sheriff’s office;
- An ineffective, incompetent or dishonest sheriff that is appointed can be held immediately accountable by the executive, while removing an elected sheriff would require a cumbersome recall election; and
- An appointed sheriff allows for an extensive search and rigorous selection process to ensure the most qualified professional gets the job.]”<sup>12</sup>

Charter Amendment No. 2, establishing the King County Sheriff as a nonpartisan elected official, was approved by the voters in November 1996 with 57% voting yes<sup>13</sup>. In early 1997, King County Executive Ron Sims appointed Dave Reichert, a veteran of the county police force, as Director of the Department of Public Safety. Mr. Reichert was elected sheriff in November 1997. There have been a total of five elected sheriffs since Sheriff Reichert’s first term in 1998.

## **ATTACHMENTS**

1. Proposed Ordinance 95-755 Staff Report and Law, Justice and Human Services Committee Minutes May 7, 1996

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<sup>11</sup> Sources for the “for” arguments include: 1. “Charter Amendment No. 2 statements for” prepared by Kent Pullen, Paul Barden and Steve Eggert. King County Voters’ Pamphlet. November 1996. 2. “Ballot Measures” *The Seattle Times*. November 1, 1996.

<sup>12</sup> Sources for the “against” arguments include: 1. “Charter Amendment No. 2 statements against” prepared by Greg Nickels, Connie King and John Spellman. King County Voters’ Pamphlet. November 1996. 2. Editorial Board. “Keep Sheriff Appointed.” *The Seattle Times*. October 25, 1996. 3. Editorial Board. “Resist the Urge to Tinker.” *The Seattle Times*. May 27, 1996.

<sup>13</sup> “Election Results.” *The Seattle Times*. November 6, 1996.

## 2. King County Voter's Pamphlet November 1996

Date Created:	_____, 2019
Drafted by:	<b>Hamacher</b>
Sponsors:	
Attachments:	

..Title

AN ORDINANCE proposing an amendment to Section 840 of the King County Charter, to more broadly prohibit discrimination on the basis of family caregiver, military or veteran status in county employment and in county contracting with nongovernmental entities; and submitting the same to the voters of the county for their ratification or rejection at the November 3, 2020 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the November 3, 2020 general election, an amendment to Section 840 of the King County Charter to read as follows:

**Section 840 Antidiscrimination.**

There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression ~~((or))~~, age except by minimum age and retirement provisions, status as a family caregiver, military status or status as a veteran who was honorably discharged or who was discharged solely as a result of their sexual orientation or gender identity, and the county shall not enter into any contract with any person, firm, organization, corporation or other nongovernmental entity that discriminates on the basis of sex, race, color, national origin, religious affiliation, disability, sexual

orientation, gender identity or expression ((or)), age except by minimum age and retirement provisions, status as a family caregiver, military status or status as a veteran who was honorably discharged or who was discharged solely as a result of their sexual orientation or gender identity.

SECTION 2. The clerk of the council shall certify the proposition to the director of elections, in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall Section 840 of the King County Charter be amended to prohibit discrimination on the basis of family caregiver, military or veteran status in county employment and in county contracting with nongovernmental entities?



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Patrick Hamacher
<b>Proposed No.:</b>		<b>Date:</b>	April 12 , 2019

#### SUBJECT

Potential Charter amendment to update the non-discrimination language.

#### BACKGROUND

Section 840 of the King County Charter provides for broad prohibition regarding discrimination against several protected classes. Currently, Section 840 reads as follows:

##### **Section 840 Antidiscrimination.**

There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, and the county shall not enter into any contract with any person, firm, organization, corporation or other nongovernmental entity that discriminates on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions. (Ord. 16204 § 1, 2008).

#### SUMMARY

The County Charter prohibitions against discrimination and against contracting with vendors who discriminate is relatively broad. However, since the Charter provisions are typically reviewed only every ten years with each Charter Review Commission, it can be the case the King County Code has changes or that terms become dated or no longer in use or that new issues arise. Since the last revision to this section, the County Code has changes and new language has been adopted. The Charter Review Commission may wish to consider adding the following classes to the Charter as they are currently included in the County Code:

1. Pregnancy
2. Domestic violence victimization
3. Honorably discharged military or veteran status
4. Use of a service or assistive animal by a person with a disability

In addition, the CRC itself has discussed the potential of adding “political affiliation” to this section of the Charter.

## **ANALYSIS**

There are two attachments to this document. The first is a simple crosswalk comparing the County Code, County Charter, State Constitution and various provisions of State Law as it pertains to protected classes. The second is a detailed analysis from the Prosecuting Attorney's Office that also incorporates provisions in federal law and provides more detailed analysis of the various protections and "where" those protections are included in the law.

It appears that the County Code that was updated as recently as 2018 is the most inclusive of protections for specific classes. Interestingly enough, the County Charter is also relatively current compared to state and federal provisions.

It appears that the protections currently contained in the County Code have added a few additional classes beyond what is currently included in the Charter. If the CRC members want to propose an amendment to the Charter that incorporates the provisions listed in the Summary section into the Charter then the revised Section 840 would look as follows (note: political affiliation is also shown because CRC members have discussed, but it is not currently in the code):

### **Section 840 Antidiscrimination.**

There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, and the county shall not enter into any contract with any person, firm, organization, corporation or other nongovernmental entity that discriminates on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, pregnancy, domestic violence victimization, honorably discharged veteran or military status, use of a service or assistive animal by a person with a disability, or political affiliation.

## **ATTACHMENTS**

1. Crosswalk between Code, Charter, State Constitution and RCW
2. Non-discrimination analysis prepared by PAO

Comparison of County Charter and County Code to State Constitution and Revised Code of Washington			
County Code (Ord 18757)	County Charter (Section 840)	State Constitution	RCW 49.60.030
Race	Race		Race
Color	Color		Color
Gender	Sex	Sex (Article 31. Section 1)	Sex
Age	Age except by Minimum Age and Retirement Provisions		
Creed			Creed
Disability	Disability		
Marital Status			Presence of any sensory, mental or physical disability
National Origin	National Origin		National Origin
Religion	Religious Affiliation	Religion (Art. 1. Sect 11)	
Pregnancy			
Gender Identity or Expression	Gender Identity or Expression of Person		
Domestic Violence Victimization			
Sexual Orientation	Sexual Orientation		Sexual Orientation
Honorably Discharged Veteran or Military Status			Honorably Discharged Veteran or Military Status
Use of Service or Assistive Animal by Person with Disability			use of trained guide dog or service animal by a person with a disability
Any Other Status Protected by Federal, State or Local Law			
Retaliation of Any King re: Reporting of Above			
	Prohibition on Contracting with firms that violate above.		
			Breastfeeding in any public resort, accommodation, assemblage or amusement

Class	Authority and Application
Sex	<ul style="list-style-type: none"> <li>○ Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers from discriminating against employees. See 42 U.S.C. § 2000e et seq.</li> <li>○ WA Constitution Article 31, Section 1 (“Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.”)</li> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child)</li> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities)</b> <ul style="list-style-type: none"> <li>○ King County Code (KCC) 12.17.010 (“gender” – prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)<sup>1</sup></li> <li>○ KCC 12.18.010 (“gender” - employment discrimination)</li> <li>○ KCC 12.20.010 (“gender” - discrimination in housing)</li> <li>○ KCC 12.22.010 (“gender” - places of public accommodation)</li> </ul> </li> </ul>
Race	<ul style="list-style-type: none"> <li>○ Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination in any program or activity that receives federal funds or other federal financing assistance. See 42 U.S.C.A. § 2000d et seq.</li> <li>○ Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers from discriminating against employees. See 42 U.S.C. § 2000e et seq.</li> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child)</li> </ul>

<sup>1</sup> KCC 12.17.010.F provides “[c]ontractor” means a business enterprise, including, but not limited to, a company, partnership, corporation or other legal entity, excluding real property lessors and lessees, contracting to do business within the county. “Contractor” includes, but is not limited to, a public works contractor, a consultant contractor, a provider of professional services, a service agency, a vendor, and a supplier selling or furnishing materials, equipment, goods or services, but does not include a governmental agency other than King County.

	<ul style="list-style-type: none"> <li>○ KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities) <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
Color	<ul style="list-style-type: none"> <li>○ Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination in any program or activity that receives federal funds or other federal financing assistance. See 42 U.S.C.A. § 2000d et seq.</li> <li>○ Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers from discriminating against employees. See 42 U.S.C. § 2000e et seq.</li> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother's right to publicly breastfeed her child)</li> <li>○ KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities) <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
National origin	<ul style="list-style-type: none"> <li>○ Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination in any program or activity that receives federal funds or other federal financing assistance. See 42 U.S.C.A. § 2000d et seq.</li> <li>○ Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers from discriminating against employees. See 42 U.S.C. § 2000e et seq.</li> </ul>

	<ul style="list-style-type: none"> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother's right to publicly breastfeed her child)</li> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities)</b> <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
Ancestry	<ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul>
Religious affiliation	<ul style="list-style-type: none"> <li>○ Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employers from discriminating against employees. 42 U.S.C. § 2000e et seq.</li> <li>○ WA Constitution Article 1, Section 11</li> <li>○ RCW 49.60.030 (Although "creed" is not defined, courts have found that RCW 49.60 applies to discrimination based on religion. <i>See Marquis v. City of Spokane</i>, 130 Wn.2d 97, 112-3 (1996)). Applies to employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother's right to publicly breastfeed her child.</li> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities)</b> <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul>
Creed	<ul style="list-style-type: none"> <li>○ RCW 49.60.030 (Although “creed” is not defined, courts have found that RCW 49.60 applies to discrimination based on religion. See <i>Marquis v. City of Spokane</i>, 130 Wn.2d 97, 112-3 (1996)). Applies to employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child.</li> </ul>
Disability	<ul style="list-style-type: none"> <li>○ The Americans with Disabilities Act of 1990 (ADA) applies in many areas of public life, including employment (title I), government services (title II), public accommodations (title III), and telecommunications (title IV). See 42 U.S.C. chapter 126.</li> <li>○ RCW 49.60.030 (“the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability”). Applies to employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child.</li> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities)</b> <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
Sexual orientation, gender identity <sup>2</sup>	<ul style="list-style-type: none"> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child)</li> </ul>

<sup>2</sup> Federal laws do not prohibit discrimination based on sexual orientation or gender identity; however, the Equal Employment Opportunity Commission has on occasion held that gender identity and sexual orientation fall within the category of “sex” in Title VII. See *Macy v. Department of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012); See *David Baldwin v. Dep’t of Transportation*, EEOC Appeal No. 120133080 (July 15, 2015).

	<ul style="list-style-type: none"> <li>○ RCW 49.60.040(26) - “Gender expression or identity” is within the definition of “sexual orientation.” (“Sexual orientation” means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, “gender expression or identity” means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.”)</li> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities)</b> <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
Age	<ul style="list-style-type: none"> <li>○ <b>KC Charter Section 840 (county employment and county contracts with persons or non-governmental entities). “Age” is qualified with “except by minimum age and retirement provisions.”</b> <ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul> </li> </ul>
Honorably discharged veteran or military status	<ul style="list-style-type: none"> <li>○ Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits employment discrimination against a person on the basis of past military services, current military obligations, or intent to serve. See 38 U.S.C.A. §§ 4301–4333, 4311.</li> <li>○ RCW 49.60.030 (employment, public accommodations, housing, credit transactions, insurance, commerce free from discriminatory boycotts or blacklists, and a mother’s right to publicly breastfeed her child)</li> </ul>

Political affiliation	<ul style="list-style-type: none"> <li>○ Not protected</li> </ul>
Marital status	<ul style="list-style-type: none"> <li>○ KCC 12.17.010 (prohibits discrimination when King County is acting as a contractor or is awarding a contract, and to contracts between entities doing business in unincorporated King County)</li> <li>○ KCC 12.18.010 (employment discrimination)</li> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul>
Parental status	<ul style="list-style-type: none"> <li>○ KCC 12.20.010 (discrimination in housing)</li> <li>○ KCC 12.22.010 (places of public accommodation)</li> </ul>
Participation in Section 8 or other housing subsidy program	<ul style="list-style-type: none"> <li>○ KCC 12.20.010 (discrimination in housing)</li> </ul>
Alternative source of income	<ul style="list-style-type: none"> <li>○ KCC 12.20.010 (discrimination in housing)</li> </ul>

Date Created:	_____, 2019
Drafted by:	<b>Hamacher</b>
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing an amendment to the King  
3 County Charter to correct typographical and grammatical  
4 errors, apply consistent drafting protocols, enhance  
5 readability and organization and remove no-longer-relevant  
6 language by amending the Preamble, Section 110, Section  
7 130, Section 140, Section 210, Section 220.10, Section  
8 220.20, Section 220.30, Section 230.10, Section 230.10.10,  
9 Section 230.20, Section 230.30, Section 230.40, Section  
10 230.50, Section 230.50.10, Section 230.70, Section 230.75,  
11 Section 240, Section 250, Section 270.10, Section 270.20,  
12 Section 270.30, Section 270.40, Section 310, Section  
13 320.10, Section 320.20, Section 340.10, Section 340.40,  
14 Section 340.50, Section 340.60, Section 350.10, Section  
15 250.20, Section 350.20.10, Section 350.20.20, Section  
16 350.20.40, Section 350.20.50, Section 350.20.61, Section  
17 350.20.65, Section 405, Section 410, Section 420, Section  
18 425.10, Section 425.20, Section 425.30, Section 425.40,  
19 Section 430, Section 450, Section 460, Section 470.10,  
20 Section 470.20, Section 480, Section 490, Section 495,  
21 Section 510, Section 520, Section 530, Section 540, Section

550, Section 560, Section 610, Section 630, Section 640,  
Section 645, Section 649, Section 650.30.10, Section  
650.30.20, Section 650.30.30, Section 660, Section 670,  
Section 680, Section 680.10, Section 690, Section 710,  
Section 720, Section 730, Section 800, Section 810, Section  
830, Section 840, Section 843, Section 850, Section 860,  
Section 870, Section 880, Section 890, Section 897 and  
Section 898 of the King County Charter, recodifying  
Section 898 and Section 899 of the King County Charter,  
repealing Section 650.40, Section 650.40.15 and Section  
650.40.25 of the King County Charter and submitting the  
same to the voters of the county for their ratification or  
rejection at the November 3, 2020 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for  
their approval and ratification or rejection, at the November 3, 2020 general election, an  
amendment to the Preamble, Section 110, Section 130, Section 140, Section 210, Section  
220.10, Section 220.20, Section 220.30, Section 230.10, Section 230.10.10, Section  
230.20, Section 230.30, Section 230.40, Section 230.50, Section 230.50.10, Section  
230.70, Section 230.75, Section 240, Section 250, Section 270.10, Section 270.20,  
Section 270.30, Section 270.40, Section 310, Section 320.10, Section 320.20, Section  
340.10, Section 340.40, Section 340.50, Section 340.60, Section 350.10, Section 250.20,  
Section 350.20.10, Section 350.20.20, Section 350.20.40, Section 350.20.50, Section

350.20.61, 350.20.65, Section 405, Section 410, Section 420, Section 425.10, Section 425.20, Section 425.30, Section 425.40, Section 430, Section 450, Section 460, Section 470.10, Section 470.20, Section 480, Section 490, Section 495, Section 510, Section 520, Section 530, Section 540, Section 550, Section 560, Section 610, Section 630, Section 640, Section 645, Section 649, Section 650.30.10, Section 650.30.20, Section 650.30.30, Section 660, Section 670, Section 680, Section 680.10, Section 690, Section 710, Section 720, Section 730, Section 800, Section 810, Section 830, Section 840, Section 843, Section 850, Section 860, Section 870, Section 880, Section 890, Section 897 and Section 898 of the King County Charter, recodifying Section 898 and Section 899 of the King County Charter and repealing Section 650.40, Section 650.40.15 and Section 650.40.25 of the King County Charter, as set forth herein, to read as follows:

#### **PREAMBLE**

We, the people of King County, Washington, in order to form a more just and orderly government, establish separate legislative and executive branches, (~~(insure)~~) ensure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy rural and urban environment and economy and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.

#### **Section 110 General Powers.**

The county shall have all of the powers (~~(which)~~) that it is possible for a home rule county to have under the state constitution.

#### **Section 130 Construction.**

67           The powers of the county granted by this charter shall be liberally construed, and  
68   the specific statement of particular powers shall not be construed as limiting the general  
69   powers. Reference to the state constitution and general law in this charter shall be  
70   construed as a continuing reference to them as they may be amended from time to time.  
71   This charter and the ordinances enacted hereunder shall supersede special and general laws  
72   ~~((which))~~ that are inconsistent with the charter and ordinances to the extent permitted by  
73   the state constitution.

74           **Section 210 Composition.**

75           The legislative branch ~~((shall be))~~ is composed of the ~~((metropolitan))~~ county  
76   council.

77           **220.10 Composition and Terms of Office.**

78           The ~~((metropolitan))~~ county council ~~((shall))~~ consists of nine members. The county  
79   shall be divided into nine districts, and one councilmember shall be nominated and elected  
80   by the voters of each district. The term of office of each councilmember ~~((shall be))~~ is four  
81   years and until the councilmember's successor is elected and qualified.

82           **220.20 Powers.**

83           The county council ~~((shall be))~~ is the policy-determining body of the county and  
84   ~~((shall have))~~ has all legislative powers of the county under this charter. The county  
85   council; shall exercise its legislative power by the adoption and enactment of ordinances;  
86   shall levy taxes, appropriate revenue and adopt budgets for the county; shall establish the  
87   compensation to be paid to all county officers and employees ~~((and))~~; shall provide for the  
88   reimbursement of expenses; except as otherwise provided ~~((herein shall have))~~ in this  
89   charter, has the power to establish, abolish, combine and divide administrative offices and

90 executive departments and to establish their powers and responsibilities; shall adopt by  
91 ordinance comprehensive plans including improvement plans for the present and future  
92 development of the county; ~~((shall have))~~ and has the power to conduct public hearings on  
93 matters of public concern to assist it in performing its legislative responsibilities and to  
94 subpoena witnesses, documents and other evidence and to administer oaths, but the  
95 subpoena power of the county council ~~((shall be))~~ is limited to matters relating to proposed  
96 ordinances ~~((which))~~ that are being considered by the county council, and any witness  
97 ~~((shall))~~ have the right to be represented by counsel. The specific statement of particular  
98 legislative powers shall not be construed as limiting the legislative powers of the county  
99 council.

#### 100 **220.30 Organization.**

101 The county council shall elect one of its members as chair, ~~((shall be))~~ is  
102 responsible for its own organization and for the employment and supervision of those  
103 employees whom it deems necessary to assist it or individual councilmembers in the  
104 exercise of their legislative powers and shall appoint a clerk to maintain its records.

#### 105 **230.10 Introduction and Adoption.**

106 Proposed ordinances shall be limited to one subject and may be introduced by any  
107 councilmember, by initiative petition, by proposal of a regional committee in accordance  
108 with Section 270.30 of this charter or by institutional initiative. At least seven days after  
109 the introduction of a proposed ordinance, except an emergency ordinance, and ~~((prior to~~  
110 ~~its))~~ before the proposed ordinance's adoption or enactment, the county council shall hold a  
111 public hearing after due notice to consider the proposed ordinance. Except as otherwise

provided in this charter, a minimum of five affirmative votes ~~((shall be))~~ is required to adopt an ordinance.

#### **230.10.10 Metropolitan Municipal Functions.**

Each metropolitan municipal function authorized to be performed by the county ~~((pursuant to RCW ch.))~~ under chapter 35.58 RCW shall be operated as a distinct functional unit. Revenues or property received for ~~((such))~~ those functions shall never be used for any purposes other than the operating expenses thereof, interest on and redemption of the outstanding debt thereof, capital improvements~~((;))~~ and the reduction of rates and charges for ~~((such))~~ those functions.

#### **230.20 Executive Veto.**

Except as otherwise provided in this charter, the county executive ~~((shall have))~~ has the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive ~~((shall))~~ may either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for the veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for the partial veto. If an ordinance is not returned by the county executive within ten days after its presentation, it ~~((shall be deemed))~~ is enacted without the county executive's signature. Within thirty days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of six affirmative votes.

135           **230.30 Emergency Ordinances.**

136           Any proposed ordinance may be enacted as an emergency ordinance if the county  
137 council finds as a fact, and states in the ordinance, that an emergency exists and that the  
138 ordinance is necessary for the immediate preservation of public peace, health or safety or  
139 for the support of county government and its existing public institutions. A minimum of  
140 six affirmative votes ~~((shall be))~~ is required to enact an emergency ordinance; and unless it  
141 is an emergency appropriation ordinance, it ~~((shall))~~ is not ~~((be))~~ subject to the veto power  
142 of the county executive.

143           **230.40 Referendum.**

144           Except as otherwise provided ~~((herein))~~ in this charter, an enacted ordinance may  
145 be subjected to a referendum by the voters of the county by filing with the county council  
146 ~~((prior to))~~ before the effective date of the ordinance petitions bearing signatures of  
147 registered voters of the county equal in number to ~~((not less than))~~ at least eight percent of  
148 the votes cast in the county for the office of county executive at the last preceding election  
149 for county executive. In addition, except as otherwise provided ~~((herein))~~ in this charter, an  
150 enacted ordinance ~~((which pursuant to))~~ that, in accordance with state law, is effective only  
151 in unincorporated areas of the county, may be subjected to a referendum by the voters of  
152 the unincorporated areas of the county by filing with the county council ~~((prior to))~~, before  
153 the effective date of the ordinance, petitions bearing signatures of registered voters residing  
154 in unincorporated areas of the county equal in number to not less than eight percent of the  
155 votes cast at the last preceding election for county executive~~((, provided))~~. ~~((h))~~ However  
156 ~~((that))~~, the number of required signatures shall be calculated based only upon votes cast  
157 within areas ~~((which))~~ that on the date ~~((such))~~ the petitions are required to be filed are

unincorporated areas of the county. Each petition shall contain the full text of the ordinance to be referred. The ordinance to be referred shall be placed on the ballot at the special or general election occurring more than forty-five days after the petitions are filed, ~~((provided that))~~ although in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

The following are not subject to a referendum: ~~((A))~~ an appropriation ordinance; an emergency ordinance ~~((necessary for the immediate preservation of the public peace, health or safety or for the support of county government and its existing public institutions))~~; an ordinance proposing amendments to this charter; an ordinance providing for collective bargaining; an ordinance approving a collective bargaining agreement; an ordinance providing for the compensation or working conditions of county employees; or an ordinance ~~((which))~~ that has been approved by the voters by referendum or initiative ~~((shall not be subject to a referendum))~~.

### **230.50 Initiative.**

Ordinances, except ordinances providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters of the county equal in number to not less than ten percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, an ordinance ~~((which pursuant to))~~ that, in accordance with state law, is effective only in unincorporated areas of the county, except an ordinance providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures

181 of registered voters residing in unincorporated areas of the county equal in number to not  
182 less than ten percent of the votes cast at the last preceding election for county executive,  
183 ~~((provided, however))~~ except that the number of required signatures shall be calculated  
184 based only upon votes cast within areas ~~((which))~~ that, on the date ~~((such))~~ the petitions are  
185 required to be filed, are unincorporated areas of the county. Each petition shall contain the  
186 full text of the proposed ordinance.

187 The county council shall consider the proposed ordinance. If the proposed  
188 ordinance is not enacted within ninety days after the petitions are presented, it shall be  
189 placed on the ballot at the next regular or special election occurring more than one hundred  
190 thirty-five days after the petitions are filed or at an earlier election designated by the county  
191 council. However, if the proposed ordinance is enacted ~~((at any time prior to))~~ before the  
192 election, it shall not be placed on the ballot or be voted on unless it is subjected to  
193 referendum.

194 If the county council rejects the proposed ordinance and adopts a substitute  
195 ordinance concerning the same subject matter, the substitute ordinance shall be placed on  
196 the same ballot with the proposed ordinance~~((; and))~~. ~~((†))~~ The voters shall first be given the  
197 choice of accepting either or rejecting both and shall then be given the choice of accepting  
198 one and rejecting the other, ~~((provided))~~ except that in the case of an ordinance effective  
199 only in unincorporated areas of the county, the proposed ordinance shall be voted upon  
200 only by the registered voters residing in unincorporated areas of the county. If a majority  
201 of the voters voting on the first issue is for either, then the ordinance receiving the majority  
202 of the votes cast on the second issue shall be deemed approved. If a majority of those

voting on the first issue is for rejecting both, then neither ordinance ~~((shall be))~~ is approved regardless of the vote on the second issue.

#### **230.50.10 Institutional Initiative.**

Any city or town located within the county may, after securing the consent, by motion or resolution, of at least one half of the cities within the county, propose an ordinance of ~~((county-wide))~~ countywide significance directly to the ~~((metropolitan))~~ county council, except an ordinance ~~((which))~~ that is not subject to a referendum under ~~((the provisions of))~~ Section 230.40 of this charter. ~~((Such))~~ The proposed legislation shall be in ordinance form. The ~~((metropolitan))~~ county council shall take action on ~~((such))~~ the proposed legislation within ninety ~~((90))~~ days of its filing with the county council.

#### **230.70 Effective Date of Ordinances.**

Except as otherwise provided ~~((herein))~~ in this charter, the effective date of an ordinance ~~((shall be))~~ is ten days after its enactment unless a later date is specified in the ordinance. If an ordinance may be subjected to a referendum as provided in Section 230.40 of this charter and if a proposed referendum petition is submitted to the clerk of the county council as provided in ~~((Subsection))~~ Section 230.60 ~~((prior to))~~ of this charter before the tenth day after its enactment, the effective date of the ordinance ~~((shall be))~~ is forty-five days after its enactment unless a later date is specified in the ordinance. If an ordinance is subjected to referendum, it ~~((shall))~~ does not ~~((become effective))~~ take effect until after it is approved by the voters. If it is approved by a majority of the voters voting on the issue, the effective date of an ordinance ~~((which))~~ that is subjected to referendum or proposed by initiative, or a substitute ordinance proposed by the county council as provided in ~~((Subsection))~~ Section 230.50 of this charter, ~~((shall be))~~ is ten days after the results of the

election are certified unless a later date is specified in the ordinance. The effective date of an emergency ordinance (~~((shall be))~~) is the date of its enactment unless a later date is specified in the ordinance.

An ordinance (~~((which))~~) that is subject to the veto power of the county executive and (~~((which))~~) that is not vetoed, or the approved portions of an appropriation ordinance (~~((which))~~) that has been partially vetoed, shall be deemed enacted on the date that it is approved by, or ten days after it is presented to, the county executive. An ordinance (~~((which))~~) that is vetoed or the vetoed portions of an appropriation ordinance shall be deemed enacted on the date that the county council overrides the veto or partial veto. An ordinance (~~((which))~~) that is not subject to the veto power of the county executive shall be deemed enacted on the date it is approved by the county council.

#### **230.75 Amendment or Repeal of Ordinances Approved by the Voters.**

~~((No))~~ An ordinance approved by a majority of the voters voting (~~((thereon))~~) on the ordinance, whether as the result of a referendum or initiative, shall not be amended or repealed by the county council within a period of two years following the effective date of (~~((such))~~) the ordinance(~~((; provided))~~), except that (~~((such))~~) the ordinance may be amended within the two-year period by ordinance adopted by a vote of not less than two-thirds of all members of the county council, which amendatory ordinance (~~((shall))~~) is not (~~((be))~~) subject to referendum.

An ordinance approved by the voters may be amended or repealed by an ordinance approved by a majority of the voters voting (~~((thereon))~~) on the ordinance at any special or general election. Ordinances may be enacted to facilitate and effectuate this (~~((provision))~~) section.

249           **Section 240 Motions.**

250           The county council may pass motions to confirm or reject appointments by the  
251 county executive, to organize and administer the legislative branch, to make declarations of  
252 policy ~~((which))~~ that do not have the force of law and to request information from any other  
253 agency of county government. Motions ~~((shall))~~ are not ~~((be))~~ subject to the veto power of  
254 the county executive, and the county council in passing motions need not comply with the  
255 procedural requirements for the introduction, consideration and adoption of ordinances.

256           **Section 250 County Auditor.**

257           The county auditor shall be appointed by a majority of the county council and  
258 ~~((shall be))~~ is responsible to the county council for conducting, or causing to be conducted,  
259 independent ~~((post-audits))~~ postaudits of county agencies for the purpose of reporting to the  
260 county council regarding the integrity of the function of the financial management system,  
261 the quality and efficiency of agency management~~((;))~~ and the effectiveness of programs. In  
262 carrying out this purpose, the auditor shall perform the following audits within guidelines  
263 established by the county council by ordinance: financial and compliance audits to  
264 supplement those performed by the state ~~((pursuant to))~~ in accordance with general  
265 law~~((;))~~; economy and efficiency audits~~((;))~~; and program result audits. In addition, the  
266 auditor shall perform such special studies as may be requested by the county council. The  
267 auditor shall report the results of each agency audit to the county council. Annual audits  
268 shall continue to be performed by the state in accordance with general law.

269           The organization and administration of the auditor's office shall be sufficiently  
270 independent to assure no interference or influence external to the organization shall

adversely affect an independent and objective judgment by the auditor and the auditor shall be provided a discrete budget and staff allocation.

**270.10 Regional Committees.**

Three regional committees shall be established by ordinance to develop, recommend and review regional policies and plans for consideration by the ~~((metropolitan))~~ county council: one for transit~~((;))~~; one for water quality; and one for other regional policies and plans.

**270.20 Composition of regional committees.**

Each regional committee shall consist of nine voting members. Three members shall be ~~((metropolitan))~~ county councilmembers appointed by the chair of the county council, and shall include councilmembers from districts with unincorporated residents. Each county councilmember vote shall be weighted as two votes. The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: ~~((+))~~ (1) the city with the largest population in the county; and ~~((+))~~ (2) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of ~~((such))~~ those other cities and towns, ~~((provided, however, that such)), though those~~ representing the majority of those other cities and towns may appoint two representatives for each allocated committee membership, with each ~~((with fractional (1/2) voting rights))~~ representative having one-half of a vote in the committee.

294           The special purpose districts providing sewer service in the county shall appoint  
295   two members to serve on the water quality committee in a manner agreed to by districts  
296   representing a majority of the population within the county served by ~~((such))~~ those  
297   districts. The remaining four local government members of the water quality committee  
298   shall be appointed in the manner set forth ~~((above))~~ in the first paragraph of this section for  
299   other regional committees. The county council may by ordinance authorize the  
300   appointment to the water quality committee of additional, nonvoting members representing  
301   entities outside of the county that receive sewerage treatment services from the county.  
302   Allocation of membership of each committee's members who are city and town  
303   representatives shall be adjusted January 1 of each even-numbered year ~~((beginning in~~  
304   ~~1996))~~ based upon current census information or, if more recent, official state office of  
305   financial management population statistics.

306           In the event any areas are annexed ~~((pursuant to))~~ under powers granted to  
307   metropolitan municipal corporations under state law, the populations of any cities and  
308   towns in ~~((such))~~ the annexed areas shall be considered as if they were within the county  
309   for purposes in this section with regard to regional committee participation on policies and  
310   plans ~~((which))~~ that would be effective in ~~((such))~~ the annexed areas.

311           Members representing six and one-half votes constitute a quorum of a regional  
312   committee. In the absence of a quorum, the committee may perform all committee  
313   functions except for voting on legislation or a work program. Each committee shall have a  
314   chair and a vice-chair with authority as specified by ordinance. The chair shall be a county  
315   councilmember appointed by the chair of the county council. The vice-chair shall be  
316   appointed by majority vote of those committee members who are not county

councilmembers, in accordance with voting rights that are apportioned as provided in this section.

### **270.30 Powers and Duties.**

Each regional committee shall develop, propose, review and recommend action on ordinances and motions adopting, repealing(~~(;)~~) or amending transit, water quality or other regional countywide policies and plans within the subject matter area of the committee.

The subject matter area of the regional policies committee shall consist of those countywide plans and policies included in the committee's work program by a majority of the members present and voting, with no fewer than three and one-half affirmative votes.

The county council shall refer each such a proposed ordinance or motion, except ~~((these))~~ any developed and proposed by a regional committee, to a regional committee for review. The regional committee shall complete review and recommend action within one hundred twenty days or ~~((such other))~~ another time as is jointly established by the county council and the committee, which shall be confirmed in the form of a motion by the ~~((metropolitan))~~ county council. If the committee fails to act upon the proposed ordinance or motion within the established time limit, the county council may adopt the proposed ordinance or motion upon six affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed ordinance or motion that has been reviewed and recommended or developed and proposed by a regional committee may be adopted, without amendment, by the county council by five affirmative votes. If the county council votes ~~((prior to))~~ before final passage thereof to amend a proposed ordinance or motion that has been reviewed or recommended or proposed by a regional committee, the proposed ordinance or motion, as

340 amended, shall be referred back to the appropriate committee for further review and  
341 recommendation. The committee may concur in, dissent from(~~(;)~~) or recommend  
342 additional amendments to the ordinance or motion. After the regional committee has had  
343 the opportunity to review all county council amendments, final action to adopt any  
344 proposed ordinance or motion that differs from the committee recommendation shall  
345 require six affirmative votes of the county council.

346 Each regional committee may develop and propose directly to the county council an  
347 ordinance or motion adopting, amending or repealing a countywide policy or plan within  
348 the subject matter area of the committee. (~~((Such))~~) The proposals must be approved by a  
349 majority of the members present and voting, with (~~((no fewer than))~~) at least three and one-  
350 half affirmative votes. Within one hundred twenty days of introduction or such other time  
351 as is jointly established by the county council and the committee, which shall be confirmed  
352 in the form of a motion by the county council and the committee, which shall be confirmed  
353 in the form of a motion by the county council, the county council shall consider the  
354 proposed legislation and take such action thereon as it deems appropriate, as provided by  
355 ordinance.

356 The county council shall not call a special election to authorize the performance of  
357 an additional metropolitan municipal function under state law unless (~~((such))~~) the additional  
358 function is recommended by a regional policy committee, notwithstanding (~~((the provisions~~  
359 ~~of))~~) Section 230.50.10 of this charter. (~~((Such))~~) The recommendation shall require an  
360 affirmative vote of at least two-thirds of the membership of each of: (1) (~~((metropolitan))~~)  
361 councilmembers of the committee; (2) members from the city with the largest population in  
362 the county; and (3) other city or town members of the committee. Nothing in this section

prohibits the ~~((metropolitan))~~ county council from calling a special election on the authorization of the performance of one or more additional metropolitan functions after receiving a valid resolution adopted by city councils, as permitted by RCW 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition, as permitted by RCW 35.58.100(2).

#### **270.40 Invalidity-Development of Proposed Amendment.**

If any provision of ~~((s))~~Section 270 of this charter is declared invalid, the ~~((metropolitan))~~ county council shall initiate a process with representatives of cities and towns within the county to develop a proposed charter amendment providing for effective city, town~~((s))~~ and unincorporated area participation in regional decisions.

#### **Section 310 Composition and Powers.**

The executive branch ~~((shall be))~~ is composed of the county executive, the county administrative officer, the county assessor, the officers and employees of administrative offices and executive departments established by this charter or created by the county council and the members of the boards and commissions, except the forecast council and office of economic and financial analysis, the board of appeals and the personnel board. The executive branch shall have all executive powers of the county under this charter.

#### **320.10 Election, Term of Office and Compensation.**

The county executive shall be nominated and elected by the voters of the county, and the county executive's term of office ~~((e))~~ is four years and until the county executive's successor is elected and qualified. The county executive shall receive compensation at least one and one-half times the compensation paid to a councilmember.

#### **320.20 Powers and Duties.**

385           The county executive (~~((shall be))~~): is the chief executive officer of the county  
386           (~~((and))~~); shall have all the executive powers of the county (~~((which))~~) that are not expressly  
387           vested in other specific elective officers by this charter; shall supervise all administrative  
388           offices and executive departments established by this charter or created by the county  
389           council; shall be the chief peace officer of the county and shall execute and enforce all  
390           ordinances and state statutes within the county; shall serve on all boards and commissions  
391           on which a county commissioner was required to serve (~~((prior to))~~) before the adoption of  
392           this charter, but if more than one county commissioner was required to serve, the county  
393           council shall appoint one or more councilmembers to serve on the board or commission  
394           with the county executive; shall present to the county council an annual statement of the  
395           financial and governmental affairs of the county and any other report (~~((which))~~) that the  
396           county executive may deem necessary; shall prepare and present to the county council  
397           budgets and a budget message setting forth the programs (~~((which))~~) that the county  
398           executive proposes for the county during the next fiscal year; shall prepare and present to  
399           the county council comprehensive plans including capital improvement plans for the  
400           present and future development of the county; shall have the power to veto any ordinance  
401           adopted by the county council except as otherwise provided in this charter; shall have the  
402           power to assign duties to administrative offices and executive departments (~~((which))~~) that  
403           are not specifically assigned by this charter or by ordinance; and shall sign, or cause to be  
404           signed, on behalf of the county all deeds, contracts and other instruments. The specific  
405           statement of particular executive powers shall not be construed as limiting the executive  
406           powers of the county executive.

407           **340.10 Appointments by the County Executive.**

The county executive shall appoint the county administrative officer and the chief officer of each executive department except ~~((the county assessor))~~ those that are elected by the voters of the county, and shall appoint the members of all boards and commissions except as otherwise provided in this charter.

#### **340.40 Confirmation.**

The appointments by the county executive ~~((shall be))~~ are subject to confirmation by a majority of the county council. The appointments by the county administrative officer ~~((shall be))~~ are subject to approval by the county executive.

#### **340.50 Qualifications.**

The county administrative officer and the chief officers appointed by either the county executive or the county administrative officer shall be appointed on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they ~~((shall be))~~ are appointed.

#### **340.60 Removal.**

Any officer, board ~~((or))~~ member, commission member~~((;))~~ or employee<sub>2</sub> who is not a member of the career service<sub>1</sub> may be removed at any time by the officer who appointed that person, except that a member of the personnel board or the board of appeals may be removed only by a majority of the county council as provided in this charter.

#### **350.10 Administrative Offices.**

The administrative offices shall consist of those agencies of the executive branch ~~((which))~~ that provide administrative services for the various agencies of county government.

#### **350.20 Executive Departments.**

431 The executive departments shall consist of the department of assessments, the  
432 department of judicial administration, the department of public safety, the department of  
433 elections, the department of public defense and those agencies of the executive branch  
434 ~~((which))~~ that are primarily engaged in the execution and enforcement of ordinances and  
435 statutes concerning the public peace, health and safety and ~~((which))~~ that furnish or provide  
436 governmental services directly to or for the residents of the county.

437 **350.20.10 Department of Assessments.**

438 The department of assessments shall be administered by the county assessor who  
439 shall perform the duties specified by general law. The county assessor shall be elected by  
440 the voters of the county unless general law ~~((shall))~~ provides otherwise, and the county  
441 assessor's term of office ~~((shall be))~~ is four years. The department of assessments ~~((shall  
442 be)) is an executive department subject to the personnel system and shall utilize the  
443 services of the administrative offices and the executive departments, but it shall not be  
444 abolished or combined with any other executive department or administrative office and  
445 shall not have its duties decreased by the county council.~~

446 **350.20.20 Department of Judicial Administration.**

447 The department of judicial administration shall be administered by the superior  
448 court clerk, who shall be appointed by and serve at the pleasure of a majority of the  
449 superior court judges in the county. The department of judicial administration shall  
450 maintain the official court files, records and indexes necessary for the efficient  
451 administration of justice and the court system and shall perform such other duties as are  
452 assigned to it by a majority of the superior court judges in the county.

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

456           **350.20.40 Department of Public Safety.**

457           The department of public safety shall be administered by the county sheriff, who  
458   shall perform the duties specified by general law. The county sheriff shall be elected by the  
459   voters of the county, and the county sheriff's term of office (~~((shall be))~~) is four years. The  
460   department of public safety (~~((shall be))~~) is an executive department subject to the civil  
461   service personnel system and shall utilize the services of the administrative offices and the  
462   executive departments, but it shall not be abolished or combined with any other executive  
463   department or administrative office and shall not have its duties decreased by the county  
464   council.

465           **350.20.50 Department of Elections.**

466           The department of elections shall be administered by the county director of  
467   elections who shall perform the duties specified by general law. The county director of  
468   elections shall be elected by the voters of King County, and the county director of  
469   elections's term of office (~~((shall be))~~) is four years. The department of elections(~~((shall be))~~)  
470   is an executive department subject to the career service personnel system and shall utilize  
471   the services of the administrative offices and the executive departments, but it shall not be  
472   abolished or combined with any other executive department or administrative office and  
473   shall not have its duties decreased by the county council or county executive. The  
474   department of elections (~~((shall be))~~): is responsible for the registration of voters in the  
475   county; shall conduct all special and general elections held in the county; (~~((shall be))~~) is

responsible for creating and printing the King County voter's pamphlet; shall maintain and be the official repository of political boundary maps, geographic information systems data and of the King County copies of campaign financial disclosure forms; and shall administer other public and nonpublic elections, as required by state law and county ~~((code))~~ ordinance and administrative rules.

**Section 350.20.61((7)) Administration of the Department of Public Defense.**

The department of public defense shall be managed by the county public defender. The department shall utilize the services of the executive departments and administrative offices as administered by the county executive.

The county public defender shall be appointed by the county executive, subject to confirmation by the county council, to a term that ends at the same time as the term of the county prosecuting attorney, unless removed earlier by the county executive for cause, including the grounds for vacancy for elective office under Section 680 of this charter and such other grounds as the county council may prescribe by ordinance. The removal may be appealed by the defender to the county council by a process to be prescribed by ordinance. The county council's determination ~~((shall be))~~ is final.

The county executive shall appoint the county public defender from candidates recommended by the public defense advisory board under a process prescribed by ordinance. Qualifications of the county public defender may be established by ordinance. The county executive may reappoint the county public defender to additional terms, subject to confirmation by the county council. Confirmation of the appointment or reappointment, or removal when appealed, shall require the affirmative votes of at least five members of the county council.

**Section 350.20.65((7)) Public Defense Advisory Board.**

The public defense advisory board is established to review, advise and report on the department of public defense in a manner that may be prescribed by ordinance. The board shall also advise the county executive and county council on matters of equity and social justice related to public defense. In the event of a vacancy in the office of county public defender, the board shall recommend candidates from whom the county executive shall make an appointment to fill the vacancy subject to confirmation by the county council. The county council shall prescribe by ordinance the board's membership, process and qualifications for appointment to the board, rules and procedures, and may prescribe by ordinance additional duties of the board.

**Section 405 Biennial Budgets.**

The county council may, subject to ~~((the provisions of s))~~ Section 230 of this charter, adopt an ordinance providing for a biennial budget cycle for any or all county funds, with a midbiennium review and modification for the second year of the biennium, including specifying the process and timeline for major tasks in the biennial budget process. References in this charter to the fiscal year or to specific dates shall apply to the corresponding annual or biennial period or date for any such fund or funds. Any references to a "quarter of a fiscal year" mean three months. The county council may adopt additional and emergency appropriations ordinances for such fund or funds in the same manner and subject to the same conditions as otherwise provided in this charter. The county council may repeal such an ordinance and revert to adopting annual budgets for any fund or funds, commencing after the end of any biennial budget cycle.

**Section 410 Presentation and Adoption of Budgets.**

522 At least ninety-five days (~~((prior to))~~) before the end of each fiscal year, the county  
523 executive shall present to the county council a complete budget and budget message,  
524 proposed current expense and capital budget appropriation ordinances(~~((;))~~) and proposed tax  
525 and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at  
526 least thirty days (~~((prior to))~~) before the end of the fiscal year, the county council shall adopt  
527 appropriation, tax and revenue ordinances for the next fiscal year.

528 **Section 420 Budget Information.**

529 At least one hundred fifty-five days (~~((prior to))~~) before the end of the fiscal year, all  
530 agencies of county government shall submit to the county executive information necessary  
531 to prepare the budget.

532 **425.10(~~((;))~~) Forecast Council and Office of Economic and Financial Analysis.**

533 The county council shall by ordinance establish the forecast council, which shall  
534 adopt official county economic and revenue forecasts that must be used as the basis for the  
535 county executive's budget proposals. The county council shall by ordinance establish the  
536 office of economic and financial analysis.

537 **425.20(~~((;))~~) Oversight of Office of Economic and Financial Analysis.**

538 The forecast council shall by unanimous vote appoint the chief county economist  
539 who shall administer the office of economic and financial analysis. The forecast council  
540 shall conduct an open and competitive process to select the chief economist. The chief  
541 economist may be removed by a vote of three members of the forecast council. The chief  
542 economist (~~((shall be))~~) is responsible for the employment and supervision of those  
543 employees whom (~~((he or she))~~) the chief economist deems necessary to assist in the  
544 performance of the duties of the office.

545 The forecast council shall approve an annual work program for the office of  
546 economic and financial analysis and also may assign additional economic and financial  
547 studies to the office.

548 **425.30((;)) Forecast Council Composition.**

549 The forecast council shall be composed of the county executive, two county council  
550 members and a county employee with knowledge of the budgeting and financial  
551 management practices of the county to be appointed by the county executive. County  
552 council members shall be appointed annually by the chair of the county council.

553 Appointments to the forecast council (~~((shall))~~) are not (~~((be))~~) subject to confirmation.

554 **425.40((;)) Revenue Forecasts.**

555 By March 1 and at least one hundred-seventy days (~~((prior to))~~) before the end of  
556 each year or alternate dates approved by a majority of the forecast council of each year, the  
557 chief economist shall prepare, respectively, proposed preliminary and updated official  
558 economic and revenue forecasts for county government and submit these to the forecast  
559 council. Forecasts may be adopted or revised by a vote of the majority of the forecast  
560 council within fifteen days of their submittal by the chief economist, or the forecast shall be  
561 deemed adopted. The preliminary forecast shall be used as the basis for the county  
562 executive's preliminary budget preparation including preparation of the status quo budget,  
563 budget instructions to departments, and preliminary review of departmental submittals to  
564 the county executive. The updated forecast shall be used as the basis for the county  
565 executive's proposed budget. The most-current forecast shall be used as the basis for  
566 budget amendments.

567 **Section 430 Contents of Budget.**

The budget shall; include all funds, revenues and reserves; ~~((shall))~~ be divided into programs, projects and objects of expense ~~((and shall))~~; include supporting data deemed advisable by the county executive or required by ordinance; ~~((shall))~~ indicate as to each program, project or object of expense the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year; and ~~((shall))~~ include the proposed capital improvement program for the next six fiscal years. The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues as forecast under Section 425.40 of this charter.

#### **Section 450 Copies of Budget.**

Copies of the budget and budget message shall be delivered to the clerk and each councilmember. ~~((Prior to))~~ Before the public hearing on the budget, the budget message and supporting tables shall be furnished to any interested person upon request, and copies of the budget shall be furnished for a reasonable fee as established by ordinance and shall be available for public inspection.

#### **Section 460 Consideration and Adoption of Appropriation Ordinances.**

~~((Prior to))~~ Before the adoption of any appropriation ordinances for the next fiscal ~~((year))~~ period, the county council shall hold a public hearing to consider the budget presented by the county executive and shall hold any other public hearing on the budget or any part thereof that it deems advisable. The county council in considering the appropriations ordinances proposed by the county executive may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditures of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the county executive. The appropriation ordinances

591 adopted by the county council shall not exceed the estimated revenues of the county for the  
592 next fiscal ~~((year))~~ period or each fund including surpluses and reserves, but the county  
593 council may increase the amount of the estimated revenues contained in the budget  
594 presented by the county executive by reestimating the amount by motion passed by a  
595 minimum of six affirmative votes or by creating additional sources of revenue ~~((which))~~  
596 that were not included in the proposed tax and revenue ordinances presented by the county  
597 executive.

#### 598 **470.10 Contingency Appropriations.**

599 The appropriation ordinances shall include contingency ~~((funds))~~ appropriations,  
600 which shall not be expended unless the county executive certifies in writing that sufficient  
601 funds are available and the county council adopts an additional appropriation ordinance  
602 after being requested to do so by the county executive.

#### 603 **470.20 Emergency Appropriations.**

604 The county council may adopt an emergency appropriation ordinance, which may  
605 appropriate contingency ~~((funds))~~ appropriations, revenues received in excess of the  
606 revenues estimated in the budget and ~~((funds))~~ money from any other source available to  
607 the county in an emergency.

#### 608 **Section 480 Lapses of Appropriations.**

609 Unless otherwise provided by the appropriation ordinances, all unexpended and  
610 unencumbered appropriations in the current expense appropriation ordinances ~~((shall))~~  
611 lapse at the end of the fiscal year. An appropriation in the capital budget appropriation  
612 ordinances ~~((shall))~~ lapses when the project ~~((has been))~~ is completed or is abandoned or  
613 when ~~((no))~~ an expenditure or encumbrance has not been made for three years.

614           **Section 490 Interfund Borrowing and Reimbursement.**

615           One agency of county government or fund may reimburse another agency or fund  
616   for services rendered, and the county council, when requested to do so by the county  
617   executive, may adopt an ordinance to provide for temporary interfund borrowing.

618           **Section 495 Illegal Contracts.**

619           Except as otherwise provided by ordinance((~~it~~)): any contract in excess of an  
620   appropriation ((shall be)) is null and void; and any officer, agent or employee of the county  
621   knowingly responsible ((shall be)) for a contract in excess of an appropriation is personally  
622   liable to anyone damaged by the action. The county council, when requested to do so by  
623   the county executive, may adopt an ordinance permitting the county to enter into contracts  
624   requiring the payment of funds from appropriations of subsequent fiscal years, but real  
625   property shall not be leased to the county for more than one year unless it is included in a  
626   capital budget appropriation ordinance.

627           **Section 510 Purpose.**

628           The county shall establish and maintain an effective personnel system for the  
629   county ((which)) that will ((assure)) ensure: recruitment, selection and retention of county  
630   employees on the basis of merit; the development of a county career service; promotion on  
631   the basis of demonstrated ability; and compensation and personnel practices ((which)) that  
632   will keep the county system competitive.

633           **Section 520 Administration.**

634           The county executive shall administer the personnel system of the county in  
635   accordance with the personnel rules adopted by the county council by ordinance. The  
636   county administrative officer shall prepare and present proposed personnel rules to the

637 county executive, who shall present a proposed ordinance establishing the personnel rules  
638 to the county council, which shall adopt the ordinance with or without amendments.

639 **Section 530 Personnel Rules.**

640 The personnel rules shall provide for: the classification of all employed positions  
641 based on the duties, authority and responsibility of each position with adequate provisions  
642 for reclassification of any position whenever warranted; a pay plan for all county positions;  
643 methods for determining the merit and fitness of candidates for appointment or promotion;  
644 policies and procedures concerning reductions in force and removal of employees; hours of  
645 work, attendance, regulations and provisions for vacations and sick leaves; policies and  
646 procedures for persons holding provisional appointments; policies and procedures  
647 governing relationships with employee organizations; policies governing in-service  
648 training; grievance procedures; procedures for disciplinary actions for just cause; penalties  
649 for violation of ~~((the provisions of))~~ Section 560 of this charter; and other related policies  
650 and procedures.

651 **Section 540 The Personnel Board.**

652 There shall be a personnel board composed of five members, four of whom shall be  
653 appointed by the county executive subject to confirmation by a majority of the county  
654 council. One member of the personnel board shall be elected by secret ballot by the county  
655 employees who are members of the career service according to the procedure established  
656 by ordinance. A personnel board member shall serve a five-year term and until the  
657 member's successor is appointed or elected, with one member being appointed each year.  
658 A majority of the county council, but not the county executive, may remove a personnel  
659 board member for just cause after written charges have been served on the personnel board

member and a public hearing has been held by the county council. The county council may provide for the compensation of personnel board members on a per diem basis.

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

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

#### **Section 550 Career Service Positions.**

All county employees and officers ~~((shall be))~~ are members of the career service except those in the following positions: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the county executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for

the county executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from ~~((the provisions of))~~ this charter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Part-time Employees. All part-time employees ~~((shall be))~~ are exempted from career service membership, except, effective January 1, 1989, all part-time employees employed at least half-time or more, as defined by ordinance, shall be members of the career service.

#### **Section 560 Political Activities.**

The political activities of county employees and officers ~~((shall be))~~ are governed by the applicable provisions of state law.

#### **Section 610 Election Procedures.**

The nominating primaries and elections for the offices of King County ~~((executive, King County assessor, King County council and King County prosecuting attorney))~~ that are elected by the voters of the county shall be conducted in accordance with general law governing the election of nonpartisan county officers.

#### **Section 630 Qualifications.**

Each county officer holding an elective office shall be, at the time of the officer's appointment or election and at all times while the officer holds office~~((;))~~; at least twenty-

one years of age~~((;))~~; a citizen of the United States and a resident and registered voter of King County; and, for each councilmember ~~((shall be))~~, a resident of the district that the councilmember represents. Any change in the boundaries of a councilmember's district that causes the councilmember to be no longer a resident of the district that the councilmember represents ~~((shall))~~ does not disqualify the councilmember from holding office during the remainder of the term for which the councilmember was elected or appointed. Additional qualifications for those separately elected officials who head executive departments may be established by ordinance.

**Section 640 County Executive and County Assessor.**

The county executive and county assessor shall be nominated and elected as nonpartisan offices by the voters of the county. The nomination and election of the county executive and county assessor shall be held every four years as a county general election at the same time as the general election for cities in the county commencing with the election of 1971 for the county assessor and with the election of 1973 for the county executive.

**Section 645 County Sheriff; Election, Term of Office and Compensation.**

The county sheriff shall be nominated and elected as a ~~((non-partisan))~~ nonpartisan office by the voters of the county, and the term of office ~~((shall be))~~ is four years and until the county sheriff's successor is elected and qualified. The initial election for county sheriff ~~((shall be))~~ was at the general election in 1997. The county sheriff shall receive compensation as provided by ordinance.

**Section 649 County Prosecuting Attorney.**

The county prosecuting attorney shall be elected as a nonpartisan office by the voters of the county, and the term of office ~~((shall be))~~ is for four years and until ~~((his or~~

her)) the county prosecuting attorney's successor is elected and qualified. Notwithstanding any section of this charter to the contrary, the qualifications for office and the timing of election ((~~shall be~~)) are as prescribed in state law.

**650.30.10 District Boundaries.**

The boundaries of each district shall correspond as nearly as practical with the boundaries of election precincts, municipalities and census tracts and shall be: drawn to produce districts with compact and contiguous territory((;)); composed of economic and geographic units; and approximately equal in population.

**650.30.20 Districting Committee.**

During ((~~the month of~~)) January((;)) 2001, and by January 31 of each tenth year thereafter, a five-member districting committee shall be appointed. The county council shall appoint four persons to the committee, the four to appoint the fifth, who shall be the chairperson. The districting committee shall no later than April 1 following ((~~their~~)) its appointment meet and appoint a districting master, who shall be qualified by education, training and experience to draw a districting plan. If the districting committee is unable to agree upon the appointment of a districting master by April 1, the county council shall appoint a districting master by May 31 of that year.

**650.30.30 Districting Plan.**

The districting master shall draw a districting plan for the county, which shall be submitted by December 31 of the same year to the districting committee for adoption with or without amendment by the districting committee. The districting committee shall adopt the districting plan within fifteen days. Upon adoption, the districting plan shall be

751 submitted to the clerk of the county council by the districting committee. The plan ~~((shall~~  
752 ~~become effective))~~ takes effect upon filing.

753 **Section 650.40 repealed.** Section 650.40 of the King County Charter,  
754 "Transitional Provisions," is hereby repealed.

755 **Section 650.40.15 repealed.** Section 650.40.15 of the King County Charter,  
756 "Districting in 2004," is hereby repealed.

757 **Section 650.40.25 repealed.** Section 650.40.25 of the King County Charter,  
758 "Elections and terms of office for 2004 and thereafter," is hereby repealed.

759 **Section 660 Commencement of Terms of Office.**

760 The terms of office of elected county officers ~~((shall))~~ commence on the date  
761 specified by general law for public officers elected at city general elections.

762 **Section 670 Recall.**

763 The holder of any elective office may be recalled in accordance with ~~((the~~  
764 ~~provisions of))~~ general law.

765 **Section 680 Vacancies.**

766 An elective county office ~~((shall become))~~ is vacant upon the incumbent's: death;  
767 resignation; recall; conviction of a felony, crime involving moral turpitude, unlawful  
768 destruction of court records~~((;))~~ or other crime pertinent to the incumbent's office;  
769 declaration of incompetency by a court of competent jurisdiction; absence from the county  
770 for ~~((a period of))~~ more than thirty days without the permission of a majority of the county  
771 council; or failure to fulfill or continue to fulfill the qualifications for office~~((; provided,))~~.  
772 ~~((h))~~However, ~~((that))~~ an elective county office ~~((shall))~~ is not ~~((become))~~ vacant as the

773 result of a criminal conviction or declaration of incompetency until the conviction or  
774 declaration ((has become)) is final and is no longer subject to appeal.

775 **680.10 Designation, Appointment and Election to Fill Vacancy.**

776 Immediately upon commencing their terms of office, the county executive, county  
777 assessor, county director of elections, county prosecuting attorney and county sheriff shall  
778 each designate one or more employees who serve as a deputy or assistant in such office to  
779 serve as an interim official in the event of a vacancy in the elective office of the county  
780 executive, county assessor, county director of elections, county prosecuting attorney or  
781 county sheriff, respectively.

782 Except for a designation made by the ((metropolitan)) county council, a designation  
783 of an interim official shall only be effective if the county executive, county assessor, county  
784 director of elections, county prosecuting attorney and county sheriff, each for that officer's  
785 elective office, complies with the following procedure((;)): commits the designation to  
786 writing; identifies the order of precedence if more than one county officer or employee is  
787 designated; signs the written designation; has the written designation notarized; files the  
788 written designation with the county office responsible for records; and provides a copy of  
789 the written designation to the chair of the ((metropolitan)) county council. The county  
790 executive, county assessor, county director of elections, county prosecuting attorney and  
791 county sheriff may, at any time, amend ((such)) the designation by complying with the  
792 same procedure established for making the designation.

793 In the event the county executive, county assessor, county director of elections,  
794 county prosecuting attorney or county sheriff neglects or fails to make such a designation  
795 within seven calendar days of commencing ((his or her)) the term of office, the

796 ((~~metropolitan~~)) county council may by ordinance designate one or more employees who  
797 serve as a deputy or assistant in ((~~such~~)) the office to serve as an interim official in the  
798 event of a vacancy in the elective office of the county executive, county assessor, county  
799 director of elections, county prosecuting attorney or county sheriff, respectively. A  
800 designation made by the ((~~metropolitan~~)) county council ((~~shall be effective~~)) takes effect  
801 upon adoption of the ordinance therefor and may be amended by ordinance((~~;~~ ~~provided~~  
802 ~~that~~)), but a designation by the county executive, county assessor, county director of  
803 elections, county prosecuting attorney or county sheriff ((~~which~~)) that occurs subsequent to  
804 the adoption of an ordinance shall take precedence over the designation by ordinance.

805       The designated county officer or employee shall immediately upon the occurrence  
806 of a vacancy serve as the interim official and shall exercise all the powers and duties of the  
807 office granted by this charter and general law until an acting official is appointed as  
808 provided in this section.

809       The ((~~metropolitan~~)) county council shall, after being appraised of a vacancy in the  
810 elective office of county executive, county assessor, county director of elections, county  
811 prosecuting attorney or county sheriff, fill the vacancy by the appointment of an employee  
812 who served as a deputy or assistant in such office at the time the vacancy occurred as an  
813 acting official to perform all necessary duties to continue normal office operations. The  
814 acting official shall serve until the vacancy is filled by appointment ((~~pursuant to~~)) in  
815 accordance with general law for nonpartisan county elective offices.

816       A vacancy in an elective county office shall be filled at the next primary and  
817 general elections ((~~which~~)) that occur in the county((~~;~~ ~~provided that~~)), but an election to fill  
818 the vacancy shall not be held if the successor to the vacated office will be elected at the

819 next general election as provided in Sections 640 and 645 of this charter. The term of  
820 office of an officer who has been elected to fill a vacancy ~~((shall))~~ is only ~~((be))~~ for the  
821 unexpired portion of the term of the officer whose office has become vacant and ~~((shall))~~  
822 commences as soon as ~~((he or she))~~ the officer who has been elected to fill the vacancy is  
823 elected and qualified.

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

#### 827 **Section 690 Statement of Campaign Contributions and Expenditures.**

828 Every candidate for nomination or election to an elective county office shall, within  
829 ten days after the primary, general or special election as the case may be, file an itemized  
830 statement with the executive department responsible for conducting elections showing all  
831 campaign contributions and pledges of labor and material made to the candidate or on the  
832 candidate's behalf and all campaign expenditures and obligations incurred by the candidate  
833 or on the candidate's behalf. ~~((Such))~~ The statement when filed ~~((shall be))~~ is a public  
834 record. The county council shall by ordinance prescribe the form of such a statement.  
835 Timely filing of a statement of campaign receipts and expenditures with the Washington  
836 State Public Disclosure Commission in accordance with chapter 42.17 RCW satisfies the  
837 filing obligations of this section. A willful violation of this section ~~((shall disqualify))~~  
838 disqualifies the candidate from holding county elective office.

#### 839 **Section 710 Composition, Appointment, Removal.**

840 The board of appeals ~~((shall be))~~ is composed of seven members who are appointed  
841 by the county executive subject to confirmation by a majority of the county council. Each

842 member of the board of appeals shall serve a four-year term and until the member's  
843 successor is appointed. Two members shall be appointed each year; except that every  
844 fourth year, only one member shall be appointed. A majority of the county council, but not  
845 the county executive, may remove a board of appeals member for just cause after written  
846 charges have been served on the board of appeals member and a public hearing has been  
847 held by the county council. The county council shall provide for the compensation of the  
848 board of appeals members on a per diem basis.

849 **Section 720 Powers.**

850 The board of appeals shall hear and decide all appeals from any valuation by the  
851 department of assessments. The county council may by ordinance provide for an appeal to  
852 the board of appeals from any other order by an executive department or administrative  
853 office. The decision of the board of appeals (~~((shall be))~~) is final unless reviewed by a state  
854 agency as provided by general law or appealed to a court of competent jurisdiction within  
855 the time limits established by ordinance or general law.

856 **Section 730 Rules of Practice and Procedure.**

857 The board of appeals shall prepare, publish and amend rules of practice and  
858 procedure establishing the method for appealing to the board and shall provide for the  
859 selection of those of its members (~~((who))~~). Its members shall serve with representatives of  
860 cities or other agencies of government on any joint board or commission established by  
861 general law (~~((which))~~) that hears appeals (~~((which))~~) that would otherwise be within the  
862 jurisdiction of the board of appeals established by this charter.

863 **Section 800 Charter Review and Amendments.**

864 At least every ten years after the adoption of this charter, the county executive shall  
865 appoint a citizen commission of ~~((not less than))~~ at least fifteen members, whose mandate  
866 ~~((shall be))~~ is to review the charter and present, or cause to be presented, to the county  
867 council a written report recommending those amendments, if any, ~~((which))~~ that should be  
868 made to the charter. Appointees ~~((shall be))~~ are subject to confirmation by a majority of  
869 the county council. This citizen commission shall be composed of at least one  
870 representative from each of the county council districts. The county council shall consider  
871 the commission's report and recommendations and decide at an open public meeting how to  
872 proceed on each of the commission's recommended charter amendments, as provided by  
873 ordinance.

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

883 **Section 810 Severability and Construction.**

884 The provisions of this charter are severable~~((;))~~, and~~((;))~~ if any provision should be  
885 declared to be unconstitutional or inapplicable, ~~((it shall))~~ the declaration does not affect  
886 the constitutionality or applicability of any other provision of this charter.

887           **Section 830 Public Inspection of Public Records.**

888           All official acts and documents, except those ~~((which))~~ that have been specifically  
889   prepared for use by the county in court proceedings, criminal and law enforcement files,  
890   those ~~((which))~~ that would invade a person's right of privacy and those ~~((which))~~ that are  
891   specified as confidential by general law, shall be open for public inspection~~((;))~~, and the  
892   agency having custody and control of public records shall upon request supply certified  
893   copies of the records requested for a reasonable fee as established by ordinance.

894           **Section 840 Antidiscrimination.**

895           There shall ~~((be no))~~ not be discrimination in employment or compensation of  
896   county officers or employees on account of sex, race, color, national origin, religious  
897   affiliation, disability, sexual orientation, gender identity or expression or age except by  
898   minimum age and retirement provisions, and the county shall not enter into any contract  
899   with any person, firm, organization, corporation or other nongovernmental entity that  
900   discriminates on the basis of sex, race, color, national origin, religious affiliation, disability,  
901   sexual orientation, gender identity or expression or age except by minimum age and  
902   retirement provisions.

903           **Section 843 Freedom of religion guarantee.**

904           Absolute freedom of conscience in all matters of religious sentiment, belief and  
905   worship~~((, shall be))~~ is guaranteed to every individual, and no one shall be molested or  
906   disturbed in person or property on account of religion~~((;))~~, but the liberty of conscience  
907   hereby secured shall not be so construed as to excuse acts of licentiousness or justify  
908   practices inconsistent with the peace and safety of the state. ~~((No p))~~ Public money or  
909   property shall not be appropriated for or applied to any religious worship, exercise or

instruction, or the support of any religious establishment(~~((; provided, however, that))~~), but  
this section shall not be so construed as to forbid the employment by the county of a  
chaplain for such of the county custodial, correctional(~~((;))~~) and mental institutions, or by a  
county public hospital, health care facility(~~((;))~~) or hospice, as (~~((may be))~~) is allowed by  
law. (~~((No))~~) A religious qualification shall not be required for any public office or  
employment.~~((, nor shall any))~~ A person (~~((be))~~) is not incompetent as a witness or  
juror(~~((;))~~) in consequence of the person's opinion on matters of religion(~~((; nor))~~), and a  
person shall not be questioned in any court of justice (~~((touching))~~) regarding the person's  
religious belief to affect the weight of the person's testimony. This section (~~((shall))~~) does  
not diminish or limit any other protections guaranteed by Article I, Section 11 of the  
Washington State Constitution or by the first amendment of the United States  
Constitution.

#### **Section 850 Delegation of Authority.**

Any power or duty of a county officer except the veto power of the county  
executive may be delegated by that officer to another officer or employee under the  
delegating officer's control and supervision(~~((; provided, however))~~), except that the  
delegating officer (~~((shall))~~) continues to be responsible for the exercise of the power or the  
performance of the duty delegated. The county council shall not delegate its legislative  
power except to the extent that it delegates to a county officer the authority to promulgate  
regulations in accordance with adequate standards established by the county council.

#### **Section 860 References to County Agencies and Officers in the Constitution or General Law.**

932 Whenever the state constitution or a general law (~~((which))~~) that has not been  
933 superseded by this charter or by the ordinances enacted (~~((hereunder))~~) under this charter  
934 refers to an agency or officer of county government who has been superseded by this  
935 charter, it shall be deemed to refer to the agency or officer designated by this charter or by  
936 the county council to perform the functions of the superseded agency or officer or in the  
937 absence of such a designation to the agency or officer designated by the county executive.

938 **Section 870 Additional Compensation.**

939 Any county officer or employee who is compensated by salary shall not receive any  
940 additional compensation for serving on any board or commission or in any other position  
941 established by or (~~((pursuant to))~~) in accordance with this charter. An elected officer of the  
942 county shall not be appointed to any other compensated county office or position during the  
943 officer's term of office.

944 **Section 880 Compilation and Codification of Ordinances.**

945 (~~((Within two years after the effective date of this charter and a))~~)As often  
946 (~~((thereafter))~~) as it deems necessary, the county council shall provide for a compilation and  
947 codification of all county ordinances and regulations (~~((which))~~) that have the force of law  
948 and are permanent or general in nature. Each codification shall be presented to the county  
949 council and, when adopted by ordinance, shall be known as the "King County Code." It  
950 shall be published together with this charter, a detailed index and appropriate notes,  
951 citations and annotations. The county council shall also provide for an annual supplement.

952 **Section 890 Employee Representation.**

953 The county council may enact an ordinance providing for collective bargaining by  
954 the county with county employees covered by the personnel system. If an ordinance

providing for collective bargaining is enacted, it ~~((shall))~~ is not ~~((be))~~ subject to the veto power of the county executive~~((;))~~, and, except with respect to bargaining by the county with employees of the department of public safety ~~((pursuant to))~~ under Section ~~((898))~~ 891 of this charter, it shall designate the county executive as the bargaining agent of the county. Any agreement reached as a result of negotiations by the county bargaining agent with county employees ~~((shall))~~ does not have the force of law unless enacted by ordinance.

#### **Section 897 High-Conservation-Value Properties.**

The county council may, by a minimum of seven affirmative votes, adopt an ordinance establishing an inventory of those high-conservation-value properties that are to be preserved under the terms of this section. ~~((Such an ordinance may be adopted before, on, or after the effective date of this section.))~~ The inventory shall include only properties in which the county has a real property interest. The inventory may not be modified by the addition or removal of a property except by an ordinance adopted by a minimum of seven affirmative votes and including specific findings of fact supporting the modification. An ordinance removing a property from the inventory shall include findings of fact that one or more of the following factors exist: (1) the property no longer provides the open space values initially contemplated, for specific reasons set forth in the ordinance; (2) maintaining the property in public ownership is no longer practical, for specific reasons set forth in the ordinance; ~~((or))~~ and (3) open space values will be enhanced by substituting the property interest for another property interest. At least twenty-eight days after the introduction of a proposed ordinance modifying the inventory, except an emergency ordinance, and ~~((prior to))~~ before its adoption, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Before the county council

adopts an ordinance modifying the inventory, the chair or other designee of the county council shall make a reasonable effort to consult with the county executive about the modification. Seven affirmative votes are required to override the veto of an ordinance establishing or modifying the inventory ((following the effective date of this section)).

The county shall not convey or relinquish its interest in an inventoried property or authorize an inventoried property to be converted to a use that was not permissible when the county acquired its interest, as evidenced by deed, easement, covenant, contract or funding source requirements, except that this section ((shall)) does not prevent: the conveyance of the county's interest in an inventoried property to another government or to a ((non-profit)) nonprofit nature conservancy corporation or association as defined in RCW 84.34.250, as currently adopted or hereafter amended; the conveyance of the county's interest in an inventoried property under the lawful threat or exercise of eminent domain; the grant of an easement, license, franchise or use agreement for utilities or other activities compatible with use restrictions in place when the county acquired its interest; or the use of an inventoried property for habitat restoration, flood control, low-impact public amenities or regionally significant public facilities developed for purposes related to the conservation values of the property, road or utility projects or emergency projects necessary to protect public health, welfare or safety. This section ((shall)) does not affect any contractual obligations entered into as part of the county's acquisition of an interest in an inventoried property.

**Section 898 recodified.** Section 898 of the King County Charter, "Department of Public Defense Employee Collective Bargaining," as proposed to be amended by this ordinance, is hereby recodified as Section 892 of the King County Charter.

1001           **Section 898 Department of Public Safety Employee Collective Bargaining.**

1002           The county council may enact an ordinance providing for collective bargaining by  
1003   the county with employees of the department of public safety. The county executive  
1004   ~~((shall))~~ does not have veto power over ~~((this))~~ the ordinance. If ~~((such an))~~ the ordinance  
1005   is enacted, it shall designate the county sheriff as the bargaining agent of the county on all  
1006   department of public safety matters except for compensation and benefits, which shall be  
1007   negotiated by the county executive as provided in Section 890 of this charter, and civilian  
1008   oversight of law enforcement, which shall be negotiated by the county executive in  
1009   consultation with the county sheriff. Any agreement reached as a result of negotiations by  
1010   the county sheriff or the county executive with employees of the department of public  
1011   safety ~~((shall))~~ does not have the force of law unless enacted by ordinance.

1012           **Section 899 recodified.** Section 899 of the King County Charter, "Department of  
1013   Public Defense Employee Collective Bargaining," as proposed to be amended by this  
1014   ordinance, is hereby recodified as Section 893 of the King County Charter.

1015           **Section 899(=) Department of Public Defense Employee Collective**  
1016   **Bargaining.**

1017           The county executive shall consult with the county public defender on the plans and  
1018   goals for bargaining before and ~~((periodically))~~ during the negotiation of terms and  
1019   conditions of employment with employees of the department of public defense. The  
1020   county council may prescribe the method of consultation by ordinance.

1021           SECTION 2. The clerk of the council shall certify the proposition to the director  
1022   of elections, in substantially the following form, with such additions, deletions or  
1023   modifications as may be required by the prosecuting attorney:

1024 Shall the King County Charter be amended to correct typographical and  
1025 grammatical errors, apply consistent drafting protocols, enhance  
1026 readability and organization and remove no longer relevant language?

Date Created:	
Drafted by:	
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County  
3 Charter to change references to citizen to either public or  
4 resident where applicable in the king county charter;  
5 amending the Preamble and Sections 260 and 800 of the  
6 King County Charter; and submitting the same to the voters  
7 of the county for their ratification or rejection at the next  
8 general election to be held on November 3, 2020.

9 ..Body

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the qualified voters of King County for  
12 their approval and ratification or rejection, at the November 3, 2020 general election, an  
13 amendment to the Preamble and to Section 260 and Section 800 of the King County  
14 Charter to read as follows:

15 **Preamble**

16 We, the people of King County, Washington, in order to form a more just and orderly  
17 government, establish separate legislative and executive branches, insure responsibility and  
18 accountability for local and regional county governance and services, enable effective  
19 ~~((citizen))~~ public participation, preserve a healthy rural and urban environment and economy  
20 and secure the benefits of home rule and self-government, in accordance with the  
21 Constitution of the State of Washington, do adopt this charter.

22           **Section 260 Office of ((~~Citizen~~)) Public Complaints.**

23           The county council shall establish by ordinance an office to receive complaints  
24 concerning the operation of county government and shall grant it sufficient power to permit  
25 it quickly and efficiently to investigate and to make and publicize recommendations  
26 concerning its findings, including the power to subpoena witnesses, documents and other  
27 evidence and to administer oaths. The subpoena power of the office of ((~~citizen~~)) public  
28 complaints shall be limited to matters under written complaint by a ((~~citizen of the county~~))  
29 member of the public, and any witness shall have the right to be represented by counsel. Any  
30 individual who is the subject of a complaint shall have the right to present witnesses in the  
31 individual's own behalf.

32           **Section 800 Charter Review and Amendments.**

33           At least every ten years after the adoption of this charter, the county executive shall  
34 appoint a ((~~citizen~~)) resident commission of not less than fifteen members whose mandate  
35 shall be to review the charter and present, or cause to be presented, to the county council a  
36 written report recommending those amendments, if any, which should be made to the  
37 charter. Appointees shall be subject to confirmation by a majority of the county  
38 council. This ((~~citizen~~)) resident commission shall be composed of at least one  
39 representative from each of the county council districts. The county council shall consider  
40 the commission's report and recommendations and decide at an open public meeting how to  
41 proceed on each of the commission's recommended charter amendments, as provided by  
42 ordinance.

43           The county council may propose amendments to this charter by enacting an ordinance  
44 to submit a proposed amendment to the voters of the county at the next general election

45 occurring more than forty-five days after the enactment of the ordinance. An ordinance  
46 proposing an amendment to the charter shall not be subject to the veto power of the county  
47 executive. Publication of a proposed amendment and notice of its submission to the voters  
48 of the county shall be made in accordance with the state constitution and general law. If the  
49 proposed amendment is approved by a majority of the voters voting on the issue, it shall  
50 become effective ten days after the results of the election are certified unless a later date is  
51 specified in the amendment.

52 SECTION 2. The clerk of the council shall certify the proposition to the director  
53 of elections in substantially the following form, with such additions, deletions or  
54 modifications as may be required by the prosecuting attorney:

55 Shall the Preamble and Sections 260 and 800 of the King County Charter  
56 be amended to replace citizen with public and resident where appropriate?



## **King County**

### **King County Charter Review Commission**

King County Courthouse  
516 Third Avenue, Room 1200  
Seattle, WA 98104-3272

May 31, 2019

Honorable Rod Dembowski  
Chair, King County Council  
516 3<sup>rd</sup> Avenue, Suite 1200  
Seattle, WA 98104

Dear Chair Dembowski:

The Charter Review Commission has been meeting since 2018. To date, we have had twelve meetings of the full Commission, three town hall meetings and more than twenty subcommittee meetings. Despite our best efforts, we will not be done with our Commission Report until the end of 2019. However, we have had success in addressing several issues brought to the Commission's attention in a dispositive manner. While the County Charter directs the Commission to submit "a written report" to the County Council, we felt it pragmatic to forward several "early action" Charter amendment recommendations for your consideration. To that end, we submit this letter, together with its attachments, as interim recommendations that we ask you to consider placing on the 2019 general election ballot. These three charter amendments enjoy consensus support of the full Commission and will be included in our final report. We, as Co-chairs are happy to answer any questions regarding any of these proposals, as are other members of the Commission. These Charter amendments are NOT submitted in any ranked order.

#### **Recommendation 1: Inquests**

The Charter Review Commission recommends that the King County Charter be amended to add two provisions to the King County Charter. These are to: 1) guarantee the right to counsel (at County expense) to families of the decedent when going through the inquest process and 2) clarify that an inquest should be done in the cases where a decedent has died in county custody. This charter amendment is included as Attachment 1 to this letter. The Commission did have concern about what the potential costs of the increased number of inquests and the Council should carefully consider these concerns. However, the Commission felt that the desire to understand in-custody deaths, learn anything we can from each death, and use that information to make positive changes to the system was also very important. Due to public testimony and Commission discussions, the Commission also believes there needs to be clear guidelines on the definition of "family" as it pertains to whom is eligible for assignment of an attorney at public defense.

### **Recommendation 2: Affordable Housing Language**

Despite a state law change in 2018 that allows local governments, in some circumstances, to sell publicly owned land for less than full value for affordable housing purposes, the Charter still has a prohibition in place for the former Metro funds that would prevent such an action. We recommend the removal of that restriction. There may still be a number of restrictions preventing land owned by the former Metro agencies to be sold at below market rates for affordable housing, nonetheless removing the prohibition will allow the County to have that option should it be legally allowable. Whether or not the County moves forward with any sales under this new provision is to be seen in the future due to other covenants or rules that might preclude land from being sold at less than full value. However, the Commission thought that it was very important that the County have access to all the options under the law to address the housing shortage facing the County. This Charter Amendment is included as Attachment 3 to this letter. A report from the Regional Coordination subcommittee is also included as Attachment 5 and contains a number of additional considerations the Council should resolve prior to undertaking actual land sales, should this amendment pass.

### **Recommendation 3: Subpoena Power for the Office of Law Enforcement Oversight**

The Charter Review Commission was convinced that the Office of Law Enforcement Oversight (OLEO) needs to have access to subpoena power as one item in a toolbox to make sure that OLEO can effectively carry out the mandates of the office. The CRC understands that inclusion of this item in the Charter doesn't immediately create the authority. However, there was not a compelling reason to not provide the office with similar subpoena powers that other county agencies currently possess. The charter amendment granting subpoena power to OLEO is included with this letter as Attachment 6. The Commission felt that inclusion of subpoena power in the charter itself sends a strong signal that this important office should have all the investigatory tools necessary to complete its work, even though it is our hope and expectation that a subpoena would rarely need to actually be used.

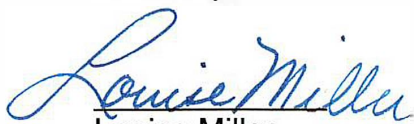
In conclusion, we realize that the County Council is very busy and that this interim report is not the complete work of the Charter Review Commission. Nevertheless, we believe the Council should consider these amendments for placement on the 2019 general election ballot.

# Charter Review Commission Interim Report


Page 3

Thank you for your support and the support of your staff throughout the process and we would be happy to answer any questions you might have.

Sincerely,



Louise Miller



Ron Sims

Co-Chairs  
2018-2019 Charter Review Commission

Attached:

1. Charter Amendment on Inquests
2. Commission Staff Report on Affordable Housing
3. Charter Amendment on Affordable Housing
4. Commission Staff Report on Affordable Housing
5. Issue Paper on Additional Consideration for Affordable Housing
6. Charter Amendment on Subpoena Power for OLEO
7. Commission Staff Report on Subpoena Power for OLEO

Cc: All King County Councilmembers  
Dow Constantine, King County Executive  
Melani Pedroza, County Clerk  
Carolyn Busch, Chief of Staff, King County Council  
Rachel Smith, Chief of Staff, King County Executive  
Jeff Muhm, Chief Policy Officer, King County Council  
Charter Review Commissioners

PHH

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Date Created:	<b>5-15-19</b>
Drafted by:	<b>JG</b>
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing an amendment to the King  
3 County Charter to clarify when an inquest will be held and  
4 to require the county to assign an attorney to represent the  
5 family of the decedent in the inquest proceeding; amending  
6 Section 895 of the King County Charter; and submitting the  
7 same to the qualified voters of the county for their approval  
8 or rejection at the next general election occurring more than  
9 forty-five days after the enactment of this ordinance.

10 ..Body

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 **SECTION 1. Findings:**

13 A. The inquest process serves the public function of fact finding related to a  
14 death and involves formal legal proceedings, discovery and examination of persons,  
15 including law enforcement personnel and expert witnesses.

16 B. There is a public benefit in providing publicly financed legal counsel to  
17 families of the decedents wishing to fully participate in the inquest process. The inquest  
18 process is a proceeding involving introduction of evidence and examining of witnesses,  
19 including law enforcement personnel and experts. Publicly financed legal counsel will  
20 allow all families to fully and equitably participate in the inquest process regardless of  
21 financial means. Inquests serve a public function of determining the cause and

circumstances of any death involving a member of a law enforcement agency in the performance of the member's duties. The findings of an inquest help the public, family members of decedents and policy makers understand the causes and circumstances of the decedent's death. Public financing of legal counsel for all families of decedents will better ensure each party to an inquest will have equal opportunity to participate. Increasing such participation will bolster the transparency of the inquest process, thus furthering the recognized public function of an inquest.

SECTION 2. There shall be submitted to the voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance, an amendment to Section 895 of the King County Charter to read as follows:

**895. Mandatory Inquests.**

An inquest shall be held to investigate the causes and circumstances of any death ~~((involving))~~ where a member of ~~((the))~~ any law enforcement agency's ~~((of the county in the performance of the member's duties))~~ action, decision or possible failure to offer the appropriate care may have contributed to an individual's death. For the purposes of this section, "member of any law enforcement agency" includes a commissioned officer, noncommissioned staff and agent of any local or state police force, jail, detention facility or corrections agency. The county shall assign an attorney to represent the family of the decedent in the inquest proceeding, but the family has the option of accepting the attorney or not.

SECTION 3. The clerk of the council shall certify the proposition to the county elections director, in substantially the following form, with such additions, deletions or

45 modifications as may be required by the prosecuting attorney:

46        Shall Section 895 of the King County Charter be amended to clarify that  
47        inquests are required when a law enforcement agency's action, decision or  
48        possible failure to offer appropriate care may have contributed to an  
49        individual's death and to provide an attorney at the county's expense to  
50        represent the decedent's family in the inquest?

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Date Created:	<b>May 8, 2019</b>
Drafted by:	<b>Patrick Hamacher</b>
Sponsors:	<b>Charter Review Commission</b>
Attachments:	

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AN ORDINANCE proposing to remove restrictions related to the disposition of real property when the property would be used for affordable housing; amending Section 230.10.10 of the King County Charter; and submitting the same to the voters of the county for their ratification or rejection at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance, an amendment to Section 230.10.10 of the King County Charter to read as follows:

**230.10.10 Metropolitan Municipal Functions.** Each metropolitan municipal function authorized to be performed by the county pursuant to ~~((RCW ch.))~~ chapter 35.58 RCW shall be operated as a distinct functional unit. Revenues or property received for such functions shall never be used for any purposes other than the operating expenses thereof, interest on and redemption of the outstanding debt thereof, capital improvements, and the reduction of rates and charges for such functions. To the extent not otherwise

21 prohibited by law, this section shall not preclude the county from leasing, selling or  
22 conveying the properties at less than fair market value for affordable housing purposes.

23 SECTION 2. The clerk of the council shall certify the proposition to the manager  
24 of the elections division, in substantially the following form, with such additions,  
25 deletions or modifications as may be required by the prosecuting attorney:

26 Shall Section 230.10.10 of the King County Charter be amended to allow the  
27 county to lease, sell or convey real property for less than fair market value if the  
28 property will be used for affordable housing?

Date Created:	<b>May 8, 2019</b>
Drafted by:	<b>Nick Bowman</b>
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County  
3 Charter to grant the office of law enforcement oversight  
4 subpoena powers; amending Section 265 of the King  
5 County Charter; and submitting the same to the voters of  
6 the county for their ratification or rejection at the  
7 November 2019 general election.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. There shall be submitted to the qualified voters of King County for  
10 their approval and ratification or rejection, at the November 2019 general election, an  
11 amendment to Article 2, Section 265 of the King County Charter, as set forth herein:

12 **Section 265. Office of Law Enforcement Oversight.**

13 The county council shall establish by ordinance an office of law enforcement  
14 oversight, which shall be a part of the legislative branch. The office shall have a director  
15 who is appointed by a majority of the county council to serve a term of four years and  
16 until a successor is appointed. The director may be removed from office at any time for  
17 cause by a majority of the county council.

18 The authority of the office of law enforcement oversight shall be prescribed by  
19 ordinance and should include: investigation, review and analysis of conduct of county  
20 law enforcement officers that has been the subject of a complaint and the use of force by  
21 county law enforcement officers regardless of whether it has been the subject of a

22 complaint; and review and analysis of internal investigations conducted and disciplinary  
23 action taken by the department of public safety regarding that conduct or use of force.  
24 The authority of the office should also include: the preparation and publication of  
25 findings, conclusions and recommendations related to the office's oversight of the  
26 department of public safety; and community outreach concerning the department of  
27 public safety and the office of law enforcement oversight.

28 To enable the office of law enforcement oversight to exercise its authority  
29 effectively, the office shall be authorized by ordinance to obtain all relevant information,  
30 including authority to review and copy relevant department of public safety files,  
31 subpoena witnesses, documents and other evidence relating to its investigations or  
32 review, inspect crime scenes, conduct interviews and participate in internal investigations  
33 and review hearings.

34 The county council shall establish by ordinance an advisory committee for law  
35 enforcement oversight to review, advise and report on the office of law enforcement  
36 oversight in a manner that may be prescribed by ordinance. The committee shall also  
37 advise the sheriff and the council on matters of equity and social justice related to law  
38 enforcement. The committee may also advise the sheriff and the council on systemic  
39 problems and opportunities for improvement in the law enforcement practices of the  
40 department of public safety. The county council shall prescribe by ordinance the  
41 committee's membership, qualifications, and rules and procedures, and the process for  
42 appointment of committee members, and may prescribe by ordinance additional duties of  
43 the committee.

44           SECTION 2. The clerk of the council shall certify the proposition to the manager  
45 of the elections division, in substantially the following form, with such additions,  
46 deletions or modifications as may be required by the prosecuting attorney:

47           Shall Section 265 of the King County Charter be amended to enable the  
48 office law enforcement oversight to subpoena witnesses, documents and  
49 other evidence related to its investigations and reviews of county law  
50 enforcement officers?

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## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Nick Bowman
<b>Proposed No.:</b>		<b>Date:</b>	March 27, 2019

#### SUBJECT

Overview of civilian oversight of law enforcement in King County.

#### BACKGROUND

Civilian oversight of law enforcement in the United States is an evolving governmental function intended to examine police practices and misconduct complaint processes, and to review police policies and training. This function provides a means to monitor and assess a wide range of issues within law enforcement agencies to ensure that policing is responsive to the standards, values and needs of the communities served. In addition to reviewing and suggesting improvements to police systems and training, civilian oversight works toward the shared goal of improving trust between police and the public through transparent oversight activities.

For more than a decade, King County has worked to improve oversight of the King County Sheriff's Office (KCSO). In 2006, the county council's Law, Justice and Human Services Committee held eleven meetings to consider civilian oversight for the sheriff's office. The committee reviewed existing systems for the resolution of complaints and other investigations of employee misconduct. The committee also reviewed the systems used by the Ombuds/Office of Citizen Complaint to evaluate, categorize, and investigate complaints against KCSO employees. Additionally, the committee received an extensive briefing on the systems in place in KCSO's Internal Investigations Unit for their review of allegations of misconduct and other complaints. Finally, committee members had several briefings from the sheriff's Blue Ribbon Panel which was charged in March 2006 to evaluate many of the areas that the committee was reviewing.

**Ordinance 15611—Initial Oversight Ordinance.** Based on its deliberations and review of the KCSO Blue Ribbon Panel report, the King County Council developed legislation designing a system for civilian oversight that allowed for independent civilian monitoring and evaluation of ongoing investigations. On October 9, 2006, the Council approved Ordinance 15611 regarding civilian oversight of KCSO and creating the Office of Law Enforcement Oversight (OLEO) as an independent office within the legislative branch. The legislation gave OLEO authority to review complaints and investigations that paralleled the responsibilities identified as best practices during Council deliberations

and advanced by the Blue Ribbon Panel. The legislation also allowed for the creation of an oversight committee made up of members of the public to support the new office.

Shortly after the council approved Ordinance 15611 however, the King County Police Officers Guild (KCPOG) filed an unfair labor practice charge against the county. On November 19, 2007, the county and the KCPOG finalized an agreement that Ordinance 15611 would be treated as a labor policy and that this policy would need to be bargained in good faith. After which, the KCPOG dismissed its unfair labor practice charge against the county. As a consequence of this agreement, the executive took no action to implement Ordinance 15611.

**Oversight Legislation Modified to Address Labor Agreement.** On December 8, 2008, the Council passed Ordinance 16327 approving a new five-year collective bargaining agreement between King County and the KCPOG. The new collective bargaining agreement required the county to repeal most of Ordinance 15611, eliminating the primary components of the legislation establishing the OLEO. However, also on December 8, 2008, the Council adopted Motion 12892, which reaffirmed its commitment to establishing a system of civilian oversight.

Following through on that commitment, the Council adopted Ordinance 16511 in May 2009 to establish a system of civilian oversight in accordance with the existing labor agreement. The ordinance was developed to address the adopted collective bargaining agreement while also preserving some civilian oversight capabilities for the OLEO.

**Establishing a Citizen's Committee on Independent Oversight.** In Ordinance 16511, the Council created an eleven member Citizen's Committee on Independent Oversight (committee) to work with OLEO. The legislation directed the committee to advise the OLEO Director on matters important to the county's diverse communities and to provide community input as needed. The Council also intended the committee to serve as a resource that represented the county's diverse population and to advise the Director on policy and public perceptions of the sheriff's office.

The Council envisioned that the committee would advance community communication that fosters accountability and public understanding of the misconduct and discipline policies, procedures and practices of the sheriff's office, as well as, other issues related to the OLEO Director's oversight responsibilities. However, Ordinance 16511 made it clear that the committee shall not review or advise the OLEO Director on individual complaints, investigations, or disciplinary actions.

Additionally, the legislation provided no direct guidance for the establishment of committee operations including, how often meetings should be convened, what level of support the committee would need from the OLEO Director, or how the committee could best support the OLEO Director in carrying out oversight requirements.

**Charter Amendment and Council Action Expanding OLEO Authorities.** In November, 2015, the voters of King County approved an amendment to the King County Charter that established OLEO as a charter-mandated county office within the legislative branch. This amendment, now Section 265 of the King County Charter,

increased oversight responsibilities for OLEO and required that those authorities be established by ordinance.

In April 2017, the Council adopted Ordinance 18500 expanding OLEO's authorities to align with the 2015 voter approved charter amendment. Examples of the expanded powers, under Ordinance 18500, include:

- investigatory authority with subpoena powers for the office;
- complaint and concern intake responsibilities, including the authority to review KCSO complaint intake classifications;
- authorization to review policies, procedures, training, operations, et al and make recommendations prior to adoption;
- access to relevant information and crime scene authorities;
- notification requirements regarding the KCSO complaint handling process; and
- review inquests findings.

These responsibilities are currently the subject of bargaining with the KCPOG.

## **SUMMARY**

### **What models of civilian oversight are employed throughout the United States?**

As stated earlier, civilian oversight of law enforcement in the United States is an evolving governmental function whose emergence is generally associated with the adoption of community policing models in municipalities and other local jurisdictions, both big and small, across the country. According to the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that tracks and provides resources for civilian oversight bodies, there are around 150 jurisdictions in the U.S. with some form of civilian oversight of law enforcement agencies.<sup>1</sup> Despite their wide-spread use, there is no clear consensus on what organizational structure, model or approach constitutes the most effective form of oversight.

Comparative analysis of the many civilian oversight agencies in the U.S. shows high variability in organizational structure and operational authority. “[Some agencies operate entirely with community volunteers with no operating budgets, while others have substantial budgets and a large number of paid professional staff. The authority granted to oversight bodies is even more varied, from oversight’s role in the intake of complaints and involvement in complaint investigations, to levels of access to police records and findings, and whether or not the oversight office can make general policy recommendations and/or individual recommendations on complaint findings and discipline.]”<sup>2</sup>

The variability of oversight agencies across jurisdictions reflects the community focused nature of their development, as well, as the diversity of state and local laws which may favor one type of oversight structure over another. In 2015, the President’s Task Force

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<sup>1</sup> [https://www.nacole.org/police\\_oversight\\_by\\_jurisdiction\\_usa](https://www.nacole.org/police_oversight_by_jurisdiction_usa)

<sup>2</sup> De Angelis, J., Rosenthal, R. Buchner, B. Civilian Oversight of Law Enforcement: A review of the Strengths and Weaknesses of Various Models (National Association for Civilian Oversight of Law Enforcement, OJP Diagnostic Center, September, 2016), [https://www.nacole.org/reports\\_publications](https://www.nacole.org/reports_publications).

on 21st Century Policing recommended the adoption of civilian oversight, that communities should “define” what form of independent oversight fits their community needs, and that the federal government “should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.”<sup>3</sup> While no two civilian oversight agencies in the U.S. are identical, the research reviewed for this staff report identified three general types of oversight models based on core agency functions. Table 1, provides a summary of these three primary models, their key characteristics and a list of jurisdictions where they are used.

**Table 1<sup>4</sup>**

<b>Model</b>	<b>Key Characteristics</b>	<b>Jurisdictions</b>
Investigative	<ul style="list-style-type: none"> <li>• Routinely conduct independent investigations of complaints against police officers.</li> <li>• May replace or duplicate the police internal affairs process.</li> <li>• Staffed by civilian investigators.</li> </ul>	<ul style="list-style-type: none"> <li>• Chicago, IL</li> <li>• Washington, D.C.</li> <li>• New York, NY</li> <li>• San Diego County, CA</li> <li>• Pittsburg, PA</li> </ul>
Review	<ul style="list-style-type: none"> <li>• Review the quality of completed internal affairs investigations.</li> <li>• May make recommendations to police executives regarding findings or request that further investigation be conducted.</li> <li>• Commonly comprised of community volunteers/appointees.</li> <li>• May hold public meetings for community input and facilitate dialogue with police.</li> </ul>	<ul style="list-style-type: none"> <li>• Albany, NY</li> <li>• Berkeley, CA</li> <li>• New Haven, CT</li> <li>• Philadelphia, PA</li> <li>• Indianapolis, IN</li> <li>• St. Petersburg FL</li> <li>• San Diego, CA</li> <li>• Charlotte, NC</li> </ul>
Auditor/Monitor	<ul style="list-style-type: none"> <li>• Generally examine broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline.</li> <li>• Some may actively participate in or monitor open internal investigations.</li> <li>• Often work to promote broad organizational changes through systemic reviews of police policies, practices or training and making recommendations for improvement.</li> </ul>	<ul style="list-style-type: none"> <li>• Denver, CO</li> <li>• New Orleans, LA</li> <li>• San Jose, CA</li> <li>• Los Angeles, CA</li> <li>• New York, NY</li> </ul>

It is important to note that while Table 1 describes the three basic models for oversight, “hybrid” oversight agencies are common throughout the U.S. These “hybrids” often

<sup>3</sup> President’s Task Force on 21st Century Policing, Final Report of the President’s Task Force on 21st Century Policing (Washington, DC: U.S. Department of Justice: Community Oriented Policing Services, 2015), [www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf), 26.

<sup>4</sup> De Angelis, J., Rosenthal, R. Buchner, B., 2016, [https://www.nacole.org/reports\\_publications](https://www.nacole.org/reports_publications) and Attard, B. Olson, K. Overview of Civilian Oversight of Law Enforcement in the United States, 2013, <http://accountabilityassociates.org/wp-content/uploads/Oversight-in-the-US-%E2%80%A6FINAL.pdf>

incorporate a combination of functions across the three primary oversight models to address issues at both the functional and structural levels of law enforcement. King County's OLEO would be considered a "hybrid" oversight agency having review, investigatory and auditing responsibilities.

### **INVITED**

- Deborah Jacobs, Director, King County Office of Law Enforcement Oversight
- Mitzi Johanknecht, Sheriff, King County Sheriff's Office

### **ATTACHMENTS**

1. Overview of Civilian Oversight of Law Enforcement in the United States, 2013.
2. President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, 2015.
3. Civilian Oversight of Law Enforcement: A review of the Strengths and Weaknesses of Various Models, 2016.



**King County**  
**Metropolitan King County Council**  
**Charter Review Commission**

**STAFF REPORT**

<b>Agenda Item:</b>		<b>Name:</b>	Jenny Giambattista Erica Newman
<b>Proposed No.:</b>		<b>Date:</b>	February 12, 2019

**SUBJECT**

This staff report provides background information on the laws, policies and procedures governing inquests in King County.

**SUMMARY**

The authority and requirements for conducting inquests can be found in the Revised Code of Washington (RCW), King County Code, the King County Charter, and executive orders. On January 8, 2018 Executive Constantine temporarily halted all King County inquests in order to allow time to review the existing inquest policies and procedures. On October 3, 2018 the Executive signed Executive Order PHL-7-1-2 revising the policies and procedures for the inquest process. The Executive Order requires the Department of Public Defense to provide legal representation in the inquest process to families of decedents consistent with Ordinance 18652.

According to the Department of Executive Services, the inquest process is expected to resume by the end of the first quarter or beginning of the second quarter of 2019.

**BACKGROUND**

An inquest is an administrative, fact-finding inquiry into and review of the manner, facts and circumstances of the death of an individual involving a member of any law enforcement agency within King County while in the performance of his or her duties.<sup>1</sup> An inquest is not a trial in the sense that no judgment on liability or fault is produced. The scope of the inquest is limited to the cause and circumstances of the death and does not address wrongdoing or whether the death could have been avoided or was justified. However, an inquest has many of the formal attributes of a trial, including that it is governed by the rules of evidence, witnesses, including expert witnesses, provide sworn testimony and are cross-examined, and a jury is selected, hears testimony, and answers interrogatories (questions) in writing.

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<sup>1</sup>Executive Order 7-1-2-EO Section 5. Inquests can also occasionally occur in other cases, as determined by the County Executive, where death occurs in the custody of or in the course of contact with other non-law enforcement government agencies or employees.

## **Legal Authority for Inquests**

The authority and requirements for conducting inquests can be found in the Revised Code of Washington (RCW), King County Code, the King County Charter, and executive orders. RCW 36.24.020 (Attachment 1) authorizes any coroner<sup>2</sup>, in his or her discretion, to hold an inquest to inquire into the death of a person by suspicious circumstances and provides general direction on the inquest procedure. The RCW requires Superior Court to select and summon the jury pool and maintain facilities for the inquest.

King County Code Section 2.35A.090 (Attachment 2) specifies that the chief medical examiner assumes the coroner functions authorized by RCW 36.24.020 and describes the function of the medical examiner. It also specifies that the executive inquest function is vested in the County Executive.

In addition, Section 875 of the King County Charter states, "An inquest shall be held to investigate the causes and circumstances of any death involving a member of the law enforcement agency of the county in the performance of the member's duties."

### **Timeline of Inquest Reform**

#### **Executive's Inquest Reform Review Committee (December 12, 2017)**

On December 12, 2017, the Executive convened a six member King County Inquest Process Review Committee. The Inquest Review Committee was charged with reviewing and re-examining the inquest process to determine what, if any, changes could be made to improve the process both for the public and the affected parties.<sup>3</sup>

#### **All inquests halted (January 8, 2018)**

On January 8, 2018 Executive Constantine temporarily halted all King County inquests in order to allow time to review the existing inquest policies and procedures. Inquests have not yet resumed.

#### **Inquest Committee issues final recommendations (March 30, 2018)**

In March 2018, the Inquest Process Review Committee proposed revisions to the Executive Order. The Committee's key recommendations are summarized below:

- Maintain, but improve upon the transparency of the existing inquest process.
- Substantially limit the role of the King County Superior Court (KCSC) and King County District Court (KCDC) and that of the Prosecuting Attorney's Office.
- The King County Hearing Examiner should oversee a pool of pro tem judges and attorneys to preside over inquest.
- Clarify purpose and scope of the inquest process.

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<sup>2</sup> In King County the medical examiner serves the function of the coroner.

- Expand the size of the jury and permit the jury to make meaningful observations and recommendations.
- Increase timely information to and support for decedent's families.
- Establish process for public education and for ongoing review.
- Refer participants to parallel processes to promote resolution and healing.

### **Ordinance requires Department of Public Defense to provide representation to families of decedents (January 29, 2018)**

On January 29, 2018, the Council adopted Ordinance 18652 (Attachment 3) requiring the Department of Public Defense provide legal representation to the family participating in an inquest regardless of the income level of the family. (The ordinance specifies that representation will not be provided if the family does not wish to be represented by the department's attorney.) The ordinance states there is a public benefit in providing publicly financed legal counsel to families of the decedents wishing to fully participate in the inquest process. The findings of an inquest help the public, family members of decedents and policy makers understand the causes and circumstances of the decedent's death. Public financing of legal counsel for all families of decedents will better ensure each party to an inquest will have equal opportunity to participate.

For purposes of the ordinance and determining who is eligible for legal representation, "Family" is defined as follows:

"Family" refers to the group of those individuals determined by the person conducting the inquest to have a right to participate as the family of the decedent.<sup>4</sup>

The ordinance also required the Executive to revise any executive orders related to inquests to be consistent with the ordinance.

### **Proviso requirement for a plan on implementing the new process (July 9, 2018)**

On July 9, 2018, the Council adopted a budget proviso as part of a 2018 supplemental budget ordinance (Ordinance 18766) restricting expenditure or encumbrance of \$130,000 of the appropriation from the Office of the Executive until the Executive transmits a plan for the new inquest process.

### **New inquest procedures (Executive Order PHL-7-1-2 EO) (October 3, 2018)**

In October 3, 2018 the Executive signed Executive Order PHL-7-1-2 (Attachment 4) revising the policies and procedures for the inquest process. Executive staff have provided a document (Attachment 5) showing how the new inquest policies differ from the previous executive order.

#### Roles

Under the new policies, the King County Prosecuting Attorney will continue to make recommendations to the Executive on whether an inquest is required. An inquest

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<sup>4</sup> Ordinance 18652 (Lines 64-65)

administrator will act as the presider of the inquest on the Executive's behalf, rather than a KCDC judge. (Executive staff note that a pool of pro tem judges will act as inquest administrators.) Jurors will continue to be called from the KCDC and KCSC jury pool and the hearings will be conducted in Superior Court.

#### Scope of inquest

The Executive order narrowly expands the scope of the inquest to include questions about current department policy and training in a given jurisdiction. No speculative or prospective questions regarding a law enforcement entity's policy and training are allowed under this expansion of the scope. In addition, the jury panel may answer an interrogatory on whether or not the involved officer's actions were consistent with the given jurisdiction's department policy and training.

#### Officer Participation

Historically, the involved officer voluntarily testified at the inquest hearing. Under the new Executive Order, in lieu of the involved officer testifying, the lead investigator will offer testimony to the facts and circumstances of the event. The chief law enforcement officer of a given jurisdiction (or their designee) will address questions of current department policy and training. Subpoena power to compel involved officer testimony is eliminated.

#### DPD Participation

The Executive Order also requires the Department of Public Defense to provide legal representation to the family of the decedent, consistent with Ordinance 18652.

#### In custody deaths

According to Executive staff, inquests for those who have died in the custody of law enforcement have not been done since 2010. According to DAJD, in custody deaths undergo a review by DAJD, local law enforcement, the medical examiner and Jail Health. Executive staff report that they do not anticipate a change in how in-custody deaths are handled. Council staff have asked for information as to why in-custody inquests are not done.

### **2019-2020 Budget Appropriation (January 1, 2019)**

The administrative portion of the inquest process will now be managed by the Department of Executive Services. The 2019-2020 budget included \$700,000 of General Fund<sup>5</sup> to support inquest costs and authorized one FTE in the Department of Executive Services for an Inquest Process Administrator to support the pro tem staff.

### **Current Inquest Status (February 12, 2019)**

The Department of Executive Services (DES) hired an inquest program manager in mid-January. Subsequent to the transmittal, DES has developed a high level work plan (Attachment 6) identifying the major milestones necessary to establish an inquest process and estimated completion date for each of those milestones. DES expects to have all of the administrative processes in place by March 31, 2019. At that time, DES will begin processing inquests.

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<sup>5</sup> Appropriated to the Internal Support Fund

As of February 12, 2019 the following inquests are pending:

<b>Date of Event</b>	<b>Decedent-Last Name</b>	<b>Decedent-First Name</b>	<b>Involved Police Agency</b>
4/20/2017	Butts	Damarius	SPD
6/10/2017	Obet	Isaiah	Auburn
6/13/2017	Le	Tommy	KCSO
6/18/2017	Lyles	Charleena	SPD
8/9/2017	Nelson	Eugene	Kent
10/31/2017	Lightfeather	Robert J.	Federal Way
12/19/2017	Tade	Curtis Elroy	Kirkland
2/19/2018	Seavers	Jason	SPD
3/11/2018	Gamez-Talavera	Karla	ICD in KCJ/DAJD
4/4/2018	Nelson	Mitchell O.	Federal Way
6/14/2018	Castellano	Marcelo A.	Redmond
8/23/2018	Peppan	Joseph	KCSO
1/1/2019	Faletogo	Iosiah	SPD
1/7/2019	Barazza-Lugo	Miguel A	Kent
2/7/2019	Doe*	John*	SPD

\*Name has not been released as of 2/12/19

#### **Options:**

1. Direct staff to prepare a charter amendment for CRC consideration that would elevate the provision of a qualified attorney for family members.
2. Take no further action as many changes are currently under consideration.

#### **ATTACHMENTS**

1. RCW 36.24.020
2. King County Code Section 2.35A.090
3. Ordinance 18652
4. Executive Order PHL 7-1-2 EO
5. Summary of Revised Executive Order on Conducting Inquests
6. Inquest Administrative Process Working Timeline/Milestones

## Revised Code of Washington (RCW)

### RCW 36.24.020

#### **Inquests—Jury—Venue—Payment of costs.**

Any coroner, in his or her discretion, may hold an inquest if the coroner suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: PROVIDED, That, except under suspicious circumstances, no inquest shall be held following a traffic death.

The coroner in the county where an inquest is to be convened pursuant to this chapter shall notify the superior court to provide persons to serve as a jury of inquest to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death. Jurors shall be selected and summoned in the same manner and shall have the same qualifications as specified in chapter 2.36 RCW.

At the coroner's request, the superior court shall schedule a courtroom in which the inquest may be convened, a bailiff, reporter, and any security deemed reasonably necessary by the coroner. The coroner and the superior court shall set an inquest date by mutual agreement. The inquest shall take place within eighteen months of the coroner's request to the court. If the superior court cannot accommodate the inquest for good cause shown, the court may designate a comparable public venue for the inquest in the county.

If the superior court is unable to provide a courtroom or comparable public venue, it shall certify courtroom unavailability in writing within sixty days of the coroner's request and the inquest shall be scheduled and transferred to another county within one hundred miles of the requesting county.

The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and at his or her discretion may be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he or she may deem necessary.

The costs of inquests, including any costs incurred by the superior court, shall be borne by the county in which the inquest is requested. When an inquest is transferred to another county due to unavailability of a courtroom, the county from which such inquest is transferred shall pay the county in which the inquest is held all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to the transferring county.

## King County Code

### **2.35A.090 Medical examiner functions.**

A. The duties and functions of medical examiner shall be performed by the prevention division of the department of health. The medical examiner shall be responsible for the administration and staffing of all programs relating to the performance of autopsies and investigations of death as authorized by the statutes of the state of Washington, except as provided by this section. The chief medical examiner, who shall be a pathologist certified in forensic pathology, shall be appointed by the director of the department. Employees performing duties and functions of or related to the medical examiner, with the exception of specifically identified exempt positions, shall be members of the King County career service.

B. The chief medical examiner shall assume jurisdiction over human remains, perform autopsies and perform such other functions as are authorized by chapter 68.50 RCW and such other statutes of the state of Washington as are applicable, except for the holding of inquests, which function is vested in the county executive. The chief medical examiner has the authorities granted under K.C.C. 2.35A.100.

C. The chief medical examiner shall institute procedures and policies to ensure investigation into the deaths of persons so specified in chapter 68.50 RCW and to ensure the public health, except for the holding of inquests, which function is vested in the county executive.

D. The notice of the existence and location of a dead body required to be given by state law shall be given to the medical examiner. The medical examiner shall be responsible for control and disposition of personal property of deceased persons under the jurisdiction of the medical examiner, which shall be transferred to the next of kin or other legal representatives of the deceased. If the transfer cannot be made because there is no known next of kin or legal representative, or the next of kin or legal representative is not available to accomplish the transfer within thirty days after the medical examiner assumes jurisdiction over the body of the deceased, the personal property shall be deposited with the King County comptroller, or transferred to an attorney pursuant to the institution of probate action.

E.1. The chief medical examiner may issue subpoenas to compel the production of medical and dental records, and other documents as are necessary for the full investigation of any case under the jurisdiction of the medical examiner from any person, organization or other entity in possession of the records or documents.

2. Subpoenas issued by the chief medical examiner shall be enforceable through the superior court.

3. In case of refusal or failure to obey a subpoena issued under this subsection E, the chief medical examiner may seek the aid of the prosecuting attorney to apply to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena.

4. Punishment for contempt for refusal or failure to comply with a subpoena issued under this subsection E. shall be as provided by chapter 36.24 RCW and other applicable laws and court rules. (Ord. 17733 § 12, 2014; Ord. 12525 § 3, 1997; Ord. 2878 § 3, 1976; Ord. 163 § 7, 1969. Formerly K.C.C. 2.24.110).



## KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

January 30, 2018

Ordinance 18652

Proposed No. 2018-0028.3

Sponsors Kohl-Welles, Dembowski,  
Upthegrove and Gossett

1 AN ORDINANCE relating to the department of public  
2 defense; requiring the department to provide legal  
3 representation in the inquest process to families of  
4 decedents; and adding a new section to K.C.C. chapter  
5 2.60.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. Section 895 of the King County Charter states, "An inquest shall be held to  
9 investigate the causes and circumstances of any death involving a member of the law  
10 enforcement agency of the county in the performance of the member's duties." Section  
11 350.20.60 of the King County Charter establishes the department of public defense and  
12 directs it to provide legal counsel to indigent individuals as required under the state and  
13 federal constitutions and to foster access to justice and equity in the criminal justice  
14 system, and also authorizes additional duties to be prescribed by ordinance.

15 B. Between 2012 and 2016, there have been thirty-four deaths involving a  
16 member of a law enforcement agency that resulted in an inquest.

17 C. Of those thirty-four inquests, twelve families obtained legal counsel.

18 D. Families whose loved ones have been killed by a member of a law  
19 enforcement agency may seek to understand through the inquest process the cause and

20 circumstances of the decedent's death.

21 E. The inquest process serves the public function of fact finding related to a death  
22 and involves formal legal proceedings, discovery and examination of persons, including  
23 law enforcement personnel and expert witnesses.

24 F. In King County, the function of holding inquests is vested in the executive.

25 G. The executive has adopted Executive Order PHL 7-1-1 (AEO) establishing  
26 policies and procedures for the inquest process which includes the courts conducting the  
27 inquest on the executive's behalf. In those policies and procedures, although the family  
28 of the decedent is designated as a participating party in the inquest, a number of  
29 important steps in the inquest can only be done by legal counsel representing the family.

30 H. Families not represented by legal counsel will not have the benefit of legal  
31 expertise to assist them in understanding the inquest proceedings, and will not be able to  
32 fully participate in the inquest process, including participating in the preinquest hearings,  
33 engaging in discovery or examining witnesses at the inquest, including law enforcement  
34 personnel.

35 I. The lack of legal representation may result in families not fully participating in  
36 the inquest process and a less robust fact finding process.

37 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.60 a  
38 new section to read as follows:

39 A. There is a public benefit in providing publicly financed legal counsel to  
40 families of the decedents wishing to fully participate in the inquest process. The inquest  
41 process is a formal legal proceeding, involving discovery of evidence and examining of  
42 witnesses, including law enforcement personnel and experts. Publicly financed legal

counsel will allow all families to fully and equitably participate in the inquest process regardless of financial means. Inquests serve a public function of determining the cause and circumstances of any death involving a member of a law enforcement agency in the performance of the member's duties. The findings of an inquest help the public, family members of decedents and policy makers understand the causes and circumstances of the decedent's death. Public financing of legal counsel for all families of decedents will better ensure each party to an inquest will have equal opportunity to participate. Increasing such participation will bolster the transparency of the inquest process, thus furthering the recognized public function of an inquest. Therefore, the department shall provide legal representation at public expense to the family participating in an inquest, regardless of the income level of the members of the family, of the person whose death is the subject of an inquest investigating the causes and circumstances of death involving a member of any law enforcement agency within King County under Section 895 of the King County Charter or RCW 36.24.020. Representation shall not be provided if the family does not wish to be represented by the department's attorneys. The legal representation shall be limited to preparation for the inquest and participation during the inquest and shall not include any representation for the purpose of potential related civil litigation.

B. The executive shall revise any executive orders relating to inquests to reflect this section within one hundred twenty days of enactment of this ordinance.

C. For the purposes of this section:

1. "Family" refers to the group of those individuals determined by the person conducting the inquest to have a right to participate as the family of the decedent.

66           2. "A member of a law enforcement agency" means a commissioned officer or  
67 noncommissioned staff of a local or state police force, jail or corrections agency.  
68

Ordinance 18652 was introduced on 1/8/2018 and passed as amended by the  
Metropolitan King County Council on 1/29/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



RECEIVED  
2018 FEB -9 AM 9:42  
CLERK  
KING COUNTY COUNCIL

APPROVED this 5 day of FEBRUARY, 2018.



Dow Constantine, County Executive

Attachments: None



# King County

**Document Code No.:** PHL-7-1-2-EO

**Department/Issuing Agency:** County Executive Office

**Effective Date:** October \_\_, 2018

**Approved:** /s/ Dow Constantine

**Type of Action:** Supersedes PHL 7-1-1 (AEO), "Conducting Inquests in King County" March 16, 2010

**WHEREAS,** Revised Code of Washington (RCW) Chapter 36.24 authorizes the county coroner to summon a jury to inquire into the death of a person by suspicious circumstances; and

**WHEREAS,** Section 895 of the King County Charter, as amended, provides that an inquest shall be held to find facts and review the circumstances of any death involving a member of the law enforcement agency of the county in the performance of the member's duties; and

**WHEREAS,** King County Code (KCC) Chapter 2.35A created a division of the medical examiner within the Seattle-King County Department of Public Health and assigned to it most of the coroner's duties under RCW Chapter 36.24, "except for the holding of inquests, which function is vested in the County Executive" under KCC 2.35A.090.B; and

**WHEREAS,** the County Executive, in exercising the authority to hold inquests, has discretion to determine how inquest proceedings are to be conducted, and to delegate the duty of presiding over an inquest to another impartial public official; and

**WHEREAS,** the County Executive retains the ultimate responsibility for the exercise of the inquest power and the performance of the delegated duty.

**NOW, THEREFORE,** I, Dow Constantine, King County Executive, do hereby order, direct, and implement the following policy and procedures for conducting an inquest, at appendices 1 and 2.

Dated this 3 day of October, 2018

Dow Constantine  
King County Executive

ATTEST:

Norm Alberg  
Director, King County Records and Licensing Division, Department of Executive Services

## **Appendix 1 – Conducting Inquests in King County: Conducting Inquests in King County**

### **1.0. SUBJECT TITLE**

Conducting Inquests in King County.

### **2.0. PURPOSE**

2.1. To establish policies and procedures for conducting reviews into the facts and circumstances of any death of an individual involving a member of any law enforcement agency within King County while in the performance of the member's duties [and/or the exercise of member's authority], and occasionally in other cases, as determined by the County Executive.

2.2. The purpose of the inquest is to ensure a full, fair, and transparent review of any such death, and to issue findings of fact regarding the facts and circumstances surrounding the death. The review will result in the issuance of findings regarding the cause and manner of death, and whether the law enforcement member acted pursuant to policy and training.

2.3. The purpose of the inquest is not to determine whether the law enforcement member acted in good faith or should be disciplined or otherwise held accountable, or to otherwise find fault, or to determine if the use of force was justified, or to determine civil or criminal liability. It is acknowledged that the facts determined in the course of the inquest may sometimes have an indirect bearing on such determinations.

### **3.0. ORGANIZATIONS AFFECTED**

King County Department of Public Defense; King County Executive; King County Prosecuting Attorney; King County Superior Court; King County Medical Examiner's Office; King County Department of Executive Services; Law Enforcement agencies within King County.

### **4.0. REFERENCES**

4.1. RCW 36.24 Counties; County Coroner.

4.2. King County Charter, Section 320.20 – The Executive Branch, Powers and Duties.

4.3. King County Charter, Section 895 – General Provisions: Mandatory Inquests.

4.4. King County Code 2.35A.090(B).

## **5.0. DEFINITIONS**

5.1. “King County Executive” or “County Executive” means the official, or the designee of the official, who is elected and serves as the County Executive of King County pursuant to Article 3 of the King County Charter.

5.2. “King County Prosecuting Attorney” means the official, or the designee of the official, who is elected and serves as Prosecuting Attorney for King County pursuant to Article XI, Section 5 of the Washington State Constitution.

5.3. “Inquest” means an administrative, fact-finding inquiry into and review of the manner, facts and circumstances of the death of an individual involving a member of any law enforcement agency within King County while in the performance of his or her duties [and/or the exercise of his or her authority], and occasionally in other cases, as determined by the County Executive, where death occurs in the custody of or in the course of contact with other non-law enforcement government agencies or employees.

5.4. “Law enforcement agency” means any agency having police powers as authorized under Washington State law. For the purposes of this policy, “a member of any law enforcement agency” shall mean commissioned officers and non-commissioned staff of all local and state police forces, jails, and corrections agencies.

5.5. “Attorney representing the family of the deceased” means a privately-retained or publicly funded attorney, pursuant to KC Ordinance 18652.

5.6. “Rules of Evidence” means the evidentiary rules adopted by the Supreme Court of the State of Washington governing proceedings in the courts of the State of Washington, and such rules as may be adopted by the King County Hearing Examiner pursuant to KCC 20.22.

5.7. “Voir dire” means an examination of a prospective panel as defined below.

5.8. “In camera review” means an examination of materials by the administrator in private proceedings to rule on admissibility and use.

5.9. “Panel” refers to the jury of inquest provided by Superior Court pursuant to RCW Chapter 36.24.

5.10. “Administrator” means the presider of the inquest proceeding, selected from a roster approved by the County Executive, who presides over a particular inquest proceeding.

5.11. “Manager” means the staff assigned to oversee the inquest program, to assign an administrator and pro tem attorney to a particular inquest, to provide clerical support to the administrator and pro tem attorney, and to report annually to the County Executive.

5.12. “Pro tem attorney” means the pro tem attorney assigned to assist the administrator and to facilitate an inquest.

## **6.0. POLICIES**

6.1. There shall be an inquest into the manner, facts, and circumstances of any death of an individual involving a member of any law enforcement agency within King County while in the performance of his or her duties, [and/or the exercise of his or her authority], and in any other case as occasionally determined by the County Executive where death occurs in the custody of or in the course of contact with other non-law enforcement government agencies or employees.

6.2. While the term “involving” is to be construed broadly, there may be circumstances in which law enforcement’s role is so minimal as to not warrant an inquest, or where for other reasons an inquest would impede the administration of justice. Factors to be considered include: whether a decision to prosecute has been made; whether the death was the result of a condition existing prior to and/or apart from the law enforcement involvement; whether the individual was in custody at the time of the death; whether the family of the deceased desires an inquest; and any other factor that touches on the connection between the manner of death and the actions of law enforcement. However, the public has a strong interest in a full and transparent review of the circumstances surrounding the death of an individual involving law enforcement, so an inquest will ordinarily be held.

6.3. At the discretion of the County Executive, in exceptional circumstances there may be an inquest into the causes and circumstances of a death involving an individual in King County other than a member of a law enforcement agency.

## **7.0. RESPONSIBILITIES**

7.1. The King County Prosecuting Attorney shall inform the King County Executive whenever an investigation into a death involving a member of any law enforcement agency in King County is complete and also advise whether an inquest should be initiated pursuant to the King County Charter. If the King County Prosecuting Attorney advises that an inquest may be initiated, the King County Prosecuting Attorney and the pro tem staff attorney shall (a) supply a complete copy of the investigative file to the manager; (b) respond to public records requests for the investigative file; and (c) issue subpoenas to witnesses and/or for records at the administrator’s request.

7.2. The King County Executive shall determine whether an inquest will be held. If an inquest is to be held, the Executive shall direct an administrator conduct the inquest on the Executive's behalf. The County Executive shall also request that the King County Superior Court facilitate the inquest by supplying (a) jury, which shall be referred to as a panel; and (b) appropriate facilities, including a courtroom, bailiff, reporter, and any necessary security. The inquest shall be conducted pursuant to this Executive Order and to RCW 36.24, as amended.

## **8.0. PROCEDURES**

Action By: Prosecuting Attorney

8.1. Receives information from a law enforcement agency within King County of a death of an individual involving law enforcement that may require an inquest.

8.2. Promptly informs the County Executive of such a death.

8.3. Reviews the information and the investigative file and advises the County Executive as to whether an inquest should be held.

8.4. Upon request of the County Executive, forwards the investigative file to the manager.

8.5. Upon request by an administrator, issues subpoenas for witnesses and/or documents; except that a subpoena shall not be issued to the individual law enforcement officer who was directly involved in an individual's death while in the performance of his or her duties [and/or the exercise of his or her authority].

Action By: County Executive

8.6. Upon receiving the King County Prosecuting Attorney's advisory opinion, determine whether to hold an inquest.

8.7. If an inquest is to be held, direct the manager to proceed with the inquest.

Action By: Manager

8.8. Select an administrator to preside over the inquest and a pro tem staff attorney to assist.

8.9. Support the administrator in scheduling a pre-inquest conference and with clerical tasks.

Action By: Administrator

8.10. Hold a pre-inquest conference.

8.11. Conduct the inquest according to the procedures in Appendices 1 and 2.

Action By: Department of Public Defense

8.12. Assign counsel for the family of the decedent unless the family indicates they have retained other inquest counsel or do not wish to be represented by the King County Department of Public Defense. The Department of Public Defense will not be assigned in inquests where the family is to be represented by private counsel.

Action By: Superior Court

8.13. If an inquest is to be held, the Superior Court shall coordinate with the manager and administrator to supply a panel, recorder, and facilities pursuant to RCW 36.24.020.

## **9.0. APPENDICES**

Procedures for Conducting Inquests.

## **10.0. PRIOR ORDERS**

This Executive Order rescinds and replaces PHL 7-1-1 (AEO), "Conducting Inquests in King County," dated March 16, 2010.

## **Appendix 2 – Procedures for Conducting Inquests**

If an inquest is to be held, the King County administrator shall conduct the review in accordance with these procedures.

### **1.0. FACILITIES/COURTROOM**

1.1. The inquest is an administrative hearing intended to be a fact-finding, non-adversarial process. However, the King County Superior Court administers the jury process and maintains facilities appropriate to comfortably support a jury. Therefore, where requested by the County Executive, the Superior Court will coordinate with the manager to provide persons to serve as a jury of inquest ("panel") and secure appropriate facilities. The manager shall arrange the room in a manner that promotes transparency to the public and fair treatment of all participating parties.

### **2.0. PARTICIPATING PARTIES**

2.1. The family of the deceased, who shall be allowed to have an attorney(s) present.

2.2. The law enforcement member(s) involved in the death, who shall be allowed to have an attorney(s) present, provided that the law enforcement member(s) elect(s) to participate in the inquest proceeding.

2.3. The employing government department, which shall be allowed to be represented by its statutory attorney or lawfully appointed designee.

2.4. The manager, who shall assign an administrator and a pro tem attorney to assist the administrator.

2.5. An administrator, who shall preside over the inquest.

### **3.0. ROLE OF THE ADMINISTRATOR/SCOPE OF THE INQUEST**

3.1. An administrator shall conduct the inquest. The proceedings are quasi-judicial in nature, with represented parties, and the presentation of evidence through direct and cross-examination, and subject to the Rules of Evidence. Administrators shall strive to promote an atmosphere consistent with administrative fact-finding and shall strive to minimize delay, cost, and burden to participants, while promoting fair and open proceedings. Although an inquest is not a court proceeding, administrators shall be guided by open courts principles and GR 16.

3.2. The administrator, after consultation with the participating parties, shall determine the inquest scope. Consistent with the purpose as set forth in the amended Charter, Executive Order, and Appendix 1 and 2, the inquest scope shall include an inquiry into and the panel shall make findings regarding the cause, manner, and circumstances of the death, including applicable law enforcement agency policy. The panel shall make findings regarding whether the law enforcement officer complied with applicable law enforcement agency training and policy as they relate to the death.

3.3. The Rules of Evidence shall generally apply, but may be supplemented and/or modified by additional rules governing administrative proceedings, at the discretion of the administrator. The administrator shall construe the Rules of Evidence in a manner consistent with the goal of administrative fact-finding proceedings and to promote fairness and to minimize the delays, costs, and burdens that can be associated with judicial proceedings.

### **4.0. DISCOVERY AND ADMISSIBILITY OF EVIDENCE**

4.1. Discoverable material shall be exchanged among: the administrator and any pro tem attorney; the attorney representing the family of the deceased; the attorney representing the jurisdiction employing the involved law enforcement member(s); and the attorney representing the involved law enforcement member(s).

4.2. Discovery materials are to be used by the attorneys solely for the inquest proceeding. Such materials include the police and/or agency investigative file of the incident that resulted in the death. They also include the report of the medical examiner, crime laboratory reports, and the names, addresses, and summaries and/or copies of statements of any witnesses obtained by any party.

4.3. In the event that confidential materials in the possession of any person or agency are sought for use in the inquest, the administrator, upon a prima facie showing of necessity, relevancy, and lack of an alternative source for the materials, shall examine the materials in camera. These materials may include, and the administrator shall have the discretion to consider the admissibility and use of, information that may be relevant to the incident. The legal representative of the person or agency in possession of the materials shall have the right to participate in the review of these materials.

4.4. The decedent's criminal history may not be introduced into evidence unless the administrator first determines that: it is directly related to the reason for an arrest, detention, or use of force (e.g. officers were arresting an individual convicted of a felony who they believed was carrying a firearm); it served as the basis for an officer safety caution (or equivalent warning) that the member(s) of the law enforcement agency was aware of prior to any use of force; or other, contemporaneous knowledge of the individual's criminal history was relevant to the actions the officer(s) took or how the officer(s) assessed whether the person posed a threat.

4.5. If decedent's criminal history is admitted, it must be limited to the greatest extent possible. It may only include information both actually known to officer(s) at the time, and actually forming a basis for the decision to use deadly force or the tactics in approaching the individual. It may not include the specific crime of conviction, the nature of the crime (e.g. violent or nonviolent), the deceased's incarceration history, or any other criminal charge, unless the administrator makes a specific finding of relevance to a contested issue in the inquest.

4.6. The disciplinary history of the law enforcement member(s) involved may not be introduced into evidence unless the administrator first determines that it is directly related to the use of force. If such information is admitted, it must be limited to the greatest extent possible.

4.7. Protective orders may be used to limit discovery, and the administrator may order the return of all discretionarily-ordered discovery.

## **5.0. SCHEDULE AND PRE-INQUEST CONFERENCE**

5.1. It is in the best interests of affected parties and the community to hold the inquest in a timely manner. The manager and administrator will strive for timeliness and to limit

unnecessary delays; extensions shall be limited and granted only upon a showing of good cause.

5.2. The manager and administrator shall schedule a pre-inquest conference with the participating parties and may hold additional conferences if necessary. The administrator will obtain proposed witness and exhibit lists, proposed panel instructions, and inquest time estimates, and will inquire whether any special needs such as interpreters are required. The conference shall be public unless compelling circumstances require an in camera hearing, in which case the administrator must make findings of fact and conclusions of law justifying such measures under Washington law.

5.3. The administrator shall solicit proposed stipulations of fact from the participating parties and work diligently to narrow the scope of inquiry at the inquest. The administrator shall share the stipulated facts with the panel at the start of the inquest.

5.4. The administrator shall instruct the panel at the start of the inquest.

5.5. The manager shall maintain a website publishing the schedule for the inquest, stipulated facts, inquest file and, where possible, inquest recordings.

#### **6.0. PANEL POOL**

The administrator shall select the panel from the regular Superior Court juror pool pursuant to RCW 36.24.020.

#### **7.0. PANEL QUESTIONING (VOIR DIRE)**

7.1. The administrator shall conduct voir dire, after consultation with the participating parties.

7.2. There is no set limit to the number of panelists the administrator may excuse. Panelists may be excused for cause and/or because serving on the inquest panel will present a hardship.

#### **8.0. PANEL QUESTIONS FOR PARTICIPANTS**

After all parties have had an opportunity to examine a witness, panelists are allowed to submit questions to the administrator that the panel wishes to pose to the witness. After consultation with the parties, the administrator shall determine whether to submit a question to the witness and the manner of the submission.

## **9.0. RECORDING**

The manager shall ensure that the inquest proceedings are audio recorded and that the audio recordings are made accessible to the public to the greatest extent consistent with GR 16.

## **10.0. MEDIA GUIDELINES**

Consistent with Section 9, above, the administrator shall make the proceedings available to the public and to the media, this includes video and audio recording and still photography.

## **11.0. ORDER OF PRESENTATION OF EVIDENCE**

11.1. There shall be no opening statements by the parties. The judge's introduction will include an instruction in substantially the following form: "You have been empaneled as members of a coroner's panel in the inquest. This is not a trial. The purpose of the inquest is to provide public inquiry into the causes and circumstances surrounding the death of [decedent]. It is not the purpose of this inquest to determine the criminal or civil liability of any person or agency. Your role will be to hear the evidence and answer questions according to instructions given to you at the close of the proceedings. The pro tem staff attorney's role is solely to assist the administrator in presenting the evidence. As administrator I have determined who will be called as witnesses and the issues which you will be asked to consider."

11.2. The administrator through the pro tem attorney has the first opportunity to introduce witnesses and evidence. The parties may then each introduce their own witnesses and evidence.

11.3. The administrator, after consultation with the parties, decides the order of presentation of evidence and witnesses. The administrator may direct that the pro tem attorney conduct the initial examination of each witness.

11.4. The administrator shall make rulings on the admissibility of evidence and testimony based on the Rules of Evidence and these procedures.

## **12.0. WITNESSES AND TESTIMONY**

12.1. Each party, including the administrator, through the pro tem staff attorney, may proffer its own witnesses to provide testimony that aids the panel in the understanding of the facts, including factual areas of experts (e.g. ballistics and forensic medical examination).

12.2. The administrator shall base rulings on the admissibility of such testimony on the proposed witness's qualifications, the Rules of Evidence, and these procedures. Testimony

regarding changes that should be made to existing policy, procedure, and training is not permitted.

12.3. The employing government department shall designate an official(s) to provide a comprehensive overview of the forensic investigation into the incident (e.g., statements collected by investigators, investigators' review of forensic evidence, physical evidence collected by investigators, etc.). Additionally, the chief law enforcement officer of the involved agency or director of the employing government department shall provide testimony concerning applicable law enforcement agency training and policy as they relate to the death but may not comment on whether employees' actions related to the death were pursuant to training and policy; or any conclusions about whether the employee's actions were within policy and training.

12.4. The inquest is intended to be a transparent process to inform the public of the circumstances of the death of a person that involved a representative of government. As such, there is a strong presumption against the exclusion of witnesses until after their testimony, and relevant, non-cumulative witnesses should only be excluded by the administrator in exceptional circumstances.

12.5. At the conclusion of the testimony, the administrator will solicit from the pro tem attorney and/or from the participating parties additional submissions of proposed stipulated facts. The administrator will determine which, if any, proposed stipulated facts should be submitted to the panel.

### **13.0. STATEMENTS OF SUMMATION**

The pro tem attorney and the participating parties may offer statements of summation only if preapproved by the administrator in consultation with the parties. Statements must be consistent with the fact-finding purpose of the inquest and must not suggest conclusions of law or bear on fault.

### **14.0. PANEL QUESTIONS**

14.1. After the conclusion of testimony, each party shall submit to the administrator proposed questions for the panel. After consultation with the parties, the administrator shall determine which questions are within the scope of the inquest and should be submitted to the panel. Prior to the statements of summation, the administrator shall provide the panel with the list of questions.

14.2. The inquest administrator shall give written instructions to the panel and shall submit questions to be answered, subject to the limitations of Section 3 (above) and keeping in mind the purpose of an inquest. The administrator shall instruct the panel that it may not comment on fault, or on justification—including the mental state of the involved officer(s), such as

whether the officer thought the decedent posed a threat of death or serious bodily injury to the officer(s)—or on the criminal or civil liability of a person or agency.

14.3. Beyond these limitations, the panel shall not be confined to the stipulated facts, but may consider any testimony or evidence presented during the inquest proceeding. In answering any question, the panel may not consider any information learned outside of the inquest.

14.4. Questions submitted to the panel must provide three response options: “yes,” “no,” and “unknown.” A panelist shall respond “yes” when the panelist believes a preponderance of the evidence supports responding to the question in the affirmative. A panelist shall respond “no” when the panelist believes a preponderance of the evidence supports responding to the question in the negative. A panelist shall respond “unknown” if either (1) the weight of the evidence equally supports responding to the question in the affirmative and the negative or (2) not enough evidence was presented to allow the panelist to answer the question in the affirmative or the negative.

14.5. The panel shall deliberate and panelists shall exchange their interpretations of the evidence. However, the panel need not reach unanimity and each panelist shall be instructed to answer the questions individually.

14.6. After every question, each panelist shall have the opportunity to provide a written explanation of the panelist’s answer. The administrator shall direct each panelist that the panelist need only provide a written explanation when the panelist believes that a written explanation would provide information helpful in explaining or interpreting the panelist’s answer.

## **15.0. FINDINGS**

15.1. The manager shall transmit the panel’s findings to the County Executive.

15.2. The manager shall ensure the findings and recommendations are published on its website along with the inquest recording.

## **16.0. ANNUAL REVIEW**

16.1. The manager shall submit a report to the County Executive at the end of each year on the operations of inquests.

16.2. The County Executive will call for a periodic review of the inquest process by an independent review committee to determine if the inquest process is conforming to updated laws and adequately meeting the principles of transparency, community engagement, and respect for all those involved in the inquest process.

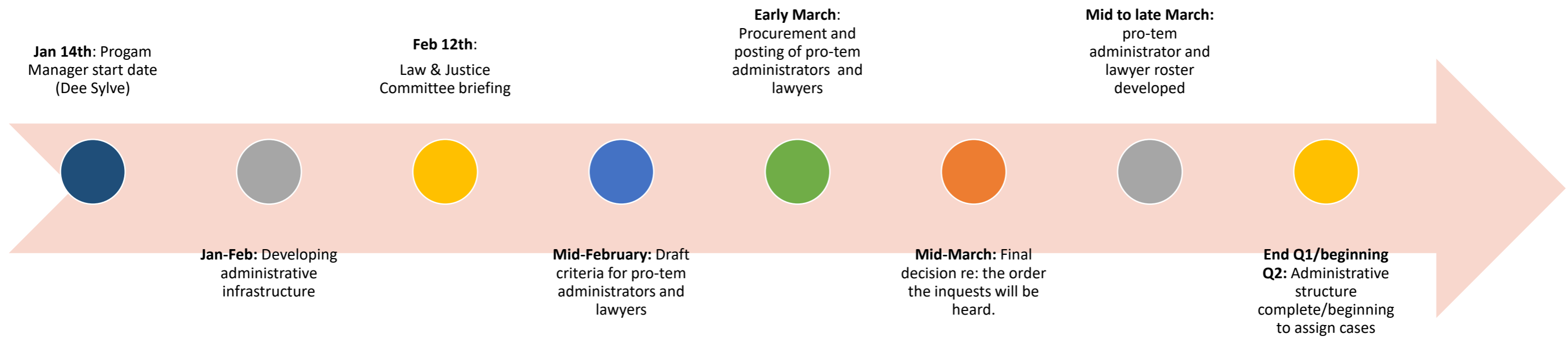
## Revised Executive Order on Conducting Inquests in King County, October 3, 2018

Issue	Current Process	Executive Order
<b>Access to Hearings</b>	<ul style="list-style-type: none"> <li>No recording, livestreaming, or info database is required or in existence at this time.</li> <li>Interrogatories and jury responses are available upon request after the hearing concludes.</li> </ul>	<ul style="list-style-type: none"> <li>Staff in DES will keep an up-to-date webpage listing dates, times, and locations of upcoming inquests. Audio recordings of each inquest will be uploaded to the webpage when available. The proceedings shall also be made available to the public and the media, consistent with GR 16.</li> </ul>
<b>District Court</b>	<ul style="list-style-type: none"> <li>District Court judge presides over inquest hearing.</li> </ul>	<ul style="list-style-type: none"> <li>District Court judges will no longer preside over inquest hearings in King County. Instead, a pool of pro tem judges will act as presiders.</li> </ul>
<b>Superior Court</b>	<ul style="list-style-type: none"> <li>Jurors called from joining KCDC/KCSC jury pool. District Court provides facility space bailiffs, and court reporters. Superior Court provides security as mandated by RCW.</li> </ul>	<ul style="list-style-type: none"> <li>King County Superior Court will administer the jury process and maintain facilities appropriate to comfortably support jurors. Therefore, where requested by the County Executive, the Superior Court will coordinate with the Inquest Administrator to secure appropriate facilities, e.g., the presiding courtroom.</li> </ul>
<b>Department of Public Defense</b>	<ul style="list-style-type: none"> <li>Families of the deceased are not provided legal representation for the inquest hearing at county expense. However, the County Council passed an ordinance to allow families representation through DPD.</li> </ul>	<ul style="list-style-type: none"> <li>Once the Executive determines that an inquest is to be held, the Manager assigns DPD to represent the family of the decedent unless the family indicates they have retained other counsel or do not wish to be represented by the King County Department of Public Defense. The Department of Public Defense will not be assigned in cases, where family is represented by private counsel.</li> </ul>
<b>PAO Involvement</b>	<ul style="list-style-type: none"> <li>PAO acts as a neutral facilitator, presents evidence, makes recommendation to hold an inquest, assembles and transmits investigative file.</li> </ul>	<ul style="list-style-type: none"> <li>The Prosecuting Attorney will no longer participate in the hearing itself as a neutral facilitator. The PAO will continue to participate at an administrative/ministerial level, e.g. assembly and transmittal of the investigative file and issuing subpoenas. The PAO will also continue to make the recommendation to hold an inquest to the County Executive.</li> </ul>
<b>Scope of Inquest</b>	<ul style="list-style-type: none"> <li>Scope is limited to facts and circumstances surrounding the death. No questions of policy and training are allowed. Statements about department policy and training are only allowed through the involved officer's testimony.</li> </ul>	<ul style="list-style-type: none"> <li>In addition to the facts and circumstances surrounding the death, the scope of the inquest will be narrowly expanded to include questions about current department policy and training in a given jurisdiction. No speculative or prospective questions regarding a law enforcement entity's policy and training are allowed under this expansion of the scope. In addition, the jury panel may answer an interrogatory on whether or not the involved officer's actions we consistent with the given jurisdiction's department policy and training.</li> </ul>
<b>Jury/Panel</b>	<ul style="list-style-type: none"> <li>Superior Court supplies no more than 6, and no less than 4 jurors (mandated through RCW).</li> </ul>	<ul style="list-style-type: none"> <li>The jury remains an involved party in the inquest hearing, consistent with RCW.</li> </ul>
<b>Officer Testimony</b>	<ul style="list-style-type: none"> <li>Historically, the involved officer voluntarily testifies at the inquest hearing.</li> </ul>	<ul style="list-style-type: none"> <li>In lieu of the involved officer testifying, the lead investigator will offer testimony to the facts and circumstances of the event. The chief law enforcement officer of a given jurisdiction (or their designee) will address questions of current department policy and training. Subpoena power to compel involved officer testimony will be eliminated.</li> </ul>
<b>Opening/Closing Statements</b>	<ul style="list-style-type: none"> <li>No opening and closing statements allowed.</li> </ul>	<ul style="list-style-type: none"> <li>Each represented party will have the opportunity to make a statement of summation. Statements will be pre-written and screened by the administrator to ensure they are within the scope of the inquiry.</li> </ul>
<b>Expert Testimony</b>	<ul style="list-style-type: none"> <li>Medical Examiner (ME) testifies re: cause and manner of death. CSI detectives testify re: physical evidence at scene and what it shows, e.g., ballistics, trajectories, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Involved parties may call expert witnessed to speak to issues within the scope of the inquest, e.g. medical examiner, ballistics experts, experts in law enforcement policy and training.</li> </ul>

## Revised Executive Order on Conducting Inquests in King County, October 3, 2018

<b>Public Education and Internal Review</b>	<ul style="list-style-type: none"> <li>No formal public information materials about inquest process.</li> <li>No annual (or regular) review of process.</li> </ul>	<ul style="list-style-type: none"> <li>The manager within the Department of Executive Services will create and maintain a webpage with an up-to-date schedule of all inquests, any relevant findings, audio recordings of past inquests when possible, and an informational guide that outlines the inquest process. The manager will also submit a report to the County Executive at the end of each year on the operations of the inquests. The County Executive will call for a periodic review of the inquest process by an independent review committee to determine if the inquest process conforms with updated laws and is adequately meeting the principles of transparency, community engagement, and respect for all those involved in the inquest process.</li> </ul>
<b>Restorative Justice</b>	<ul style="list-style-type: none"> <li>County does not currently promote or provide restorative justice options/services as a parallel process to the inquest hearing.</li> </ul>	<ul style="list-style-type: none"> <li>The Executive will ensure that the involved parties are directed to resources and processes within the County that are designed to facilitate peace and promote healing, such as, Restorative Justice circles. Where the affected parties agree to participate, these offer the potential for meaningful connection and resolution.</li> </ul>
<b>Timeline</b>	<ul style="list-style-type: none"> <li>EO requires inquest commence within 90 days of Executive's request to the District Court. KCDC may extend the 90 days for good cause.</li> </ul>	<ul style="list-style-type: none"> <li>The 90 day timeline has been removed and replaced with Appendix 2, 5.1, page 8, which provides it in the best interest of affected parties and community to hold an inquest in a timely manner and obligates the manager and administrator to limit delays and grant extensions only upon a showing of good cause.</li> </ul>
<b>Discovery and Evidence</b>	<ul style="list-style-type: none"> <li>Introduction of the decedent's criminal history into evidence is not within the current scope of the inquest.</li> </ul>	<ul style="list-style-type: none"> <li>The decedent's criminal history may not be introduced into evidence unless the administrator first determines that it is directly related to the reason for an arrest, detention, or use of force (e.g. officers are arresting an individual convicted of a felony who they believe is carrying a firearm). If such information is admitted, it must be limited to the greatest extent possible and may not include the specific crime of conviction, the nature of the crime (e.g. violent or nonviolent), the deceased's incarceration history, or any other criminal charge, unless the administrator makes a specific finding of relevance to a contested issue in the inquest; that the evidence of criminal history serves as the basis for an officer safety caution (or equivalent warning); and that the member of the law enforcement agency was aware of the officer safety caution prior to any use of force; or if otherwise, contemporaneous knowledge of the individual's criminal history was relevant to the actions the officer(s) took or how the officer(s) assessed whether the person posed a threat. If such information is admitted, it must be limited to the greatest extent possible, and may only include information both actually known to officer(s) at the time, and actually forming a basis for their decision to use deadly force or their tactics in approaching the individual.</li> </ul>
<b>Inquest Findings</b>	<ul style="list-style-type: none"> <li>PAO transmits jury's answered interrogatories to the Executive.</li> </ul>	<ul style="list-style-type: none"> <li>The administrator will transmit an inquest panel's findings to the County Executive. The administrator will ensure that the findings and recommendations are published on its website in a timely manner.</li> </ul>
<b>Interrogatories/Panel Questions</b>	<ul style="list-style-type: none"> <li>No written explanations currently allowed from jurors.</li> <li>Interrogatory asking whether or not the officer feared for his or her life at the time of the incident often asked.</li> </ul>	<ul style="list-style-type: none"> <li>After every question, each panelist shall have the opportunity to provide a written explanation of the panelist's answer. The administrator shall direct each panelist that the panelist need only provide a written explanation when the panelist believes that a written explanation would provide information helpful in explaining or interpreting the panelist's answer. In addition, the jury panel may answer an interrogatory on whether or not the involved officer's actions were consistent with the given jurisdiction's department policy and training. The interrogatory asking whether or not the officer feared for his or her life at the time of the incident will no longer be asked.</li> </ul>

## Inquest Administrative Process: Working Timeline/Milestones





## King County

### Metropolitan King County Council Charter Review Commission

#### REQUEST FOR CONSIDERATION OF CHARTER AMENDMENT

<b>Agenda Item:</b>		<b>Name:</b>	
<b>Proposed No.:</b>		<b>Date:</b>	April 16, 2019

#### PROPOSED CHARTER AMENDMENT

The Regional Coordination Sub-Committee proposes a Charter Amendment to remove the limitation on the sale of surplus land for affordable housing at less than fair market value. This amendment would make the Charter consistent with state law.

#### BACKGROUND

The County provides many different services, and one of these service categories includes “Metropolitan Functions” (Metro), defined by state law to include matters such as water pollution abatement, public transportation and parks. There are constitutional, statutory and contractual restrictions on the disposal of properties acquired for these Metro uses. Transfer must either be for its Metro use or at fair market value. In addition to the restrictions from these sources, Charter section 230.10.10 likewise effectively prohibits the County from disposing of Metro property for any purpose other than what was originally intended at less than fair market value.

In 2018, the State Legislature passed 3SHB 2382 that authorized the disposition of governmental assets for less than fair market value in certain circumstances like affordable housing. While this enactment would remove one of the statutory impediments to selling county property at less than fair market value, other significant statutory and constitutional and contractual restrictions still exist for a sale of Metro property.

#### SUMMARY

Currently, Section 230.10.10 of the Charter reads as follows:

**230.10.10 Metropolitan Municipal Functions.** Each metropolitan municipal function authorized to be performed by the county pursuant to RCW ch. 35.58 shall be operated as a distinct functional unit. Revenues or property received for such functions shall never be used for any purposes other than the operating expenses thereof, interest on and redemption of the outstanding debt thereof, capital improvements, and the reduction of rates and charges for such functions.

This language effectively prohibits property owned by one of the Metro funds from being used or disposed of for any other purpose than originally intended unless fair market value is received. To address this prohibition the Regional Coordination Sub-Committee requests the full Commission support a Charter Amendment adding the following language to Section 230.10.10 of the County Charter:

To the extent not otherwise prohibited by law, this section shall not preclude the county from leasing, selling or conveying such properties at less than fair market value for affordable housing purposes.

This language would remove the County Charter limitation on the disposal of Metro property at less than fair market value for affordable housing.

## **ANALYSIS**

King County is a major holder of real estate throughout the County. Much of that land is in obvious current use for government functions, parks, open space or one of the other various county uses. The continued use of these properties would not be affected by the potential charter amendment or the previous change in state law.

There is a process in King County Code 4.56 whereby agencies can identify property as surplus to the current or planned needs of an agency. These surplus properties sometimes end up being sold on the open market and might be usable for affordable housing. However, a sale of Metro properties has historically required payment of its fair value, and that often makes use of such parcels for affordable housing difficult to accomplish.

The proposed language would eliminate only the County Charter limitation on disposing of Metro parcels for less than fair value when the parcels are used for affordable housing rather than their original Metro function. Other constitutional, statutory and contractual impediments to such sales would remain. For example, even with the proposed Charter revision, properties acquired with designated federal funds, ratepayer proceeds or sales tax measures would likely still need to be sold for fair value if a non-Metro use is contemplated, even with passage of the potential amendment. Restrictions on how those parcels may be used are not altered by the proposed Charter amendment.

If the CRC ultimately recommends an amendment on this topic, the revised section of the Charter would look as follows:

**230.10.10 Metropolitan Municipal Functions.** Each metropolitan municipal function authorized to be performed by the county pursuant to RCW ch. 35.58 shall be operated as a distinct functional unit. Revenues or property received for such functions shall never be used for any purposes other than the operating expenses thereof, interest on and redemption of the outstanding debt thereof, capital improvements, and the reduction of rates and charges for such functions. To the extent not otherwise prohibited by law, this section shall not preclude the county from leasing, selling or conveying such properties at less than fair market value for affordable housing purposes.

## **ADDITIONAL CONSIDERATIONS**

Although the Regional Coordination Sub-Committee urges the full Commission to support this proposed amendment to allow for flexibility in the surplus of land consistent with state law, we remain mindful of the old adage – “just because you can, doesn’t mean you should.”

While removing this limitation and bringing the charter in line with State law, we nevertheless believe it is important for the County Council to address a number of important policy issues prior to disposing of any surplus land if the proposed Amendment is adopted.

Prior to disposing of any surplus land, we believe a number of issues need to be considered which should be addressed in County Code or through adopted policies or procedures. Without being fully aware of all current County policies relative to the surplus of property, the following is offered for consideration by the County Council:

1. Capital Projects. Many of these parcels are held by different divisions within the County which have budgeted for the eventual sale of the property estimating fair market value in their balance sheets for capital needs. The sale of property with restrictions that drive down the price will reduce each division’s revenue. Ultimately this loss of revenue will have to be paid for from other sources, potentially impacting other programs or projects. In these instances, the County would be making a trade of affordable housing in exchange for less resources for roads, transit and wastewater treatment.
2. Intergovernmental Accounting. Each government division is to account for the cost associated for providing good and services to other divisions of government. A question arises as to how if at all each entity should account for the cost of a program that shifts financial burdens from one sector of the county to another, although no goods or services are exchanged?
3. Best Use of Funds. If market prices for parcels are high, would it be better to simply sell the property for market value and use the funds to develop low income housing elsewhere in coordination with other agencies which already provide housing such as the King County Housing Authority?<sup>1</sup> It is recommended that a fiscal note be developed for each proposed sale.
4. Restrictions on use and Re-sale. In any program there would need to be restrictions on the re-sale and rental of any units to maintain the affordability of the units and prevent them from becoming investment properties. It is suggested that how these restrictions are developed be based on previously adopted successful programs such as Habitat for Humanity.
5. A Temporary Problem. In many parts of the country housing prices and affordability are cyclical in nature, for example Phoenix and Miami. While our region has been on an ever increasing glide path to the top of the market, the downturn in the market from 2007-2010 demonstrated that our region is not immune to market fluctuations. The

question then becomes should King County invest in what has traditionally been handled through regulation and market forces?

6. Other Options to Address Housing. Is expanding its role in the housing market the most effective way in which the County can address affordability issues or are more traditional means such as zoning, developer incentives, and expediting permitting in exchange for restricted uses more effective in addressing the affordable housing issues?

7. Limitation on Surplus Power. Although there a current constitutional and statutory limitations on the acquisition of property for governmental purposes those may not be sufficient safeguards to preventing the acquisition of property through voluntary sale, only to be later disposed of for affordable housing at reduced price. The Sub-Committee does not believe that this was what was intended by the amendment in the State Law and would request the County Council further affirm the commitment to not simply buy and resell property to provide additional affordable housing. Such actions could place the County in the role of developer or market speculator with potentially adverse consequences.

## **REQUEST**

Motion and vote approving a proposed Charter Amendment to remove the limitation on the sale of surplus land for affordable housing at less than fair market value consistent with state law.

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<sup>i</sup> There are a number of housing authorities in King County, including King County Housing Authority, Seattle Housing Authority, and Renton Housing Authority. Additionally, numerous non-profit agencies assist in providing housing such as Habitat for Humanity.



## King County

### Metropolitan King County Council Charter Review Commission

#### Recommendation for Further Council Study – Ranked Choice Voting

#### **SUBJECT**

The Charter Review Commission invested significant time during its deliberations about a proposal to move the County to ranked choice voting for county elected offices. However, the Commission could not reach a consensus on whether the move should be pursued or what model should be implemented. The CRC recommends that the Council study this issue by forming a task force to determine if it is in the best interest of the public.

#### **SUMMARY**

A ranked-choice voting system (RCV) is an electoral system in which voters rank candidates by preference on their ballots.<sup>1</sup> The Charter Review Commission members did not reach a decision on whether to recommend that King County adopt ranked-choice voting. Some members supported it, some opposed it, and some were undecided. But a consensus did develop among Commissioners that RCV was a sufficiently complex issue that it might best be considered by its own dedicated Commission, Committee, or Task Force. The Charter Review Commission therefore decided to report to the Executive and the County Council on what it considered and learned regarding RCV, so that future consideration would be informed by the Commission's work on this subject, and would not need to be repeated.

The Commission did not specifically study the cost of its various recommended Charter amendments, believing that weighing budgeting issues is part of the Executive and the County Council's role. This reasoning applied to RCV as well. As described below in our discussion of potential positives and negatives, implementing RCV will require some additional spending, at least in the beginning. It also could save some money by reducing or eliminating some primary/runoff elections. Because we do not know the amounts of these relative costs and savings, we do not know whether RCV would result in a long-term net reduction or a long-term net increase in election-related expenses.

#### **BACKGROUND**

Politically astute people will remember the unusual 2000 U.S. Presidential Election. The candidate who won the popular vote, Al Gore, lost the Electoral College vote to George W. Bush. This outcome was notable at that time because it hadn't happened since 1888, when Benjamin Harrison lost the popular vote but won the

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<sup>1</sup> [www.ballotopedia.com](http://www.ballotopedia.com)

Electoral College vote over Grover Cleveland. The outcome also was notable because, in a 5-4 decision, the U.S. Supreme Court awarded Florida's Electoral College votes, and thus the Presidency, to George W. Bush.

Perhaps less well remembered from the contentious 2000 election year is that the most popular person running for President in 2000 was neither Al Gore nor George W. Bush. It was John McCain. According to the consensus of public opinion polls, McCain would have defeated either Gore or Bush had either one of them faced him in a heads-up election. But under the binary or "either or" primary election system used in most of the United States, McCain could not win either major party's nomination. He was too moderate to win the Republican nomination and he was so strongly identified as a Republican that he could not even enter the Democratic primaries.

Something analogous occurred in the French Presidential election in 2002. In the first round or primary election, there were 16 candidates on the ballot, with the top 2 plurality vote-getters going on to the general election. The 2<sup>nd</sup> place finisher, Jean-Marie Le Pen, reached his position because of "vote splitting" effects among supporters for the 3<sup>rd</sup> place finisher, Lionel Jospin, and some of the other candidates. Le Pen then lost resoundingly to Jacques Chirac, who became President of France. Jospin might be called the John McCain of France – had he run directly against Le Pen he would have won easily, and had Jospin run directly against Chirac, the election would at least have been close.<sup>2</sup>

Regardless of party affiliation or candidate preference, objective observers might agree that an election process which results in the voters' 3<sup>rd</sup> favorite choice winning the office is flawed. One result of these and similar outcomes has been an increased interest in what is commonly called ranked-choice voting or "RCV". Although it certainly does not constitute a valid public opinion poll, it is worth noting that at several different Charter Review Commission Town Halls, held both in the spring and in the fall of 2019, members of the public came to speak in favor of RCV.<sup>3</sup> RCV has the potential to address some of the electoral issues faced by our region, including potentially enfranchising a diverse range of voters who currently have little effective voice.

The exact mechanics of the ranked choice election process can vary. The phrase "RCV" is used to describe several different ballot formats and several different methods of counting or "scoring" an election outcome. On an RCV ballot, voters are not limited to making a single choice among candidates for a particular office. They need not award 100% of their vote to a single candidate. Rather, voters have the option of specifying a range of preferences if they wish to do so.

RCV is not a new idea. The city of Cambridge, Massachusetts has been using RCV since 1941 to choose its City Council and School Board members. For decades, Major League Baseball has used a type of RCV to select the season's Most Valuable Player. The Academy Award ("Oscar") for Best Picture is chosen by a similar method.

As of 2019, there are cities or counties in California, Colorado, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, and Oregon which use RCV. The State of Maine used RCV for the 2018 Congressional elections and will use it again for

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<sup>2</sup>Of course we realize that the King County Charter cannot affect voting for non-King County offices. We have intentionally used distant examples to avoid clouding our points with partisan outcomes. A change in voting systems would sometimes benefit Democrats and sometimes benefit Republicans. The important issue is whether it ultimately would benefit the voters and the political system.

<sup>3</sup>The organization Fair Vote Washington was represented at several of the town halls. <http://fairvotewa.org>.

the 2020 election. New York City's Charter Review Commission placed a proposal on to adopt RCV on the ballot. On November 5, 2019, it passed by a margin of approximately 72-28. There are pending initiatives in Alaska, Massachusetts, and Nevada that may place proposals to adopt RCV in those states on their November 2020 ballots.

Several other countries, primarily those in the former British Commonwealth, also use RCV, including Australia, Fiji, Ireland, Malta, Northern Ireland, New Zealand, Scotland, the United Kingdom, and Papua New Guinea.

### **How Does RCV Work?**

There are several different types of ballots and even for the same type of ballot, there can be more than one way to count or "score" the ballots. The most common type of RCV is called "instant runoff". This is the method which will be discussed in this report.<sup>4</sup>

Instant runoff might best be explained by an example. Imagine that there are 4 candidates for a position and that the ballots will be counted by hand.<sup>5</sup> Voters can rank as many or as few of the 4 candidates as they wish, from 1<sup>st</sup> choice to 4<sup>th</sup> choice. The ballots are sorted by 1<sup>st</sup> place votes into 4 piles, one pile for each candidate. The candidate with the shortest pile, that is, the candidate who received the fewest 1<sup>st</sup> place votes, is eliminated. The eliminated candidate's 1<sup>st</sup>-place ballots are then picked up and re-distributed among the remaining 3 piles, according to who on each of the eliminated candidate's ballot got the 2<sup>nd</sup> place vote. Again the shortest pile is eliminated, and now there are just two candidates left. The ballots from the just-eliminated candidate are re-distributed between the 2 remaining piles, this time according to those ballots' 3<sup>rd</sup> place votes. The candidate with the larger pile now has a majority of the votes and is the winner.

Another instant runoff mechanism, which usually produces the same winner as the ballot-sorting method, is to award points to each candidate. In the example above, each 1<sup>st</sup> place vote would be worth 4 points, each 2<sup>nd</sup> place vote 3 points, 3<sup>rd</sup> place votes 2 points, and 4<sup>th</sup> place votes would be worth 1 point. The mechanical "pile sorting" is eliminated and the candidate with the highest number of points wins. (Major League Baseball uses an instant run-off point system to choose its Most Valuable Player, with a 1<sup>st</sup> place vote receiving some extra weight in their methodology).

### **ANALYSIS**

The analysis section of this report includes the potential positive and negative outcomes of RCV.

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<sup>4</sup>Other election methods which are in some ways analogous to ranked choice voting include: approval voting, range voting, Condorcet voting, and Borda counting. Each method has its strengths and weaknesses. The web site <http://electionscience.org> is one resource for information on alternative election methods. A task force or commission studying this subject might wish to consider and weigh the various methods, and recommend which type would be best for King County.

<sup>5</sup>Of course in the modern world, the sorting and counting are done by computer. But the visual image of sorting paper ballots into piles sometimes helps people unfamiliar with the process understand what is happening.

## What are some potential positives of RCV?

### 1. *Reducing political polarization.*

In its March 4, 2019 issue, *Atlantic Monthly* Magazine published a county-by-county study of political polarization versus political tolerance in America<sup>6</sup>. The study and resulting map ranked counties on a scale of 1 to 100, where 1 is the most politically tolerant and 100 is the most politically polarized. On this scale, some counties in northern New York State scored 3 or 4. King County, Washington scored 97, indicating extreme political polarization here.

RCV is not a cure-all for the political polarization that has engulfed America in general, and King County in particular, in the past 20 years. But it does tend to encourage more moderate candidates and more moderate positions by candidates, because it is difficult to win by just appealing to one's "base": in RCV, second-place votes do matter.

### 2. *Encouraging voter engagement and participation.*

Although voter turnout in King County has risen in the past few years, it remains far too low. One reason for low voter turnout is the perception by many voters that their votes don't actually matter. Under the current system, in a strongly leftwing or a strongly rightwing district, votes cast by those who support the minority side of the aisle are virtually meaningless because that candidate will never win. In fact, even many of the votes cast by the majority side are meaningless, because once a candidate has one vote over 50%, the election is over, and additional votes cast in favor of the winner are "wasted".

With RCV, a far higher percentage of the votes cast have a real impact on the outcome. And, as described above, ranked choice elections tend to attract more moderate candidates, which reduces "safe seats" and encourages responsive candidates and closer elections where "every vote counts." Some studies have shown that, when an area switches to RCV, the percentage of registered voters who vote increases.

### 3. *Empowering minority voters and simplifying redistricting.*

Early on in its work, the Charter Review Commission studied extensive demographic data which confirmed that King County's population has become increasingly diverse since the last Charter Review was conducted. The diversity of our population has increased not just in numbers but in locations – diverse populations have moved to multiple areas throughout the County. This means that, even with the best of intentions, it already is difficult, and it will become increasingly more difficult, to draw boundary lines in ways that are fair to everyone. Standard elections tend to aggravate this problem because minority voters are, by definition, not in the majority. But RCV gives voice to and effect to minority voters' choices in each district because, once again, 2<sup>nd</sup> place votes do matter.

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<sup>6</sup> <https://www.theatlantic.com/politics/archive/2019/03/us-counties-vary-their-degree-partisan-prejudice/583072/>

*4. Eliminating some runoff elections, potentially saving money and empowering voters to express their true preferences.*

In the current system, King County first holds primaries from which the “top two” plurality candidates emerge. These two then run “heads up” in the general election in November. If RCV were implemented, King County could hold a single ranked choice instant runoff election in November. This may result in cost savings by holding one election instead of two.

In addition to the potential cost savings, a single ranked choice election would eliminate or at least reduce certain potential issues. For example, under the current system, when a primary has a large number of entrants, the plurality winners often will have received only a small percentage of the total votes. This situation can provide a substantial advantage to “fringe” candidates who have a very small but ardent following.

That is what occurred in the 2002 French Presidential election mentioned above. Jean-Marie Le Pen, a right-wing “ultranationalist”, received only about 17% of the primary vote, but in a field of 16 candidates this was enough for 2<sup>nd</sup> place in the primary. Le Pen thereby reached the general election. In the general election, Le Pen lost in a landslide, again receiving about 17% of the vote, indicating that his appeal to French voters did not extend much beyond his “base”. Had France held a ranked choice instant runoff election, other more moderate candidates would have placed far ahead of Le Pen. An instant runoff would have shown Le Pen’s true level of support among the electorate, because the voters’ second and subsequent choices would have shown which candidate had the broadest support from a majority of voters.

Another issue highlighted by the current system is the “spoiler effect”. In the 2000 U.S. Presidential election, in addition to the Republican Bush and the Democrat Gore, Patrick Buchanan and Ralph Nader appeared on the ballot, representing the right wing Reform Party and the left wing Green Party respectively. There are credible reports that Gore supporters were encouraging Buchanan’s candidacy and that Bush supporters were encouraging Nader’s, not because they agreed with these candidates’ positions but in the hope of “drawing away” votes from the other major party’s candidate. Indeed, the presence of Buchanan surely cost Bush votes and the presence of Nader surely cost Gore votes, because voters had to choose only one candidate. One or the other of these “minor party” candidates might thereby have changed the election’s ultimate outcome, even though neither had any realistic chance of winning.

Additionally, those who truly preferred Buchanan might nevertheless have felt compelled to vote for Bush, and those who truly preferred Nader might nevertheless have felt compelled to vote for Gore, because of fear of “wasting their vote” on a candidate who had no realistic chance of winning, and of thereby helping to elect a candidate these voters truly abhorred.

With a ranked choice election, these maneuvers and Hobson’s choices cease to be an issue. With a single-cycle ranked-choice election, every candidate who wants to run may do so, and voters will not have to worry about extreme candidates winning with small levels of support. When voters can rank all the candidates, all voters are enfranchised to express their true preferences while still having a voice in selecting the winner.

## What are some of the potential negatives of RCV?

1. *Voter education will be needed, especially at first.*

We are confident that the voters of King County are at least as literate on average as those of Maine or Cambridge, Massachusetts, and more so than the voters of Papua New Guinea (adult literacy rate ~50%). Voters in jurisdictions with RCV are able to understand it, and surely if provided with clear explanations, King County voters can understand it as well. Consumers rank choices all the time, both in a variety of polls and in real life situations such as ordering in a restaurant. This understanding easily transfers to election ballots. Furthermore, it is perfectly acceptable on a ranked-choice ballot for a voter to specify only their first-choice candidate and not rank any others. In such a case, the result will be the same as with today's voting system.

Nevertheless, RCV is more complicated than the current voting system, and there will be a learning curve for King County voters. The King County Elections Department will need to prepare, translate, and disseminate information and educational materials to prepare voters for the new ballots they will receive.

2. *The County's voting machines will need to be re-programmed.*

The Director of Elections advised the Commission that reprogramming King County's voting machines could be done, and that it had been done in other communities where RCV had been implemented. But it would cost money and it would take time. Hopefully this would be a one-time expense.

3. *Ballots will be longer and printing and postage costs may increase.*

With potentially more candidates and more options, it is likely that at least sometimes the ballots will require one or more extra pages. This would increase the printing and postage cost of mailing the ballots to the voters and of mailing the ballots back to be counted. This cost might be partially offset if fewer elections need to be held.

### **NEXT STEPS:**

The Charter Review Commission recommends that the County Council convene an independent commission to review RCV and make recommendations about whether RCV can have a positive impact on the electoral system in King County.



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Brandi Vena
<b>Proposed No.:</b>		<b>Date:</b>	Updated February 11, 2019

#### SUBJECT

Ranked Choice Voting.

#### BACKGROUND

Ranked choice voting (RCV) is a system of voting that allows voters to rank all candidates for a single office in order of preference. If a candidate receives over 50 percent of the first choice preferences, that candidate will be declared the winner. If no one candidate receives over 50 percent of the first choice preferences, the candidate with the fewest first choice preferences is eliminated and voters who liked that candidate the best have their ballots instantly counted for their second choice preference. This process repeats and last-place candidates lose until one candidate reaches a majority and wins<sup>1</sup>.

When RCV is used to elect one candidate (instead of multiple candidates in a multi-member district) the result is similar to traditional runoff elections and, in those cases, the terms RCV and instant run-off voting are used interchangeably<sup>2</sup>. Because the analysis below pertains to elections for which only one candidate ultimately prevails the terms are comprehended interchangeably.

#### SUMMARY

##### ***Where is it in use?***

Jurisdictions currently using RCV in primary and general elections include the following:

- Basalt, Colorado: Adopted in 2002 and will be used when three or more candidates run for mayor.
- Berkeley, California: Adopted in 2004 and has been used since 2010 to elect the mayor, city council and city auditor.

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<sup>1</sup> URLs: [www.fairvote.org](http://www.fairvote.org); [www.rcvmaine.com](http://www.rcvmaine.com)

<sup>2</sup> URL: <http://www.ncsl.org/research/elections-and-campaigns/alternative-voting-systems.aspx>

- Cambridge, Massachusetts: In use since the 1940s in multi-winner RCV form for the nine seat city council and six seat school board elected citywide. Multi-winner means the voting structure was used in a multi-member district. All nine seats for the city council in Cambridge are at-large positions.
- Carbondale, Colorado: Adopted in 2002 for mayor when there are three or more candidates.
- Minneapolis, Minnesota: Adopted in 2006 and used since 2009 in elections for 22 city offices, including mayor and city council in single winner elections and some multi-winner park board seats.
- Oakland, California: Adopted in 2006 and used since 2010 for a total of 18 city offices, including mayor and city council.
- Portland, Maine: Adopted in 2010 and first used in 2011 and 2015 for electing mayor.
- Maine: Adopted in 2016 and first used in June 2018 for all state and federal primary elections.
- San Francisco, California: Adopted in 2002 and used since 2004 to elect the mayor, city attorney, Board of Supervisors and five additional citywide offices.
- San Leandro, California: Adopted as an option in a 2000 charter amendment and used since 2010 to elect the mayor and city council.
- Santa Fe, New Mexico: Adopted in 2008 and used since March 2018 for mayor, city council, and municipal judge.
- St. Paul, Minnesota: Adopted in 2009 and used since 2011 to elect the mayor and city council.
- Takoma Park, Maryland: Adopted in 2006 and used since 2007 in all elections for mayor and city council.
- Telluride, Colorado: Adopted in 2008 and used since 2011 to elect the mayor when three candidates run, as in 2011 and 2015.

The following jurisdictions have adopted RCV and are awaiting implementation:

- Amherst, Massachusetts: Adopted in charter in 2018 with projected first use in 2021.
- Benton County, Oregon: Adopted by voters in 2016 for elected county offices including sheriff and county commissioner. It will be used in 2020.
- Las Cruces, New Mexico: Adopted by the city council in 2018 for all municipal elections beginning in 2019.
- St. Louis Park, Minnesota: Adopted in 2018 for municipal offices including mayor and city council. It will be used in 2019.
- Memphis, Tennessee: Adopted by voters in 2008 and approved again by voters in 2018. It will be used in 2019.

Jurisdictions using RCV for runoffs include:

- Arkansas: Adopted in 2005, first used 2006, and was extended to all local runoffs in 2007.

- Alabama: By agreement with a federal court, used in special election for U.S. House, 2013; became law for all federal primary runoffs in 2015.
- Louisiana: Adopted and used since the 1990s for state and federal general election runoffs; also includes out of state military voters.
- Mississippi: Adopted in 2014 for use in federal runoffs.
- South Carolina: Adopted and first used in 2006 for state and federal runoffs.
- Springfield, Illinois: Adopted in 2007 and used since 2011.

Finally, the following jurisdictions have adopted the voting structure as options but are awaiting implementation or other contingent measures before its use:

- Davis, California: Adopted in 2006 as an advisory referendum for fair representation form of RCV and awaiting state law change.
- Ferndale, Michigan: Adopted by voters in 2004, awaiting implementation readiness.
- Santa Clara County, California: Approved in charter by voters as option in 1998.
- Sarasota, Florida: Adopted by voters in 2007, awaiting implementation readiness.
- Utah: Several cities in 2018 acted to make RCV an option in 2019.
- Vancouver, Washington: Approved in charter by voters as an option in 1999, but it is not required to be used<sup>3</sup>. It is currently still an option under the city charter.

### ***Is there an impact on underrepresented populations?***

A 2016 study which analyzed the candidates running for office after the implementation of RCV in the cities of San Francisco, Oakland, Berkeley, and San Leandro, California found that the voting structure increased “descriptive representation for women, people of color, and women of color<sup>4</sup>.” Descriptive representation is the idea that a body of elected representatives should reflect the outward characteristics, such as such as occupation, race, ethnicity, or gender, of the populations they represent.

The study analyzed races in 11 California cities for various city-wide elected positions between 1995 and 2014, including the four California cities that implemented RCV and seven cities that did not implement the new structure but were similar in population size, racial makeup, and income. The seven non-RCV cities were Alameda, Anaheim, Richmond, San Jose, Santa Ana, Santa Clara, and Stockton, California<sup>5</sup>. The study measured the percentage of candidates who were women, people of color, and women of color as well as the percentage of winners who identified with those categories.

In a section of the study that did not control for differing characteristics of the cities, such as gender and racial demographics, median household income, education levels, partisanship, and others, researchers found the following:

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<sup>3</sup> [https://www.fairvote.org/rcv#where\\_is\\_ranked\\_choice\\_voting\\_used](https://www.fairvote.org/rcv#where_is_ranked_choice_voting_used)

<sup>4</sup> Sarah John, Haley Smith, and Elizabeth Zack, *The Impact of Ranked Choice Voting on Representation: How Ranked Choice Voting Affects Women and People of Color Candidates in California*, 1 (July 2016), available at <https://fairvote.app.box.com/v/RCV-Representation-BayArea>

<sup>5</sup> *Id.*, at 17.

- Although the percentage of female candidates running for election declined slightly after the implementation of RCV in the cities that had adopted it, the overall percentage of female candidates running for election was higher and declined less in those cities versus non-RCV cities;
- The percentage of candidates of color for elective office increased by five percentage points, and the percentage of female candidates of color increased by three percentage points, once RCV was implemented;
- The percentage of elective offices won by women increased slightly after implementation of RCV, while the percentage of elective offices won by women decreased over the same time period in cities that did not implement RCV; and
- The percentage of people of color winning elective office increased more than 18 points after implementation of RCV while the increase was three points over the same time period in cities that did not implement RCV<sup>6</sup>.

These findings were more pronounced for open seat races than in races where an incumbent ran.

In a section of the study that did control for the above-mentioned differing characteristics of the cities researchers found:

- Over time, there was a 26 percent increase in the probability of women being elected to office in cities that had adopted RCV and a 28 percent decrease in probability of the same outcome in non-RCV cities;
- Over time, the predicted probability of a woman of color being elected to office remained at 21 percent in RCV cities but declined from 19 percent to six percent in non-RCV cities; and
- There was a 5 percentage point increase in the percentage of female candidates of color running for office in RCV cities<sup>7</sup>.

### ***Is it legally allowable in Washington State?***

Under the King County charter, “the nominating primaries and elections for the offices of King County executive, King County assessor, King County council and King County prosecuting attorney shall be conducted in accordance with general law governing the election of nonpartisan county officers.”<sup>8</sup>

Washington State law requires that primaries be held prior to a general election for partisan offices. Primaries can also be held for non-partisan offices except where two

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<sup>6</sup> *Id.*, 18-22

<sup>7</sup> *Id.*, 23-24

<sup>8</sup> [Section 610 of the King County Charter](#)

or fewer candidates have filed for the position<sup>9</sup>. In the primary, the names of all candidates that file for office generally will appear on the primary ballot, with the top two candidates advancing to the general election<sup>10</sup>.

State law does not prohibit the implementation of RCV by local jurisdictions; in 2006 Pierce County voters approved an amendment to the county charter authorizing RCV and the measure was subsequently implemented in the 2008 and 2009 general elections for county officers. The authorization was later repealed by the voters in 2009<sup>11</sup>. Additionally, City of Seattle voters could see a charter amendment on the ballot related to the adoption of RCV in 2019<sup>12</sup>.

Two bills were introduced during the 2018 state legislative session that would have expanded the use of RCV in the state. House Bill 2746 and Senate Bill 6402 would have allowed local jurisdictions to eliminate the primary for any partisan or nonpartisan single or multiple position office and would have allowed the governing body of a local jurisdiction to authorize a proportional voting system for any office with multiple positions<sup>13</sup>. Neither bill ultimately advanced through the legislative process.

### ***Update since January 23, 2019 meeting:***

The Charter Review Commission requested staff to do additional research on the question of whether RCV increases access to voting and on the differences between tabulation methods and ballot formats related to the structure.

#### **1. Access to voting.**

There were no studies found measuring voter access in relation to adoption of RCV. However, researchers found in a 2016 study that, while RCV did reduce the substantial drop typically found in voter participation in local primary and runoff elections in municipal elections, it did not appear to have a significant effect on voter turnout and ballot completion in general. The study was conducted comparing jurisdictions using RCV and those using plurality voting, both before and after RCV was adopted. A case study conducted by the same researchers in the city of Minneapolis also found no evidence that RCV lessened socioeconomic and racial disparities in voter participation<sup>14</sup>.

#### **2. Tabulation methods.**

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<sup>9</sup> [RCW 29A.52](#)

<sup>10</sup> *Id.*

<sup>11</sup> Dee Anne Finken, Clark County proponents say 'yea' to ranked-choice voting, *The Columbian*, December 2, 2018, <https://www.columbian.com/news/2018/dec/02/clark-county-proponents-say-yea-to-ranked-choice-voting/>

<sup>12</sup> Daniel Person, Effort Afoot to Bring Ranked-Choice Voting to Seattle, *Seattle Weekly*, September 21, 2017, <http://www.seattleweekly.com/news/effort-afoot-to-bring-ranked-choice-voting-to-seattle/>

<sup>13</sup> URL: <http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/2746%20HBA%20SEIT%2018.pdf> and URL: <http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Digests/Senate/6402.DIG.pdf>

<sup>14</sup> David C. Kimball and Joseph Anthony, *Voter Participation with Ranked Choice Voting in the United States*, (October 2016), available at <http://www.umsi.edu/~kimball/KimballRCV.pdf>

There are different tabulation methods used under the umbrella term of RCV. Methods used include instant runoff voting (IRV), single transferable voting (STV), Condorcet voting, and Borda count.

- A. IRV is a system of counting votes in which the ballots are counted in rounds simulating a series of runoffs until two candidates remain or until one candidate has a majority of all votes counting in that round. The candidate having the greatest number of votes is declared the winner.
  - a. Positive attributes of IRV include that the voter only has to vote once and, because eliminations occur one-by-one, it ensures the strongest candidates are advancing, especially in cases where the second and third place candidates are close.
- B. STV is a system often used for electing a group of candidates. Its structure is similar to IRV but it also has a second type of vote transfer which is used in situations where the purpose of the election is to establish proportional representation and a winning threshold has been established. Where a winning threshold has been established and a candidate received votes in excess of that threshold the surplus votes can be transferred to another candidate.
  - a. Where an election is meant to establish truly proportional representation, say between political parties, STV is thought to be the best tabulation method.
- C. Condorcet voting elects a candidate who beats all other candidates in pairwise elections. For example if there is a candidate A and a candidate B, if A is ranked higher than B on a majority of ballots, then A beats B, otherwise B beats A. The candidate who beats all other candidates in this way is the winner.
  - a. A weakness of this tabulation method is that there is a possibility that no one candidate beats all other candidates when paired against each. There could be a tie at which point another type of voting would need to be used to break the tie<sup>15</sup>.
- D. Borda count allows voters to rank each candidate, with their favorite at number one, but the votes are not transferable. The rankings are then turned into points. Candidates ranked last score one point, two for being next-to-last and so on. Points are added and the candidate with the most points is the winner<sup>16</sup>.
  - a. This tabulation method is best used when there are a large number of candidates, the number of voters is relatively small compared to the number of candidates, or you need to rank all of the candidates instead of just picking a winner<sup>17</sup>.

### 3. Ballot formats.

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<sup>15</sup> URL: <https://www.opavote.com/methods/ranked-choice-voting>

<sup>16</sup> URL: <https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system/borda-count/>

<sup>17</sup> URL: <https://blog.opavote.com/2017/03/why-we-love-borda-count.html>

The Center for Civic Design drafted a report in 2017 that presented best design practices for ranked choice voting ballots and instructions<sup>18</sup>. After testing four styles of paper ballot, the report found the following:

- A. Ballots with a limited number of rankings to fit into a three-column optical scan layout, including ranking three (in one row) and six (in two rows), tested the best because the layout made it easier for voters to see the boundaries of each contest on a single row<sup>19</sup>.
- B. Ballots with repeated blocks of candidates laid out in newspaper columns so that any number of candidates can be ranked tested the worst because it made it easier for voters to mistakenly vote for the same candidate twice<sup>20</sup>.
- C. Paper ballots with a grid ranking were liked by test voters when spaced properly; however, it can become overwhelming where there are a large number of candidates<sup>21</sup>.
- D. Paper ballots with handwritten rankings also tested well, although some test voters made mistakes by marking an “X” in the box in which the voter was supposed to have written the ranking<sup>22</sup>.

Finally, there have been other developments related to RCV since the last meeting of the commission: two bills have been introduced during the 2019 Washington State legislative session related to vote tabulation methods as options for local governments. Senate Bill 5708 and House Bill 1722 would allow certain local jurisdictions, including counties, to use ranked choice voting as a vote tabulation method in elections where there are more than two candidates competing. The bills would allow a local jurisdiction using ranked choice voting to eliminate the primary<sup>23</sup>. Neither bill has been scheduled for a hearing.

The King County Charter Review Commission has the following options going forward:

- A. Take no action;
- B. Direct staff to draft a ballot proposition that would amend the county charter by creating the option for the county to use RCV as a voting method; or
- C. Direct staff to draft a ballot proposition that would amend the county charter by giving the King County council the option of putting forth its own ordinance to create an RCV voting method.

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<sup>18</sup> Whitney Quesenbery and Taapsi Ramchandani, *Best practices for ranked choice voting ballots and other materials* (February 28, 2017), available at [https://www.fairvote.org/rcv\\_ballot\\_design](https://www.fairvote.org/rcv_ballot_design)

<sup>19</sup> *Id.*, 48-49.

<sup>20</sup> *Id.*, at 50.

<sup>21</sup> *Id.*, at 51.

<sup>22</sup> *Id.*, at 52.

<sup>23</sup> URL: <https://app.leg.wa.gov/bills/summary/BillNumber=5708&Year=2019&Initiative=false>



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Brandi Vena
<b>Proposed No.:</b>		<b>Date:</b>	Updated February 6, 2019

#### SUBJECT

Government Structure in the 20 Most Populous United States Counties.

#### BACKGROUND

King County Council is currently the thirteenth most populous county in the United States with just over 2.1 million residents<sup>1</sup>. The county has an elected executive and a nine-member council elected from single-member districts. Each district represents approximately 240,000 residents. Councilmembers are elected to four-year terms.

In 1992 voters approved a charter amendment to increase the size of the council from nine to 13. In the 2004 general election voters approved a county charter amendment introduced via citizen initiative to reduce the size of the council from 13 to nine<sup>2</sup> the size at which it remains today.

There are several counties across the United States with larger or similar populations to King County with a wide variety of representative governance structures. Below is a summary of the structures for the top 20 (excluding King County) most populous counties in the United States.

#### SUMMARY

##### ***California:***

All counties in California have five-member boards of supervisors as was set out by the state legislature in 1852. Los Angeles County has a population of 9.8 million. Each supervisor represents more than two million people. There is no executive branch; the board appoints a Chief Executive Officer for the county<sup>3</sup>.

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<sup>1</sup> URL:

<https://www.census.gov/quickfacts/fact/table/kingcountywashington,miamidadecountyflorida,US/PST045218>

<sup>2</sup> URL: <https://www.kingcounty.gov/independent/charter-review-commission/about/history.aspx>

<sup>3</sup> URL: <http://www.lacounty.gov/government/supervisors/>

San Diego County has a population of 3.3 million<sup>4</sup>. The county government is composed of the elected five-member Board of Supervisors which operates in a legislative, executive, and quasi-judicial capacity and who each represent approximately 660,000 people. The board appoints a Chief Administrative Officer for the county<sup>5</sup>.

Orange, Riverside, San Bernadino, and Santa Clara counties all have the same structure as San Diego and Los Angeles counties. These four counties have populations of between 1.7 and 3 million with each district representing between 340,000 and 600,000 people.

### **Illinois:**

Cook County has a population of 5.2 million<sup>6</sup>. The Cook County Board of Commissioners is the legislative body of county government. The board is comprised of 17 Commissioners, each serving a four-year term and elected from single member districts. Each district represents approximately 300,000 residents<sup>7</sup>. The County Board President is the county's chief executive officer. The president directly supervises county departments. The president is elected to a four-year term by the voters of the entire county<sup>8</sup>.

### **Texas:**

Harris County has a population of 4.6 million<sup>9</sup>. Counties in Texas are governed by a commissioners court which has five members: the county judge, who is separately elected and acts as the chief executive officer of the county, and four commissioners elected from single-member precincts. Each commissioner represents over one million people. The commissioners have no term limits<sup>10</sup>.

Dallas County, with a population of 2.6 million, Tarrant County, with an estimated population of 2 million in 2018, and Bexar County, with an estimated population of 1.9 million<sup>11</sup>, all have the same structure as Harris County because it is established in state law. Commissioners in those counties represent between 475,000 and 650,000 people.

### **Arizona:**

Maricopa County has an estimated population of 4.3 million<sup>12</sup>. The County Board of Supervisors is comprised of five members who are elected to single member districts. Each district represents approximately 820,000 people. The positions do not have term limits. It has a strong-council governance structure with a county manager handling county administration and who is appointed by the board<sup>13</sup>.

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<sup>4</sup> URL: <https://www.census.gov/quickfacts/fact/table/sandiegocountycalifornia,US/PST045218>

<sup>5</sup> URL: <https://www.sandiegocounty.gov/content/sdc/home.html>

<sup>6</sup> URL: <https://www.census.gov/quickfacts/fact/table/cookcountyillinois,US/PST045218>

<sup>7</sup> URL: <https://www.cookcountyil.gov/content/about-cook-county>

<sup>8</sup> URL: <https://www.cookcountyil.gov/agency/office-president-0>

<sup>9</sup> URL: <https://www.census.gov/quickfacts/fact/table/harriscountytexas,US/PST045218>

<sup>10</sup> URL: Katharine Shilcutt, *So, What Exactly Is the Harris County Commissioners Court?*, Houstonia, March 31, 2016, available at <https://www.houstoniamag.com/articles/2016/3/31/peoples-court-harris-country-commissioners-court-april-2016>

<sup>11</sup> URL:

<https://www.census.gov/quickfacts/fact/table/bexarcountytexas,tarrantcountytexas,dallascountytexas,US/PST045218>

<sup>12</sup> URL: <https://www.census.gov/quickfacts/fact/table/maricopacountyarizona,US/PST045218>

<sup>13</sup> URL: <https://www.maricopa.gov/3598/About-Maricopa-County>

**Florida:**

Miami-Dade County has a population of 2.75 million as of a 2017 census report<sup>14</sup>. The Board of County Commissioners is the legislative body, consisting of 13 members elected from single-member districts. Each district represents just over 200,000 people. The Mayor of Miami-Dade County is elected countywide to serve a four-year term and is considered a "strong mayor"<sup>15</sup>.

Broward County has a 2017 estimated population of 1.9 million<sup>16</sup>. The Board of County Commissioners is composed of nine members elected by district. Each district represents just over 200,000 people. Each year the Commission elects a mayor and vice mayor and appoints the County Administrator, County Attorney, and County Auditor<sup>17</sup>.

**New York:**

Kings County has a population of 2.6 million estimated in 2017<sup>18</sup>. The county is coterminous with the borough of Brooklyn and was consolidated with New York City in 1898. As part of the consolidation, all town and county governments within the city were dissolved, and their powers were given to the city and the boroughs. All five boroughs of New York City are coterminous with their respective counties. Brooklyn has a borough president who generally acts as an advocate for the borough to mayoral agencies and the city council<sup>19</sup>. The borough also has 16 out of 51 of the seats on the New York City Council<sup>20</sup>. Each member from this borough represents approximately 162,000 people.

Queens County has a population of 2.3 million in 2017<sup>21</sup>. It has the same structure as Kings County, but is coterminous with the borough of Queens and has 12 out of 51 seats on the New York City Council<sup>22</sup>. New York County is coterminous with the borough of Manhattan and has a population of 1.67 million; it has 10 out of 51 seats on the New York City Council<sup>23</sup>. The councilmembers for these boroughs each represent between 167,000 and 191,000 people.

**Nevada:**

Clark County has an estimated population of 2.2 million<sup>24</sup>. The county is run by the Clark County Commission which consists of seven members who are elected to serve staggered four-year terms. A county manager hired by the commission handles day-to-day operations<sup>25</sup>. Commissioners each represent approximately 314,000 people.

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<sup>14</sup> URL: <https://www.census.gov/quickfacts/fact/table/miamidadecountyflorida,US/PST045218>

<sup>15</sup> URL: <https://www8.miamidade.gov/global/disclaimer/about-miami-dade-county.page>

<sup>16</sup> URL: <https://www.census.gov/quickfacts/browardcountyflorida>

<sup>17</sup> URL: <https://www.broward.org/Commission/Pages/default.aspx>

<sup>18</sup> URL: <https://www.census.gov/quickfacts/fact/table/kingscountybrooklynboroughnewyork,US/PST045218>

<sup>19</sup> URL: <https://council.nyc.gov/about/>

<sup>20</sup> *Id.*

<sup>21</sup> URL: <https://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>

<sup>22</sup> URL: <https://council.nyc.gov/about/>

<sup>23</sup> *Id.*

<sup>24</sup> URL: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

<sup>25</sup> URL: <https://www.clarkcountynv.gov/county-commissioners/Pages/default.aspx>

**Michigan:**

Wayne County, with an estimated population of 1.7 million, and has an elected county executive as well as a 15-member county commission elected from single-member districts. Commissioners are elected every two years in even-year elections<sup>26</sup>. They each represent approximately 113,000 people.

**Summary Tables:**

County	Population (millions)	No. of Representatives (From most to fewest)
Cook County, IL	5.2	17
Kings County, NY	2.6	16
Wayne County, MI	1.7	15
Miami-Dade County, FL	2.75	13
Queens County, NY	2.3	12
New York County, NY	1.67	10
Broward County, FL	1.9	9
King County, WA	2.1	
Clark County, NV	2.2	7
Los Angeles County, CA	9.8	5
San Diego County, CA	3.3	
Orange County, CA	3.0	
Riverside County, CA	2.2	
San Bernadino County, CA	2.0	
Santa Clara County, CA	1.7	
Maricopa County, AZ	4.3	
Harris County, TX	4.6	4
Dallas County, TX	2.6	
Tarrant County, TX	2.0	
Bexar County, TX	1.9	

County	No. of Representatives	Population (millions)	Population Represented by Each Representative (Ranked from most to fewest)
Los Angeles County, CA	5	9.8	2 million
Harris County, TX	4	4.6	1 million +
Maricopa County, AZ	5	4.3	820,000
San Diego County, CA	5	3.3	660,000
Dallas County, TX	4	2.6	650,000

<sup>26</sup> URL: <https://www.waynecounty.com/elected/commission/home.aspx>

Orange County, CA	5	3.0	600,000
Tarrant County TX	4	2.0	500,000
Bexar County, TX	4	1.9	475,000
Riverside County, CA	5	2.2	440,000
San Bernadino County, CA	5	2.0	400,000
Santa Clara County, CA	5	1.7	340,000
Clark County, NV	7	2.2	314,000
Cook County, IL	17	5.2	300,000
King County, WA	9	2.1	240,000
Miami-Dade County, FL	13	2.8	211,000
Broward County, FL	9	1.9	211,000
Queens County, NY	12	2.3	191,000
New York County, NY	10	1.7	167,000
Kings County, NY	16	2.6	162,000
Wayne County, MI	15	1.7	113,000

***Updates since January 23, 2019 meeting:***

The Charter Review Commission asked staff to look into whether there are studies providing qualitative measurement of resident satisfaction with their county government structure. While there are several studies and surveys measuring resident satisfaction with county and local government provision of services, there does not seem to be a body of work measuring satisfaction with the structure of county government. Much of the research available focuses on what the size of a city or county council means in terms of representation of minority groups, whether a larger or smaller council better represents residents living in poverty, and whether council size has an impact on voter engagement<sup>27</sup>. The results of many of these studies are inconclusive<sup>28</sup>.

The King County Charter Review Commission has the following options going forward:

1. Take no action with regards to making a recommendation as to council size; or
2. Direct staff to draft a charter amendment that would do one of the following to the number of members of the King County Council
  - a. Increase(decrease) the number
  - b. Add at-large members

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<sup>27</sup> Aaron A. Moore, The potential and consequences of municipal electoral reform, 2017, available at [https://tspace.library.utoronto.ca/bitstream/1807/78793/1/IMFG\\_perspectives\\_20\\_electoral\\_reform\\_AaronMoore\\_Oct\\_17\\_2017.pdf](https://tspace.library.utoronto.ca/bitstream/1807/78793/1/IMFG_perspectives_20_electoral_reform_AaronMoore_Oct_17_2017.pdf)

<sup>28</sup> Id.



## King County

# Metropolitan King County Council Charter Review Commission

## STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Patrick Hamacher
<b>Proposed No.:</b>		<b>Date:</b>	April 9, 2019

## SUBJECT

Overview of the County's Regional Committees

## BACKGROUND

The County Charter creates three Regional Committees with defined jurisdiction and the ability to have mandatory referral of legislation. These committees are Regional Policy (RPC), Regional Transit (RTC) and Regional Water Quality (RWQC).

## SUMMARY

Section 270 of the County Charter: 1) creates the regional committees, 2) defines the composition or membership of the committees, 3) delineates the powers and duties of the committees and 4) contains a provision that if any section of 270 is deemed invalid by a court that the Council will immediately begin a process with the cities to correct the issue.

## ANALYSIS

The County's three regional committees required by the Charter and the rules pertaining to their administration are spelled out in the County Code at KCC 1.24.065.

### *Committee Composition:*

**Regional Policy Committee** and **Regional Transit Committee** – the compositions of the RPC and RTC are identical and set by charter as the following:

- a. Three members of the County Council each receiving two votes
- b. City Elected Officials of biggest City (proportional) (Seattle) (2)
- c. City Elected Officials appointed by Sound Cities Association<sup>1</sup> (SCA) (also proportional) (Other) (these votes can also be split in half by SCA) (2)

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<sup>1</sup> The charter technically allocates these seats “in a manner agreed to by those cities and towns representing a majority of the population. In accordance with its articles of incorporation, the SCA acts as the spokesperson for the King County cities and towns in discussions with King County on regional issues. The SCA appoints elected officials from its city/town members to positions on the regional committees. SCA Bylaws 4.16.7.g.

- d. Twelve total votes

**Regional Water Quality Committee** – the composition of the RWQC is set by charter and as follows:

- a. Three members of the County Council each receiving two votes
- b. Two Sewer District Elected Officials (2)
- c. City Elected Officials of biggest City (proportional) (Seattle) (2)
- d. City Elected Officials appointed by Sound Cities Association<sup>2</sup> (2)
- e. Twelve total votes

*Committee Powers and Duties – Each Committee shall:*

- a. develop, propose, review and recommend action on ordinances and motions adopting, repealing, or amending transit, water quality or other regional countywide policies and plans within the subject matter area of the committee
- b. Specific to RPC: it sets its own subject matter within the RPC's adopted work program

*Process for reviewing legislation – Legislation subject to mandatory referral<sup>3</sup> to the Committee goes through the following steps:*

- a. The Regional Committee must complete its review and recommend an action within 120 days of referral (or a longer timeframe jointly agreed to by the Committee and the Council).
- b. If the Committee does not act within this timeframe the Council can act with a supermajority (six votes).
- c. If legislation has been recommended by a Regional Committee to the full Council, then the Council can adopt the Regional Committee's recommendation with five votes.
- d. However, if the Council amends the legislation, then the legislation is required to be referred by to the original Regional Committee for "further review and recommendation." In this circumstance, the Regional Committee gets sixty days to conduct this further review and take action.<sup>4</sup>
- e. Steps c and d can repeat on a loop until legislation is finalized.
- f. Legislation that is originated and passed by a Regional Committee must be acted upon by the County Council within 120 days of passage by the Committee.

As part of the 2017-2018 CRC process, the Regional Policy Committee was granted, by the voters, the power to set its own work program without approval by the Council. As a result of the change, the RPC appears to have become more active in areas that have

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<sup>2</sup>See footnote 1.

<sup>3</sup> For legislation to be subject to a mandatory referral to the RPC, it must both pertain to a countywide policy or plan and be on the RPC's adopted work program For legislation to be subject to a mandatory referral to the RTC the legislation must pertain to a policy or plan related to the transportation services formally provided by old METRO. For legislation to be subject to a mandatory referral to the RWQC, it must pertain to a policy or plan related to the water pollution control functions of the old METRO.

<sup>4</sup> KCC 1.24.065.H.2

strict timelines, like ballot propositions to go before the voters where state statute sets deadlines by which the Council must act for an item to go on the ballot. With this increase in workload and its potential impact on the legislative process several County Councilmembers and CRC Commissioners have highlighted the need for a potentially more effective Regional Committee process that still provides for input from the Cities within the County.

In the last two years, almost all of the legislation passed by the regional committees has come out of RPC. The table below shows the legislation passed by each of the committees over the last two years. This information does not include briefings. It should also be noted that RTC and RWQC due to their jurisdiction often have very large plans that need to be reviewed and approved and then a period of years where those plans are being implemented and you would not expect as much legislation to be considered.

	2017 Meetings	2017 Items Considered	2018 Meetings	2018 Items Considered
Regional Water Quality	9	5	7	0
Regional Transit	10	8	8	2
Regional Policy	13	6	10	13

#### **ATTACHMENTS**

1. King County Charter Section 270
2. King County Code 1.24.065 Council Rule 7 – Regional Committees

## **Section 270 Regional Committees.**

### **270.10 Regional Committees.**

Three regional committees shall be established by ordinance to develop, recommend and review regional policies and plans for consideration by the metropolitan county council: one for transit, one for water quality and one for other regional policies and plans. (Ord. 10530 § 1, 1992).

### **270.20 Composition of regional committees.**

Each regional committee shall consist of nine voting members. Three members shall be metropolitan county councilmembers appointed by the chair of the council, and shall include councilmembers from districts with unincorporated residents. Each county councilmember vote shall be weighted as two votes. The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (i) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two representatives for each allocated committee membership, each with fractional (1/2) voting rights.

The special purpose districts providing sewer service in the county shall appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. The council may by ordinance authorize the appointment to the water quality committee of additional, nonvoting members representing entities outside of the county that receive sewerage treatment services from the county. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics.

In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas.

Members representing six and one-half votes constitute a quorum of a regional committee. In the absence of a quorum, the committee may perform all committee functions except for voting on legislation or a work program. Each committee shall have a chair and a vice-chair with authority as specified by ordinance. The chair shall be a county councilmember appointed by the chair of the county council. The vice-chair shall be appointed by majority vote of those committee members who are not county councilmembers, in accordance with voting rights that are apportioned as provided in this section. (Ord. 16205 § 1, 2008; Ord. 10530 § 1, 1992).

### **270.30 Powers and Duties.**

Each regional committee shall develop, propose, review and recommend action on ordinances and motions adopting, repealing, or amending transit, water quality or other regional countywide policies and plans within the subject matter area of the committee. The subject matter area of the regional policies committee shall consist of those countywide plans and policies included in the committee's work program by a majority of the members present and voting, with no fewer than three and one-half affirmative votes.

The county council shall refer each such proposed ordinance or motion, except those developed and proposed by a regional committee, to a regional committee for review. The regional committee shall complete review and recommend action within one hundred twenty days or such other time as is jointly established by the county council and the committee, which shall be confirmed in the form of a motion by the metropolitan county council. If the committee fails to act upon the proposed ordinance or motion within the established time limit, the county council may adopt the proposed ordinance or motion upon six affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed ordinance or motion that has been reviewed and recommended or developed and proposed by a regional committee may be adopted, without amendment, by the county council by five affirmative votes. If the county council votes prior to final passage thereof to amend a proposed ordinance or motion that has been reviewed or recommended or proposed by a regional committee, the proposed ordinance or motion, as amended, shall be referred back to the appropriate committee for further review and recommendation. The committee may concur in, dissent from, or recommend additional amendments to the ordinance or motion. After the regional committee has had the opportunity to review all county council amendments, final action to adopt any proposed ordinance or motion that differs from the committee recommendation shall require six affirmative votes of the county council.

Each regional committee may develop and propose directly to the council an ordinance or motion adopting, amending or repealing a countywide policy or plan within the subject matter area of the committee. Such proposals must be approved by a majority of the members present and voting, with no fewer than three and one-half affirmative votes. Within one hundred twenty days of introduction or such other time as is jointly established by the county council and the committee, which shall be confirmed in the form of a motion by the county council and the committee, which shall be confirmed in the form of a motion by the county council, the council shall consider the proposed legislation and take such action thereon as it deems appropriate, as provided by ordinance.

The council shall not call a special election to authorize the performance of an additional metropolitan municipal function under state law unless such additional function is recommended by a regional policy committee, notwithstanding the provisions of Section 230.50.10 of this charter. Such recommendation shall require an affirmative vote of at least two-thirds of the membership of each of: (1) metropolitan councilmembers of the committee; (2) members from the city with the largest population in the county; and (3) other city or town members of the committee. Nothing in this section prohibits the metropolitan county council from calling a special election on the authorization of the performance of one or more additional metropolitan functions after receiving a valid

resolution adopted by city councils as permitted by RCW 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by RCW 35.58.100(2). (Ord. 16205 § 1, 2008: Ord. 14767 § 1, 2004: Ord. 10530 § 1, 1992).

**270.40 Invalidity-Development of Proposed Amendment.**

If any provision of section 270 of this charter is declared invalid, the metropolitan county council shall initiate a process with representatives of cities and towns within the county to develop a proposed charter amendment providing for effective city, town, and unincorporated area participation in regional decisions. (Ord. 10530 § 1, 1992).

**1.24.065 Rule 7: Regional committees.**

A. Establishment. Three regional, standing committees are established as provided under the King County Charter to develop, recommend and review regional policies and plans for consideration by the council: the regional transit committee, the regional water quality committee and the regional policies committee.

B. Membership.

1. Composition of committees.

a. The regional policies committee and regional transit committee are to each have nine voting members. Three members of each committee, including the chair of each, must be county councilmembers appointed by the chair of the council and must include councilmembers from districts with unincorporated residents. Each county councilmember vote shall be weighted as two votes. The chair of the county council shall also appoint the chair of each committee. The remaining members of each committee must be local elected city officials appointed from and in proportion to the relative populations of the city of Seattle and the other cities and towns in the county. Cities and towns other than the city of Seattle may appoint two persons for each of their allocated memberships in each committee, each person with one-half vote. A vice-chair of each committee shall be elected by majority vote of the committee members who are not county councilmembers.

b. The regional water quality committee is to have nine voting members. Three members of the committee, including the chair, must be county councilmembers appointed by the chair of the council, and must include councilmembers from districts with unincorporated residents. The chair of the county council shall also appoint the chair of the committee. Each county councilmember vote shall be weighted as two votes. The remaining members of the committee must be local elected city officials appointed from and in proportion to the relative populations of the city of Seattle and the other cities and towns in the county, and two members from special purpose districts providing sewer service in King County. Cities and towns other than the city of Seattle may appoint two persons for each of their allocated memberships, each person with one-half vote. Special purpose districts located outside of the county that receive sewerage treatment services from the county may jointly designate one nonvoting representative to serve on the committee. A vice-chair of the committee shall be elected by majority vote of the committee members who are not county councilmembers.

2. Alternating memberships. Each appointing authority may alternate members in accordance with the procedures established by the authority. The appointments must be announced at the beginning of each regional committee meeting to the committee chair or vice-chair and committee secretary by a person authorized by the appointing authority. Each appointing authority shall identify those members to receive mailings and notices of meetings.

3. Powers and duties of the chair. The chair of the committee has the following powers and duties:

a. The chair shall:

- (1) call the committee to order at the hour appointed for meeting and, if a quorum is present, shall cause the minutes of the previous meeting to be approved;
- (2) proceed with the order of business; and
- (3) adjourn the committee upon a motion to adjourn approved by a majority of members present;

b. The chair shall preserve order and decorum and in the interest of efficiency may impose time and subject matter limits for testimony and comment given by the public and members of the committee;

c. The chair shall promote efficient operation of the committee. The chair's act of adding to, removing from or taking out of order an item on a distributed and posted agenda may be appealed to the full body by members whose cumulative voting power is at least two votes. The chair shall discourage activities that are dilatory or disruptive. The chair shall endeavor to facilitate the will of the majority of members present at all times;

d. The chair may speak to points of order, inquiry or information in preference to other members. Upon a ruling of the chair on a point of order, the chair shall allow any members whose cumulative voting power is at least two votes to immediately request that the decision be placed before the body. If a majority of votes present agrees to the ruling of the chair, the business of the committee must proceed without further debate. If a majority of the votes present does not support the ruling of the chair, the chair shall immediately allow a procedural motion to dispense with the issue in question, proceeding until a decision of the committee is secured and the business of the committee is allowed to proceed; and

e. The chair shall provide copies to all committee members of all official communications and requests for committee action addressed to the chair.

4. Powers and duties of the vice-chair.

a. There shall be one vice-chair of each committee.

b. At committee meetings, the vice-chair shall exercise the duties, powers and prerogatives of the committee chair in the chair's absence.

5. Chair actions, vice-chair consultation.

a. The chair shall consult with the vice-chair in:

- (1) developing a draft work program for consideration by the full committee;
- (2) setting a schedule for carrying out the committee's work program; and
- (3) cancelling or changing the date, time or place of committee meeting.

b. If the vice-chair disagrees with a chair's proposed decision regarding the matters under subsection B.5.a. of this rule, the chair shall not take unilateral action and shall refer the matters to the full committee.

C. Quorum, notice and voting. Members representing six and one-half votes constitute a quorum of a regional committee. In the absence of a quorum, the committee may perform all committee functions except for voting on legislation or a work program. Notice of all regular and special meetings must be provided as specified in the Open Public Meetings Act of 1971, chapter 42.30 RCW, and notice must be given to members of the committees, including members who at any time during the calendar year have served on the committee or have been designated by their appointing authority to receive notice. All recommendations of a regional committee on council-referred ordinances or motions must be approved by a majority of the members present and voting, with no fewer than three and one-half affirmative votes. All recommendations must be signed only by members who were present and voting on the matter and be made on a committee report form supplied by the council. There may not be voting by proxy.

D.1.a. Referral to the regional transit committee. The chair of the council shall refer to the regional transit committee countywide policies and plans related to the transit services formerly provided by the municipality of metropolitan Seattle. If a standing

committee of the council is considering an issue that, upon the standing committee's subsequent review, the standing committee believes should be considered as a countywide policy or plan related to transit, then the standing committee shall so inform the chair of the council. The chair of the council may then determine whether the policy or plan is to be referred to a regional committee.

b. Referral to the regional water quality committee. The chair of the council shall refer to the regional water quality committee countywide policies and plans related to the water quality services formerly provided by the municipality of metropolitan Seattle. If a standing committee of the council is considering an issue that, upon the standing committee's subsequent review, the standing committee believes should be considered as a countywide policy or plan related to water quality, then the standing committee shall so inform the chair of the council. The chair of the council may then determine whether the policy or plan is to be referred to a regional committee.

2. Regional policies committee work program. The regional policies committee shall establish its subject matter through a work program adopted by a majority of those committee members present and voting, with no fewer than three and one-half affirmative votes, though the work program shall be limited as provided by charter or ordinance, including but not limited to, subsection K. of this rule. Once the work program is adopted, all regional policies and plans related to the subject matter must be referred to the committee by the council.

3. Provisions applicable to referrals by council chair and rereferrals. Referrals by the council chair or rereferrals are subject to the procedures, rights and constraints of Rules 13, 17 and 26, K.C.C. 1.24.125, 1.24.165 and 1.24.255.

E. Time for review -- committees. A regional committee shall review legislation referred to it by the county council within one hundred twenty days of the legislation's referral or such other time as is jointly established by the council and the committee, which shall be confirmed in the form of a motion adopted by the council. However, the committee may request, and the county council may grant by motion, additional time for review. If the committee fails to act upon the proposed policy or plan within the established time limit, the county council may adopt the proposed policy or plan upon six affirmative votes.

F. Time for review – council. The council shall amend, adopt or defeat the legislation referred to a regional committee within ninety days after receipt of an initial regional committee recommendation. However, upon receipt of the council chair's written request for an extension of the time limit, the committee may approve the request in writing by a majority vote at a special meeting or the next regular meeting of the committee.

G. Adoption.

1. A proposed policy or plan recommended by a regional committee may be adopted, without amendment, by the county council by five affirmative votes.

2. A proposed policy or plan that differs from the policy or plan recommended by a regional committee may be adopted by the county council by six affirmative votes after the regional committee has had the opportunity to review all county council amendments.

H. Amendments and rereferral.

1. If the county council votes before the final passage to amend a proposed policy or plan that has been reviewed or recommended by a regional committee, the proposed policy or plan, as amended, must be referred to the appropriate regional committee for further review and recommendation.

2. The timeline for the committee's review after rereferral may not be greater than sixty days. However, the committee may request, and the county council may grant by motion, additional time for review. The committee may concur in, dissent from or recommend additional amendments to the policy or plan.

3. The council shall amend, adopt or defeat the legislation within sixty days after receipt of a regional committee recommendation following rereferral by the council.

I. Regional committee consideration of other regional issues. The chair of the council may request that one or more regional committees examine and comment upon other pending issues that are not countywide policies or plans but would benefit from interjurisdictional discussion. The issues may include, but are not limited to, operational, organizational or implementation measures for countywide plans and policies. This type of regional committee analysis and comment is not subject to the mandatory procedural requirements of Section 270.30 of the King County Charter and the county council may need to act on such issues before comment from the regional committee.

J. The regional committee is governed by the King County Charter, the King County Code and, except to the extent expressly provided otherwise, the rules and procedures established for standing and special committees in this chapter.

K. Role of regional committees.

1. A regional committee shall focus on planning and policy setting in program areas where it has been determined that regional service or facility planning is required and in area where it is agreed the opportunity and need for the planning exist. A regional committee is not responsible for routine review and recommendation on operational and administrative matters such as contracts, budgets, appropriations, and fares and rates, formerly performed by the council of metropolitan Seattle. A regional committee may, however, deal with policies to develop fares and rates within the committee's subject matter area.

2. The regional transit committee shall develop, review and recommend countywide policies and plans related to the transportation services formerly provided by the municipality of metropolitan Seattle. Plans and policies that must be assigned to the committee include, but are not limited to, the long-range transit system and capital improvement plans, service design, development and allocation policies, financial policies, fare policies, facility siting policy and major facilities siting process, and review and comment upon Regional Transit Authority plans.

3. The regional water quality committee shall develop, review and recommend countywide policies and plans related to the water pollution control functions formerly provided by the municipality of metropolitan Seattle. Plans and policies that must be assigned to the committee include, but are not limited to, water quality comprehensive and long-range capital improvement plans, service area and extension policies, rate policies, and the facility siting policy and major facilities siting process.

4. The regional policies committee shall review and recommend regional policies and plans, other than transit and water quality plans, that are within the subject matter area for the committee. Also, the committee may develop proposed policies and plans on issues of countywide significance but, unless referred to the committee by the county council, the policies and plans are not subject to the procedural requirements of Section 270.30 of the King County Charter. Issues that may be referred to the committee or be the subject of the committee's policy development include, but are not limited to, public health, human

services, open space, housing, solid waste management, regional services financial policies, criminal justice, jails and district court services, and regional facilities siting. In addition, the regional policies committee may consider major regional governance transition and consolidation issues, particularly those involving potential changes in organization and responsibilities with other county, city or regional organizations.

L. Policies or plans proposed by regional committees. A regional committee may develop and propose directly to the council, an ordinance or motion adopting, amending or repealing a countywide policy or plan regarding regional transit, water quality or other countywide policies and plans within the subject matter area of the committee. The proposals must be approved by a majority of the committee members present and voting, with no fewer than three and one-half affirmative votes. For purposes of this subsection, "the subject matter area" of the regional policies committee includes matters in the committee's adopted work program. Within one hundred twenty days of introduction by the committee, the council or a standing committee shall consider the proposed legislation and take such action on the proposed legislation as the council or standing committee deems appropriate, including approval, rejection, amendment and rereferral, postponement or any other action of record during a council or standing committee meeting. Within five calendar days following council or standing committee action, the clerk of the council or the standing committee shall notify the vice-chair of the committee of the action taken. If the council amends the proposed legislation, the procedures described in subsection H. of this rule shall be followed, except that the council's duty to act on the legislation under subsection H.3. of this rule shall be satisfied by approval, rejection, amendment and rereferral, postponement or any other action of record taken during a council or standing committee meeting within sixty days following receipt of the legislation from the regional committee.

M. To assist each regional committee in evaluating countywide policies and plans, the committee may conduct public meetings and hearings and request briefings and other information from citizens, county, state and local agencies, business entities and other organizations. (Ord. 17023 § 4, 2011: Ord. 16751 § 7, 2010: Ord. 16301 § 1, 2008: 15707 § 4, 2007: Ord. 15340 § 6, 2005: Ord. 13982 § 7, 2000: Ord. 13239 § 1, 1998: Ord. 11683 § 7, 1995).



## King County

### Metropolitan King County Council Law & Justice Committee

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Jenny Giambattista
<b>Proposed No.:</b>		<b>Date:</b>	February 22, 2019

#### SUBJECT

The Charter Review Commission is considering whether the Public Defender should be an elected official to “match” the status of the Prosecuting Attorney. This staff report is intended to provide information on the current process for selecting the King County public defender, identify jurisdictions with an elected public defender, and highlights the general pro and cons might be to an elected public defender.

#### SUMMARY

While prosecutors in almost all states are elected at a local level, the public defender is typically appointed. In King County candidates for Public Defender are selected by the Public Defense Advisory Board, a finalist is chosen by the Executive, and confirmed by the King County Council. The Public Defender serves as the Director of the Department of Public Defense within the Executive branch. The King County Code and Charter include specific provisions to strengthen the independence of the Public Defender.

The decision on whether the Public Defender should be an elected official is a policy decision that will vary depending on how someone views the role of the public defender and the electorate, the benefits of an elected office, and the current selection process.

#### BACKGROUND

##### **The Department of Public Defense Established as a County Department in 2013**

In response to a Washington Supreme Court ruling and the proposed settlement of a class action lawsuit against King County regarding county benefits for public defense agency employees (Dolan v. King County)<sup>1</sup>, the employees of the nonprofit public

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<sup>1</sup> In August 2011, the Washington State Supreme Court ruled in *Dolan v. King County* that the four nonprofit public defense organizations with whom the County has historically contracted for public defense services had become “arms and agencies” of King County and not independent contractors. The Supreme Court determined that the *Dolan* class, which includes all current and certain former employees of the nonprofit public defense organizations, are employees of the County for purposes of membership in the Public Employees Retirement System (PERS).

defense agencies joined the County on July 1, 2013, as county employees with full benefits.

In November 2013, voters approved a charter amendment creating the King County Department of Public Defense headed by a County Public Defender; and also created the King County Public Defense Advisory Board (“the Board”)<sup>2</sup>.

The specific duties of the Department and County Public Defender are set out in K.C.C. 2.60 (Attachment 1).

### **The Current Process for Selecting the County Public Defender**

Section 350.20.61 of the King County Charter (Attachment 2) requires the Public Defender be appointed by the County Executive from candidates recommended by the Public Defense Advisory Board. The appointment is subject to confirmation by the County Council and is for a term that runs concurrently to the Prosecuting Attorney, unless removed earlier by the Executive for cause. The removal may be appealed by the defender to the Council. The Executive may reappoint the Public Defender to additional terms, subject to confirmation by the Council.

The selection process for the Public Defender is prescribed in detail in K.C.C. 2.60.026 (Attachment 1). The process begins with a national recruitment of candidates by the Executive, who then provides to the Public Defense Advisory Board the names, resumés, and other relevant information about all candidates who meet the qualifications for office set forth in the KCC. Within 60 days the Board is required to recommend three candidates, one of whom the Executive must appoint. The Executive has the option to ask the Board to recommend three additional candidates, and then choose from among the six. The Executive's appointment is subject to confirmation by the Council.

If the Council rejects the Executive's appointment, K.C.C. 2.60.020 includes specific provisions outlining the process by which the Public Defense Advisory Board is to recommend additional candidates.

The qualifications for the Public Defender are established in K.C.C. 2.60.026 C.

The county public defender must be an attorney admitted to practice law in any jurisdiction within the United States and in active status and good standing. The county public defender shall, within two years after appointment, be an attorney admitted to practice law in the courts of the state of Washington and an active member of the Washington State Bar Association in good standing and shall, at the time of appointment, have at least seven years of experience as an attorney primarily practicing criminal defense, including both felonies and misdemeanors, as well as supervisory and managerial experience.

### **Independence of the Public Defender**

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<sup>2</sup> Ordinance 17614

In 2013 as the Council reviewed various proposals on how to structure county public defense services, the Council evaluated which structure could best address the principle of independence as contained in the first of *The American Bar Association's Ten Principles of a Public Defense Delivery System* (2002) (Attachment 3).<sup>3</sup> The Principles were created as a practical guide for government officials, policymakers and other parties who are charged with creating and funding new, or improving existing, public defense delivery systems.<sup>4</sup>

The first principle states, "The public defense function, including the selecting, funding, and payment of defense is independent...The selection of the chief defender and staff should be made on the basis of merit, and recruitment of attorneys should involve special efforts aimed at achieving diversity in attorney staff."

The adopted charter amendment and implementing ordinance included several elements to address independence. For example, the initial selection of candidates for the County Public Defender is assigned to the Public Defense Advisory Board (PDAB). There are also provisions in place to ensure the board has the relevant expertise and represents diverse interests in order to make sound recommendations on the selection of a public defender. The public defender has a 4-year term and can otherwise only be removed by the Executive for cause whereas other appointed department directors serve at will. The public defender can appeal removal to the Council and the Council can either affirm or reverse the removal with an affirmative vote of five Council members.

Additionally, the King County Charter Section 350.20.60 includes specific provisions, underlined in the following text, related to system advocacy (not addressed in the ABA principles) and independence of the public defense function.

The duties of the department of public defense shall include providing legal counsel and representation to indigent individuals in legal proceedings, including those in the superior and district courts for King County and in appeals from those courts, to the extent required under the sixth amendment to the United States Constitution or Article I, Section 22, of the Constitution of the State of Washington. The department of public defense shall also foster and promote system improvements, efficiencies, access to justice and equity in the criminal justice system. Additional duties may be prescribed by ordinance. Elected officials shall not interfere with the exercise of these duties by the department; however, the enactment of appropriation ordinances does not constitute interference. The department shall not have its duties, as established in this section, decreased by the county council or the county executive.

The Public Defense Advisory Board has expressed concern about the independence of the Public Defender and the position's ability to serve as an advocate for the Department's clients and system reform. The PDAB issued a statement in support of the Public Defender's independence that is included as Attachment 5.

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<sup>3</sup> Hamacher, Tsai, Wagner Staff Report for Proposed Ordinances 2013-0212, 0215, 0216, 0237, 0242 (May 15, 2013)

<sup>4</sup> ABA Ten Principles of a Public Defense Delivery System (2002)

## Jurisdictions with Elected Public Defenders

While prosecutors in almost all states are elected at a local level, the public defender is typically appointed. The most common method of selection of the chief public defender and the one used in almost half of the states calls for appointment by a statewide public defense policy coordinating board. The next most common method of selection involves appointment by the governor or some other state-level elected official or by county supervisors or other local elected officials. Each of these methods of selection prevails in about half a dozen states. Finally, a few jurisdictions rely on appointment by one or more trial judges or through some collaboration between trial judges and the public defense board.<sup>5</sup>

The following are jurisdictions with elected public defenders:

- San Francisco County
- Lancaster County, Nebraska
- Tennessee except for Shelby County (Memphis)
- Florida has 20 “Circuits” each with an elected public defender

## Pros and Cons of an Elected Public Defender

### Academic Articles

Council staff identified two academic article which addressed the topic of electing public defenders. In the 2010 law review article titled, *Public Elections and Popular Control over Criminal Justice* (Attachment 4), Robert. F. Wright offers an explanation of why most prosecutors are elected and public defenders are not. Prosecutors have broad discretion to apply the state criminal code to fit local policy preferences about where to focus the limited prosecutorial resources. Given the extent of the prosecutor's power, Wright states that it is not surprising that American voters have treated the prosecutor position as an elected office. Whereas, public defenders have limited flexibility and discretion in how public defense services are delivered. All cases must be defended according to what is in the client's best interest. Therefore, Wright argues, the electorate does not need to exercise restraint or provide direction to the public defender.

Furthermore, Wright notes that for a prosecutor, his or her client is the public so direct accountability to the public makes sense. The public defender, on the other hand, does not exactly serve as an agent for the public. While the public pays the public defender to provide the constitutionally required defense, the attorney represents the client.

A different perspective is presented in a 2018 article by Bryan C. McCannon which analyzed the impact of public defender and prosecutor elections on case outcomes using caseload data from Florida where both public defenders and prosecutors are elected. According to McCannon's analysis, the election cycle for both prosecutors and public defender impacts the outcomes of a case. Public defenders are able to obtain

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<sup>5</sup> Robert F. Wright (2010), *Public Defender Elections and Popular Control over Criminal Justice*, 75 Missouri Law Review.

plea bargains at a higher rate<sup>6</sup> and jury trial outcomes favor the defendants during re-election. According to McCannon, these results are consistent with the argument that public defender re-elections incentivize quality defense. (This assumes plea bargains are a sign of quality defense. However, whether a plea bargain is a positive outcome depends upon the wishes of a client and details of the plea bargain.) McCannon does caution that systemic shifts in outcomes may or may not be in clients' best interests and suggests that additional research is required before well-informed policy can be construed.

### Previous Studies by King County

The issue of electing a public defender in King County has been considered by previous stakeholders. In 2013 a proviso response titled *Creation of a County Public Defense Agency* rejected the option of an elected public defender and repeated many of the concerns about an elected public defender raised in a 2000 Spangenberg Report titled *King County Public Defense Study*. In this 2000 report, the authors identify concerns that the public defense function might be compromised by the political process of electing a public defender and recommended appointment with the assistance of an oversight commission. (A 1993 report by the Spangenberg Group gave Nebraska's public defense system poor ratings on independence precisely because many of their counties elected their public defenders. The Spangenberg Group found that the process of running for office, raising money and campaigning makes it more difficult to make case decisions free from political influence.)

### Pro and Con Summary

The Charter Review Commission requested a listing of the pro and cons of an elected public defender. The question of whether the County Public Defender should be an elected office is a political decision. The arguments in favor of an elected public defender are listed below in the "Pro" column and those arguments against a public defender are listed in the "con" column. The arguments in each column are largely subjective and whether an argument is a "pro" or a "con" depends on core beliefs about voters and the role public defense.

Pros	Cons
An elected office would provide more visibility and independence for the public defender and thus allow the public defender to better advocate for the needs of clients without concern of offending those that appointed him or her.	The public defender can advocate for the needs of their clients under the current charter.
Voters are best qualified to select a public defender.	The Public Defense Advisory Board, Executive, and Council have the resources and expertise to identify the best qualified candidate.

<sup>6</sup> At the mean, there is a 12.3% increase in the plea bargain rate and a decrease of 30.8% in trial convictions when public defenders are in election cycle. Bryan C. McCannon (2018), *Debundling Accountability: Prosecutor and Public Defender Elections in Florida*. 12-13 and 19-20.

The status and appeal of an elected office may encourage a more diverse set of candidates and offer more opportunities for those interested in running for elected offices.	Running for office may discourage otherwise well qualified candidates. It may attract candidates who are more interested in winning an elected office than in serving as public defender. Running for office would take time away from managing the Department and overseeing the quality of public defense services.
An elected public defender would be accountable to the voter.	Accountability to the voters occurs through the elected officials who appoint the public defender.
An elected public defender would be more likely to meet with and voters and reflect the views of the electorate. An elected public defender would be responsive to the interest of the voters.	The practice of criminal defense should not be guided by public opinion. The policy preferences of voters may not align with the criminal defense needs of DPD clients particularly if the public sentiment is to be “tough on crime.” <sup>7</sup> Voters, generally whiter and richer than public defense clients, may not understand the criminal defense needs of clients.
The public can vote out of office a public defender who is not meeting their expectations.	It is difficult for the public to assess the performance of a public defender. If an elected public defender is not performing his or her job well, there would be no way to remove him or her until an election.
An elected public defender could publicly advocate for the budgetary resources needed by the department.	The Department’s budget request to the Executive is already available. The Public Defense Advisory Board is required to review and report to the Council on the Executive’s proposed budget for public defense.

## **ATTACHMENTS**

1. King County Code 2.60 Public Defense
2. King County Charter Section 350.20.61
3. American Bar Associations 10 Principles for Public Defense
4. Robert F. Wright, Public Defender Elections and Popular Control over Criminal Justice, 75 Missouri Law Review. (2010)
5. Statement from the Public Defense Advisory Board (August 2018)
6. Los Angeles Times Editorial Board, Why L.A. doesn’t need an elected public defender

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<sup>7</sup> Los Angeles Times Editorial Board (March 19, 2018) *Why L.A. doesn’t need an elected public defender.* (Attachment 6)



## King County

### Metropolitan King County Council Charter Review Commission

#### STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Brandi Vena
<b>Proposed No.:</b>		<b>Date:</b>	Updated February 6, 2019

#### SUBJECT

Public Financing of Campaigns.

#### BACKGROUND

In November 2015 Seattle voters approved Initiative 122 which enacted campaign finance reforms and created the Democracy Voucher Program. This program was the first of its kind in the United States<sup>1</sup>. Since that time other municipalities have researched the viability of implementing similar programs in their jurisdictions, however no other municipality has yet done so. There are, however, 27 public financing programs for electoral campaigns currently in use across the country by states, counties, and cities that vary in scope and structure. Types of programs used are tax credits or refunds, grant programs providing lump sums from a public fund, and small-donor matching programs. The City of Seattle's voucher program is included as a program in the list<sup>2</sup>.

In 2017 two property owners brought a lawsuit against the city claiming the voucher program violated their constitutional rights to free speech by forcing them to support candidates they didn't like via their tax payments. King County Superior Court initially found against the petitioners but, after they appealed the ruling, the Washington State Court of Appeals sent the issue straight to the Washington State Supreme Court. That court agreed to review the case and the results are pending<sup>3</sup>.

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<sup>1</sup> URL: <https://www.seattle.gov/democracymatcher/about-the-program>

<sup>2</sup> *Public Funding for Electoral Campaigns: How 27 States, Counties, and Municipalities Empower Small Donors and Curb the Power of Big Money in Politics*, 1-2, 2017, available at [https://www.demos.org/sites/default/files/publications/Public\\_Financing\\_Factsheet\\_FA\[5\].pdf](https://www.demos.org/sites/default/files/publications/Public_Financing_Factsheet_FA[5].pdf)

<sup>3</sup> Daniel Beekman, *Washington's Supreme Court agrees to review case against Seattle's 'democracy vouchers'*, The Seattle Times, December 21, 2018, available at <https://www.seattletimes.com/seattle-news/politics/washingtons-supreme-court-agrees-to-review-case-against-seattles-democracy-vouchers/>

## **SUMMARY**

### ***Program Structure:***

Under the program instituted by the City of Seattle, the city sends paper vouchers to Seattle voters in odd-numbered years when city candidates appear on the ballot<sup>4</sup>. Seattle residents can assign each voucher, of which there are four and each worth \$25, to any participating City Council candidate, including candidates within or outside their respective council districts. Residents assign vouchers by writing in the eligible candidates' name, the date the voucher was assigned, and signing the voucher<sup>5</sup>. The city automatically mails the vouchers to registered voters, but any City of Seattle resident can use them; if a resident is not registered to vote he or she can apply to receive the vouchers<sup>6</sup>.

Candidates who wish to receive funds through the program must go through a qualifying process which entails collecting at least 150 qualifying contributions of at least \$10 each, as well as signatures from Seattle residents, 75 of which must come from the candidate's district. They must also sign a pledge agreeing to adhere to program rules which include campaign spending limits and a requirement to participate in at least three public debates or similar events, among others<sup>7</sup>.

### ***Use of the program:***

The University of Washington Center for Studies in Demography & Ecology did a study assessing the impact of Seattle's Democracy Voucher Program. The study found that the number of Seattle residents participating campaign contributions increased after implementation of the Democracy Voucher Program, but that historically underrepresented groups were less likely to participate<sup>8</sup>. Specifically, the study found:

- 20,727 Seattle residents used their democracy vouchers to donate to a candidate in 2017;
- Older residents in Seattle were three times more likely to participate than younger residents. More than 6 percent of Seattle residents over the age of 60 returned their vouchers, but only 2 percent of residents between the ages of 18-29 did so;
- More than 4 percent of white Seattle residents returned their vouchers but only 2.4 percent of black residents participated;

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<sup>4</sup> *Democracy Voucher Program Biennial Report 2017*, 8, available at [http://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20-%20Biennial%20report%20-%202003\\_15\\_2018.pdf](http://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20-%20Biennial%20report%20-%202003_15_2018.pdf)

<sup>5</sup> URL: <http://www.seattle.gov/democracyvoucher/about-the-program>

<sup>6</sup> *Democracy Voucher Program Biennial Report 2017*, 8.

<sup>7</sup> *Id.*, 18-19.

<sup>8</sup> Jennifer Heerwig and Brian J. McCabe, *Expanding Participation in Municipal Elections: Assessing the Impact of Seattle's Democracy Voucher Program*, April 2018, available at <https://csde.washington.edu/wp-content/uploads/2018/04/Seattle-Voucher-4.03.pdf>

- More than 5 percent of individuals with an annual income above \$75,000 participated in the Democracy Voucher program, but only about 2 percent of individuals with an annual income below \$30,000 participated in the program; and
- Citizens who were already engaged in the political system by regularly voting in general elections were much more likely to return their vouchers than those who voted infrequently or not at all<sup>9</sup>.

When comparing voucher users to cash donors, the study found:

- 36 percent of voucher users were 60 years old or older compared to slightly more than 33 percent of cash donors;
- A slightly higher percentage of donors under the age of 30 participated in the voucher program than participated in the pool of cash donors;
- White residents comprise a disproportionate share of both voucher users and cash contributors. While 79 percent of registered voters in Seattle are white, whites comprise 86 percent of participants in the Democracy Voucher program and 87 percent of cash contributors;
- Individuals with an income of \$100,000 or more make up 24 percent of cash donors, but they comprise only 16 percent of voucher users. On the other hand, only 4 percent of voucher users – and 2 percent of cash donors – have an income below \$30,000; and
- Voucher users were slightly more likely to come from poor neighborhoods – and slightly less likely to come from wealthy ones – than cash donors<sup>10</sup>.

### ***Fiscal range of the program:***

When City of Seattle voters approved the program in 2015 they also approved a property tax of \$3 million per year to fund the program for 10 years. The tax is levied on commercial, business, and residential properties. The average homeowner pays \$8.00 per year<sup>11</sup>. Implementation and administration of the program cost the city approximately \$1.6 million for the following items:

- Translating 21 pages of materials into 15 languages;
- Fielding calls to a Democracy Voucher Hotline;
- Purchasing advertisements on social media to disseminate information to Seattle residents;

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> URL: <https://www.seattle.gov/democracyvoucher/about-the-program>

- Technology related to voucher tracking;
- Printing and mailing of more than 500,000 voucher packets;
- Office construction for increase in staffing and space needs related to the program; and
- Two-year staffing costs for the program<sup>12</sup>.

The Charter Review Commission for the City of Austin in Texas, which is considering implementing a similar voucher program, estimates that launching the program there will cost \$400,000 and \$1.55 million annually for voucher and administrative costs<sup>13</sup>.

### ***Similar programs in other jurisdictions:***

The City of Austin, Texas charter review commission has recommended implementation of a program based on the City of Seattle program in time for 2022 elections. The city council will take up issue in 2019<sup>14</sup>. Commissioners representing Bernalillo County, New Mexico voted against allowing the question of implementing “democracy dollars” to go on the November general election ballot in 2018<sup>15</sup>.

On the federal level, Congressional Democrats have introduced legislation that would create a pilot voucher program and select up to three states to participate in the pilot. The pilot program would allow a resident of a pilot state to request a \$25 voucher from the state which the resident could then allocate to candidates in \$5 increments<sup>16</sup>.

### ***Updates since January 23, 2018 meeting:***

The King County Charter Review Commission has the following options going forward:

1. Take no action with regards to public financing of campaigns;
2. Direct staff to draft a ballot proposition that would amend the county charter by creating a program to publicly finance campaigns similar to the Democracy Voucher program created by the City of Seattle;
3. Direct staff to draft a ballot proposition that would amend the county charter by creating another form of publicly financed campaign program; or
4. Direct staff to draft a ballot proposition that would amend the county charter by giving the King County council the option of putting forth an ordinance to create a program for publicly financing campaigns.

<sup>12</sup> *Democracy Voucher Program Biennial Report 2017*, 9-12.

<sup>13</sup> Emma Feer, *Austin weighs \$1.5 million Democracy Dollars voucher program*, Community Impact Newspaper, October 24, 2018, available at <https://communityimpact.com/austin/central-austin/economic-development/2018/10/24/austin-weighs-1-5-million-democracy-dollars-voucher-program/>

<sup>14</sup> *Id.*

<sup>15</sup> Steve Knight, *BernCo again denies Democracy Dollars initiative*, Albuquerque Journal, August 21, 2018, available at <https://www.abqjournal.com/1211663/bernco-commission-denies-democracy-dollars-initiative-for-second-time.html>

<sup>16</sup> H.R. 1, §§ 5001 – 5104, available at [https://democracyreform-sarbanes.house.gov/sites/democracyreformtaskforce.house.gov/files/HR%201\\_TheForthePeopleAct\\_FINAL.pdf](https://democracyreform-sarbanes.house.gov/sites/democracyreformtaskforce.house.gov/files/HR%201_TheForthePeopleAct_FINAL.pdf)

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## Summary of Comments Received Through November 14, 2019

Date	Sender	Subject	Specifically considered by CRC?
Elections Related			
2/17/2019	Sarah Luthens	Consider ranked choice voting	Yes
2/17/2019	Steven Kendall	Authorize KC voters to amend county charter by ballot initiative.	
2/18/2019	Alexander Johnson	Adopt ranked choice voting	Yes
9/30/2019	Sarah Luthens	Prohibit incumbent candidates for elected offices from making individualized fundraising campaign appeals to King County employees.	
Housing Related			
3/2/2019	Bryan Olay	Promote more affordable housing units in optimal locations--abolish city level quotas and institute countywide optimization plan.	
2/5/2019	Mark Bradshaw	Include "Housing Status" in WLAD to protect homeless people in KC	
Inquest process			
Unk.	Coalition letter	Amend charter to ensure an inquest is held when actions of jail staff or corrections officer may have contributed to a jail death.	Yes
Misc.			
2/26/2019	Keith Weir	Implement strong workforce development initiatives, utilize community workforce agreements.	
3/1/2019	Jeff Matson	Don't increase size of council	Yes. Subcommittee did consider size of council.
7/3/2019	Eric Burrows	Put jail under control of sheriff's office.	
Keep Sheriff elected position			Yes
3/25/2019	WA State Sheriffs Association	Keep Sheriff elected position	
7/1/2019	Lucas Knutzen	Keep Sheriff elected position	
7/1/2019	Chad Magendanz	Keep Sheriff elected position	
7/1/2019	Joe Brotherton	Keep Sheriff elected position	
7/1/2019	Renay Bennett	Keep Sheriff elected position	

## Summary of Comments Received Through November 14, 2019

7/1/2019	Jim Rosemary	Keep Sheriff elected position	
7/1/2019	Susan Harmon	Keep Sheriff elected position	
7/1/2019	Dave Krier	Keep Sheriff elected position	
7/1/2019	Don Wile	Keep Sheriff elected position	
7/1/2019	William George	Keep Sheriff elected position	
7/1/2019	Katie Muhsam	Keep Sheriff elected position	
7/1/2019	Neil Jacobson	Keep Sheriff elected position	
7/1/2019	Robert Powell	"This is just one more step in the communist take-over in king county. IT HAD BETTER NOT HAPPEN."	
7/1/2019	John Turner	Keep Sheriff elected position	
7/1/2019	Stig's phone	Keep Sheriff elected position	
7/1/2019	Mary Cabrian	Keep Sheriff elected position	
7/1/2019	Edie Faylor	Keep Sheriff elected position	
7/1/2019	Judy Gunn	Keep Sheriff elected position	
7/1/2019	Tom Irwin	Keep Sheriff elected position	
7/1/2019	Neil Vonnahme	Keep Sheriff elected position	
7/1/2019	Shane Macaulay	Keep Sheriff elected position	
7/1/2019	Sarina Forbes	Keep Sheriff elected position	
7/2/2019	Terry Marsh	Keep Sheriff elected position	
7/2/2019	Melinda Pidgeon	"Well said! Did you catch that you said 'note' instead of not? First paragraph, second sentence."	
7/2/2019	Andrew Ryan	Keep Sheriff elected position	
7/2/2019	Jeannie VanVleet	Keep Sheriff elected position	
7/2/2019	Nancy Campbell	Keep Sheriff elected position	
7/2/2019	Carlos Ramos	Keep Sheriff elected position	
7/2/2019	Elly Broggi	"Once again you thugs are trying to take our rights away."	
7/2/2019	Matt Seybold	Keep Sheriff elected position	
7/2/2019	Tad Doviak	Keep Sheriff elected position	
7/2/2019	Richard Mikia	Keep Sheriff elected position	
7/2/2019	Henry Sherwood	"So we are going communist now!"	
7/2/2019	Bill Kennamer	Keep Sheriff elected position	
7/2/2019	Matt Savage	Keep Sheriff elected position	
7/3/2019	Joe Winters	Keep Sheriff elected position	
7/3/2019	Carl Ueland	Keep Sheriff elected position	
7/3/2019	Steve Davis	Keep Sheriff elected position	
7/6/2019	Richelle Spence	Keep Sheriff elected position	
7/6/2019	Barb Kenney	Keep Sheriff elected position	
7/8/2019	Barry and Anna Teats	Keep Sheriff elected position	

## Summary of Comments Received Through November 14, 2019

7/10/2019	Michael Swope	Keep Sheriff elected position	
7/11/2019	Brad Thompson	Keep Sheriff elected position	
7/11/2019	Kendall De Preker	Keep Sheriff elected position	
7/15/2019	Marie-Anne Harkness	Keep Sheriff elected position	
7/15/2019	Dallas Boyer	Keep Sheriff elected position	
7/15/2019	John Brekke	Keep Sheriff elected position	
7/15/2019	Gerald Logan	Keep Sheriff elected position	
7/16/2019	Jonathan Harkness	Keep Sheriff elected position	
7/16/2019	Diane Chakravarty	Keep Sheriff elected position	
7/21/2019	<a href="mailto:cindiriness23@gmail.com">cindiriness23@gmail.com</a>	Keep Sheriff elected position	
10/12/2019	Tina McCanless	Keep Sheriff elected position	
10/12/2019	Diane Dodd	Keep Sheriff elected position	
10/16/2019	Linda Bielejec	Keep Sheriff elected position	
10/17/2019	Frank Witmer	Keep Sheriff elected position	
10/17/2019	Debbie Harvey	Keep Sheriff elected position	
10/21/2019	Bob Zimmerman	Keep Sheriff elected position	
10/22/2019	Cindy Alia	Keep Sheriff elected position	
10/28/2019	Charles Royer	Return Sheriff to appointed position	
11/16/2019	City of Carnation	Keep Sheriff elected position	
Regional committees/governance			
4/15/2019	Cascade Water Alliance	Consider changes that could improve regional governance relating to wastewater that comes from customers directly served by local governments in KC.  Adjust powers/composition of the Regional Water Quality Committee.	Yes. Subcommittee received letter and discussed.
9/24/2019	Sound Cities Association	Do not consolidate regional committees.	Yes. Subcommittee did consider consolidation of regional committees.
Multi-part letters			
6/20/2019	OneAmerica + others	Add language to preamble that defines "racial equity" and replace "citizen" with "resident" throughout charter	
		Establish "community advocate" modeled after NY.	
		Review OLEO language to ensure reflects intent of existing ordinance related to office	Yes—CRC did look at OLEO authority.

## Summary of Comments Received Through November 14, 2019

		Establish additional regional committees (criminal justice reform; housing affordability and displacement prevention; climate resiliency and pollution prevention).	
		"Democratize" regional committees	
		Establish infrastructure bank	
		Add language clarifying that legal permanent residents are eligible for all county positions, include prioritization of qualifications related to life experience in addition to professional qualifications, priority on bilingual staff.	
		Clarify county strives to ensure elected representation is proportionally representative of total population; add language that asserts that citizenship is not requirement for voting/running for office; add language from WA Voting Rights Act affirming right to vote	
		Add language prohibiting racially polarized voting.	
		Create publicly funded campaign elections system	Yes.
		5-year charter review; commission reflect diversity of KC; no lobbyists/gov't contractors on commission.	Yes.
		Add language requiring community benefit to all county funded projects; add language regarding authority to sell property below market value for equitable economic development and preservation of affordable residential/commercial property.	
		Establish privacy requirements related to data on residents collected by county.	
		Add immigration status and criminal history as protected classes.	Yes.
		Support inquest system reform.	Yes.
		Apply principle of land conservation to natural resources and for the purpose of preventing displacement.	

## Summary of Comments Received Through November 14, 2019

8/27/2019	George Cheung	Create engagement process using deliberative democracy	
		CRC proposed amendments directly to ballot	
11/5/2019	George Cheung	Create engagement process using deliberative democracy	
		Implement ranked choice voting	
		Switch to three 3-member council districts	
		Move all county elections to even numbered years	
		Make the redistricting commission a truly independent body	
		Limits to political fundraising	
		Prohibit former councilmembers from lobbying for 2-4 years after leaving office	
		Elected officials need to resign if they'd like to run for another office	
		Allow 16 and 17 year olds and non-citizen residents to vote for county offices	
Misc			
9/25/2019	KC Board of Appeals & Equalization	Replace "Board of Appeals" and "Board of Appeals & Equalization" with "Board of Equalization"	
		Explicitly limit jurisdiction of Board of Equalization to items specified under WA administrative code.	
10/20/2019	Eric Garay	"...figure out why the most populated cities have increased crime and increase populations, but decreased police and compensation."	

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## Daly, Sharon

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**From:** Margaret Morales <Margaret@sightline.org>  
**Sent:** Monday, January 28, 2019 10:38 AM  
**To:** Review, Charter  
**Subject:** Letter in response to KC Charter Review Commission request for feedback  
**Attachments:** Response letter to Commission from Sightline 12-27-18.pdf

Alan Durning, Sightline's Executive Director, received a letter from the Commission in December of 2018 asking for his input on the Commission's work this year. Please find a response letter attached. Apologies for our delay in getting this to you. We had trouble finding the appropriate address and originally misdirected this letter.

A hard copy will follow shortly in the mail.

Please let me know if you have any questions.  
Margaret

Margaret Morales | Researcher |  
Sightline Institute | [www.sightline.org](http://www.sightline.org) | Find us on [Facebook](#) and [Twitter](#)  
T 206.447.1880 x108 | @MadDogMarge

*Sightline Institute is a think tank providing leading original analysis of energy, economic, and environmental policy in the Pacific Northwest. Take a look at our [talking points](#), or sign up for our [news service](#).*

December 27, 2018

Co-Chairs Louise Miller and Ron Sims  
King County Charter Review Commission

Dear Ms. Miller and Mr. Sims:

Thank you for your letter requesting Sightline's input on your review of King County's charter. I am grateful for your work to make our county government even more effective and responsive to its residents, and I appreciate your outreach to diverse community members.

One of the greatest opportunities before the Charter Review Commission lies in ensuring county elections yield results that accurately represent the county's voters' preferences and life experiences.

To this end, I encourage the Commission to recommend that the King County Elections Oversight Committee conduct a racial equity impact analysis of King County's current election method: nine single-winner districts plus five at-large offices, each elected via a plurality primary followed by a top-two runoff. If there is evidence of racially polarized voting in any of these elections, the study should also examine how a range of potential remedies, such as districting and semi- and fully proportional voting methods, could correct the election system bias.

Other US counties have engaged in similar studies of their local elections with illuminating results. For example, in the city of Santa Clara, California, a research team from Tufts University, the Massachusetts Institute of Technology, and the Metric Geometry and Gerrymandering Group recently reviewed the racial impacts of the city's existing election methods<sup>1</sup>. The study found evidence that the city's election method and voters' racially polarized voting resulted in consistent underrepresentation of the county's Asian and Pacific Islander communities. The research also suggested a number of remedies that could yield more representative results, including implementing proportional voting methods. King County should engage in a similarly thorough study of possible racial or ethnic underrepresentation resulting from our existing election methods.

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<sup>1</sup> This review is available online here: <https://mggg.org/pdf/MGGG-SantaClara.pdf>

My colleagues and I at Sightline would be pleased to answer questions or brief you or the commission on this suggestion. Thank you for your service to the people of King County.

Sincerely,

A handwritten signature in cursive script that reads "Alan Durning". The ink is dark and the signature is fluid.

Alan Durning  
Executive Director

**Daly, Sharon**

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**From:** Mark Bradshaw <mmbad2016@gmail.com>  
**Sent:** Tuesday, February 5, 2019 11:34 PM  
**To:** Review, Charter  
**Cc:** Balducci, Claudia; Manka.Dhingra@leg.wa.gov; Roger.Goodman@leg.wa.gov; Larry.Springer@leg.wa.gov  
**Subject:** RCW 49.60.180 Unfair Practices of Employers

It is an unfair practice for any employers:

Refuse to (1)hire, (2)discharge or bar, (3)discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

**\*\*This violates homeless worker's Bill of Rights pursuant to the US Constitutional 9th amendment:**  
"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."  
- James Madison

Furthermore,

EJUSDEM GENERIS CANON: Where general words follow an enumeration of two or more things, they apply only to persons or things of the same general kind or class specifically mentioned.

Conclusion,

Please amend the charter to include "Housing Status" in the W.L.A.D. to protect the 12,000 homeless people in King County!!

Best Regards,

Mark Bradshaw  
450 Central Way unit 5304  
Kirkland, WA 98033

**Daly, Sharon**

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**From:** Sarah Luthens <sarahluthens@gmail.com>  
**Sent:** Sunday, February 17, 2019 3:02 PM  
**To:** Review, Charter  
**Subject:** Commission: Request for "ranked choice voting"

Dear Commissioners... I strongly encourage you to consider "ranked choice voting" as a means to promote greater democracy, to encourage civility, and to help empower otherwise marginalized voices in a way that does not produce the "spoiler effect."

If you would, please let me know your thoughts on this topic.

Thank you.

~ Sarah Luthens. 206-375-2312  
North Beacon Hill, Seattle

Sent from my iPhone

**Daly, Sharon**

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**From:** Steven Lloyd Kendall <StevenLloydKendallSeattle@hotmail.com>  
**Sent:** Sunday, February 17, 2019 3:40 PM  
**To:** Review, Charter

**(1) Amend King County Charter to authorize King County voters to amend county charter by ballot initiative. Require signatures equal to at least 8% of the total number of King County registered voters, in the last county general election. Text of charter amendments can be submitted to King County Elections on or after the first business day in January, and signatures must be submitted no later than the first business day of the following August. Bypass King County Council and send charter initiatives straight to the November ballot. Charter amendments must receive an affirmative vote of a simple majority of the total votes cast for and against the amendment, and must be ratified by a simple majority (5/9) of the nine county council districts.**

**(2) Offer an Equal Rights Amendment (ERA) for the King County Charter. Include the following class of persons: age (18 and older), ancestry, creed, ethnicity, marital status, parental status, political ideology, religion, sex, sexual orientation, and physical, mental, or sensory handicap.**

Sincerely,

Steven L. Kendall  
5519 University Way NE, #6  
Seattle 98105  
Res. #: 206/551-2669  
E-Mail: StevenLloydKendallSeattle@hotmail.com

**Daly, Sharon**

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**From:** Alexander <alessandroinviaggio@gmail.com>  
**Sent:** Monday, February 18, 2019 12:00 PM  
**To:** Review, Charter  
**Subject:** King County Charter Review Feedback

Hello,

I'd like to recommend that King County adopt Ranked Choice Voting (RCV) for all of its elections.

Ranked choice voting is a system in which voters rank the candidates in order of preference, rather than simply choosing one candidate. After all the votes are cast, each voter's first choice is counted, and if no candidate has received a majority of the votes (50% + 1 vote), then the candidate who received the fewest votes is eliminated. Any voter who listed that candidate as their first choice then has their vote re-allocated to their second choice. If there is still no candidate with a majority of the votes, then the process repeats itself until one candidate has received a majority. Whichever candidate has a majority of the votes is elected to the office.

As an electoral system that rewards the candidate with the broadest support (rather than the one who most effectively mobilizes just their traditional base), RCV is a solution to the breakdown in civility we have seen in recent elections. Very nearly everyone - regardless of political inclination - found those elections to be unpleasant (to say the least), so the notion of a less bitter election is an idea that very nearly everyone can get behind.

I sometimes describe RCV as encouraging a "free market of ideas", since it provides a (more) level field for competition between political notions. Removing the spoiler effect is a significant advantage of RCV over the existing system. The idea that you could cast your first-choice vote for anyone - without incurring any risk of assisting the election of a particular opposition candidate - is an exciting concept, because it really lets each voter speak their mind. This point is particularly important, because many of the voters I've spoken to (from multiple demographics, but particularly in rural areas) don't feel that their voices are well represented in government. Offering a platform where voters can reasonably feel that their voices are heard makes them much less inclined to support extreme candidates who offer them the same.

These are among the many reasons why RCV appeals to me, and why it appeals to many other constituents I've spoken to as well. Please support this system in order to continue our effort to form a more perfect union.

Thank you for your time and consideration.

- Alexander Johnson

**Daly, Sharon**

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**From:** Keith Weir <keith.weir@gmail.com>  
**Sent:** Tuesday, February 26, 2019 4:50 PM  
**To:** Review, Charter  
**Subject:** 2019-Review

Dear Commissioners:

I would like to strongly encourage you to look at the three legged stool approach to changes to the charter. We need a strong workforce for our future growth in the region, this can be accomplished by implementation of strong Workforce Development initiatives, economic development that is smart and ensures that our most vulnerable populations are not ignored. Expanded opportunities for ALL residents of King County can be accomplished through utilization of strong workforce standard language and contracting requirements. King County should remain the shining example for the region in how business should be done responsibly and equitably. Community Workforce agreements are a great tool to ensure that this can happen with Public Works projects, as a starting point, following in the steps of the City of Seattle and other regional partners. These agreements can be a starting point to address the main culprit of our housing crisis, a LIVING WAGE!!! Opportunities for members of our communities, including VETERANS are bountiful in the construction industry right now, and these are great careers that will ensure stability for those who find that sorely lacking right now. Please take in to consideration the impact of your decisions, ten years from now, not just in THIS moment, please take the time needed to make rational, sound decisions, that will help keep King County a proud example of how good governance should be accomplished !!!

Thank you for your time.

Keith J. Weir

"A veteran is someone who, at one point in his life wrote a blank check made payable to "The United States of America " for an amount of "up to and including my life." That is Honor, and there are way too many people in this country who no longer understand it." -- Author Unknown.



<http://www.powells.com/?&PID=35751>

"Every order placed through this link benefits union workers"

**Daly, Sharon**

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**From:** Jeff Matson <jkmatson71@gmail.com>  
**Sent:** Friday, March 1, 2019 9:30 AM  
**To:** Review, Charter  
**Cc:** Lambert, Kathy  
**Subject:** King County Council Size

The current size of the King County Council (9) is more than adequate. With about 2,100,000 residents in the county, each council member represents about 230,000 people. Los Angeles County has only 5 members on the County Board of Supervisors, each representing over 2 million people.

Let's don't increase the size of the council. How much more would it cost the county to increase the size? Of what benefit would it make to the average citizen?

Jeff Matson  
Issaquah  
Council District 3

**Daly, Sharon**

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**From:** Bryan Olay <bb.olay@outlook.com>  
**Sent:** Saturday, March 2, 2019 4:19 PM  
**To:** Review, Charter  
**Subject:** Charter Feedback - More Affordable Housing in the Right Areas

Hi,

I want to promote building MORE affordable housing units – and I want to do it in OPTIMAL LOCATIONS. At a meeting with Kirkland city planners, my neighborhood council was informed that there are city-level “quotas” for affordable housing – as in, each city had to build a certain amount of affordable housing per regulations. This is sub-optimal because certain cities are better suited for building affordable housing areas.

For example, it doesn’t make micro-economic sense for NY State to mandate that prime-neighborhood Manhattan have affordable housing. Instead, affordable housing should be optimized across a wider area – in this instance, King County should designate areas across the county (rather than create quotas for cities) for building more affordable housing. Ultimately, the state/county/cities will benefit from increased tax revenues from continued private development in prime locations, and lower-income citizens can benefit from increased affordable housing units in better suited areas.

What is needed for King County to abolish city-level quotas and institute a county-wide optimization plan for affordable housing?

Cheers,  
Bryan Olay  
Kirkland, Highlands Neighborhood Council

**Daly, Sharon**

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**From:** Lucas Knutzen <lknutzen@gmail.com>  
**Sent:** Monday, July 1, 2019 8:27 AM  
**To:** Review, Charter  
**Subject:** Charter Review

Do not remove my right to vote for King County Sheriff.

**Daly, Sharon**

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**From:** Chad@magendanz.com on behalf of Chad Magendanz <Chad@magendanz.com>  
**Sent:** Monday, July 1, 2019 11:06 AM  
**To:** Review, Charter  
**Subject:** Don't take away our right to vote for Sheriff!

The King County Executive already has **\*way\*** too much authority, and county sheriff is one of the most visible elected officials...especially out here in unincorporated King County. Please resist any efforts to make this an appointed position!

Chad Magendanz | CXO, Voter Science, LLC | 425.246.8782

**Daly, Sharon**

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**From:** Joe Brotherton <joe@joebrotherton.com>  
**Sent:** Monday, July 1, 2019 11:07 AM  
**To:** Review, Charter  
**Subject:** Elect a sheriff

I oppose the proposal to make the sheriff an appointed office. I am a King county voter and taxpayer.



Joseph Louis Brotherton [The Brotherton Companies](#)  
Attorney-at-law [2900 N.E. Blakeley Street](#)  
**Web site:** [www.JoeBrotherton.com](http://www.JoeBrotherton.com) [Suite B](#)  
**Assistant:** [StephanieW@JoeBrotherton.com](mailto:StephanieW@JoeBrotherton.com) [Seattle, Washington 98105](#)  
**Direct:** [Joe@JoeBrotherton.com](mailto:Joe@JoeBrotherton.com) [Google Map to Joe's Office](#)  
**Phone – (206) 325-3537 Cell – (206) 972-2727**

**Daly, Sharon**

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**From:** Renay Bennett <renaybennett@msn.com>  
**Sent:** Monday, July 1, 2019 11:09 AM  
**To:** Review, Charter  
**Subject:** Please don't take away our right to vote for Sheriff

We have already had this vote and WE THE PEOPLE want to elect our Sheriff. Please don't change this settled debate.  
Renay Bennett

Sent from Mail for Windows 10

**Daly, Sharon**

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**From:** Jim Rosemary <jim@newtechweb.com>  
**Sent:** Monday, July 1, 2019 11:18 AM  
**To:** Review, Charter  
**Subject:** Keep Sheriff's Office as Elected Position

Hello,

I read today that the King County Executive and Council are considering changing the process by which our County Sheriff is selected - from a vote of the citizens to an appointed position. I strongly urge you to keep the current process in place, keeping it as an elected office.

In 1996, the voters chose to restore the selection process via election. It has been working just fine since then. We do not want our voices silenced and our vote removed. Keep the current process of selecting the King County Sheriff by election.

Thank you,

Jim Rosemary  
12712 SE 223rd Drive  
Kent, WA 90831  
253-639-3165  
jim@newtechweb.com

**Daly, Sharon**

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**From:** Susan Harmon <susie.7781@gmail.com>  
**Sent:** Monday, July 1, 2019 12:22 PM  
**To:** Review, Charter  
**Subject:** Elect our Sheriff

Please do not change the Charter. I think the people have the right to elect our sheriff.  
Thank you,  
Susan Harmon, Kirkland WA

Sent from my iPad

**Daly, Sharon**

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**From:** David Krier <q9m7yf6rz1@outlook.com>  
**Sent:** Monday, July 1, 2019 12:42 PM  
**To:** Review, Charter  
**Subject:** Proposed Charter Review Provision to Change the select of Sheriff

Charter review commissioners, I am a voting, King County resident living in Renton. Please do change how King County selects it's Sheriff. Drop the charter review provision to move that office to an appointed position and let the votes continue to independently select their sheriff.

"Faith means battles; If there are no contests, it is because there are none who desire to contend"  
- Saint Ambrose

Cheers,  
Dave Krier,  
Mobile : 206.972.4989

Notice: This message, and any attached file(s), is intended only for the use of the individual(s) or entity(s) to which it is addressed, and may contain information, including attachments, that are privileged, confidential and/or exempt from disclosure under applicable law. If the reader of this message and its attachments (if any) is not an intended recipient, you are hereby notified that any and all dissemination, distribution, copying or transfer of knowledge contained herein, is strictly prohibited and that no confidentiality or privilege is waived or lost by any mistransmission. If you have received this communication in error, please notify the sender immediately by reply e-mail and delete all copies of the original message and its contents. Thank you.

**Daly, Sharon**

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**From:** Don Wile <donwile@comcast.net>  
**Sent:** Monday, July 1, 2019 1:05 PM  
**To:** Review, Charter  
**Subject:** Election of Sheriff

Charter Review Board,

The citizens of King County deserve the right to elect the King County Sheriff that was allowed in the 1990's. Do not eliminate this right from the Charter as you are currently considering.

Sincerely,

Don Wile

**Daly, Sharon**

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**From:** William George <warden\_wolf@yahoo.com>  
**Sent:** Monday, July 1, 2019 1:23 PM  
**To:** Review, Charter  
**Subject:** Please do not change the election process for KC Sheriff!

To whom it may concern,

It has come to my attention that there is a move underway to change the King County Sheriff from an elected position to an appointed one. I want to ask that this \*not\* happen, as direct election by the public is very important for positions like this which directly impact the public. As I understand it, all other counties in Washington state elect their Sheriffs, and we should continue to do the same.

Thank you for your time,

William George  
warden\_wolf@yahoo.com

**Daly, Sharon**

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**From:** Katie Muhsam <k.muhsam@comcast.net>  
**Sent:** Monday, July 1, 2019 1:27 PM  
**To:** Review, Charter  
**Subject:** Election of Sheriff

Do Not, I said, Do Not take away my right to vote for Sheriff.  
Sent from my iPad

**Daly, Sharon**

---

**From:** Neil Jacobson <vikings@charter.net>  
**Sent:** Monday, July 1, 2019 1:31 PM  
**To:** Review, Charter  
**Subject:** Sheriff not voted on?

What are you people trying to do! Take away the right of the people to chose who will uphold the law? Don't need a liberal commission choosing a liberal sheriff 😞  
Sent from my iPhone

**Daly, Sharon**

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**From:** ROBERT POWELL <colpowell@comcast.net>  
**Sent:** Monday, July 1, 2019 1:39 PM  
**To:** Review, Charter  
**Subject:** elected sheriff

this is just one more step in the communist take-over in king county.IT HAD BETTER NOT HAPPEN.

**Daly, Sharon**

---

**From:** John Turner <teacher360@gmail.com>  
**Sent:** Monday, July 1, 2019 2:10 PM  
**To:** Review, Charter  
**Subject:** County Sheriff position

Review Committee:

Let this message indicate clearly to you that it is requested, recommended, and desired that the position of County Sheriff for King County remain in the hands of the voting public to determine who will serve. It should NOT be taken over as an appointee of the County Commission, not now, not ever!

Thank you.

John Turner

Sent from Mail for Windows 10

## Daly, Sharon

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**From:** Email <stigw3@comcast.net>  
**Sent:** Monday, July 1, 2019 3:20 PM  
**To:** Review, Charter  
**Subject:** Sheriff

Keep KC sheriff elected.

From Stig's phone

**Daly, Sharon**

---

**From:** Mary Cabrian <mcabrian@aol.com>  
**Sent:** Monday, July 1, 2019 4:37 PM  
**To:** Review, Charter  
**Subject:** Sheriff vote

This is very disturbing to have our voting right taken away and have no say in who becomes sheriff. Stop this right away. I guess we need to vote those out who want to take us voter's rights away. This is unconscionable.  
Mary Cabrian

Sent from my iPhone

## Daly, Sharon

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**From:** Edie Faylor <outlook\_2B4DB52A1F6B66BF@outlook.com>  
**Sent:** Monday, July 1, 2019 5:01 PM  
**To:** Review, Charter  
**Subject:** appointing vs. electing the Sheriff

We MUST continue to elect our Sheriff – I don't trust anybody in King County government to do the right thing for the citizens. This has to be stopped before they shove it through!!!! Put it on the ballot for the next election.

Sent from Mail for Windows 10

**Daly, Sharon**

---

**From:** Judy Gunn <jjgunn77@yahoo.com>  
**Sent:** Monday, July 1, 2019 5:01 PM  
**To:** Review, Charter  
**Subject:** We need an elected Sheriff

Please support a duly elected Sheriff. We need someone that is accountable to the people that elects the Sheriff not a bureaucratic Office that this accountable to no one.

Thank you.  
Judy Gunn  
Woodinville, WA  
King County

Sent from my iPhone

**Daly, Sharon**

---

**From:** Tom Irwin <furyface@live.com>  
**Sent:** Monday, July 1, 2019 5:52 PM  
**To:** Review, Charter  
**Subject:** right to elect the King County Sheriff

As a 59 year resident of King County I strongly oppose the proposal to take away my right to vote for the King County Sheriff position. Every single county in Washington elects their Sheriff. If this change is made, the people in King County will be the only ones who don't have a say in their Sheriff. We've all seen what happens in Seattle and Portland, with how political the issue of policing is and how their Chiefs of Police are restrained from doing their job.

Tom Irwin  
47928 323rs Ave SE  
Enumclaw Wa. 98022

Sent from Mail for Windows 10

**Daly, Sharon**

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**From:** Neil Vonnahme <vonnahmeneil@gmail.com>  
**Sent:** Monday, July 1, 2019 5:54 PM  
**To:** Review, Charter  
**Cc:** Lambert, Kathy; Sanders, April  
**Subject:** Retain Voting For King County Sheriff

In 1996 voters elected to go back to electing the sheriff.

I am writing you to voice my whole-hearted support of retaining this process AND NOT to change to allow the King County Executive to appoint the sheriff.

We need to retain the independent will of the people and limit the undue influence by the King County Executive over the Sheriff's Office.

Thank you for your consideration.

Neil Vonnahme  
23826 NE 124th Terrace  
Redmond, WA 98053

## Daly, Sharon

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**From:** ProtonMail account <shanemacaulay@protonmail.com>  
**Sent:** Monday, July 1, 2019 9:19 PM  
**To:** Review, Charter  
**Subject:** opinion re elected vs appointed King County Sheriff

Dear members of the King County Charter Review Commission -

Thank you for taking input on the matter of whether the King County Charter should be changed to allow appointment, rather than direct election, of the King County Sheriff.

Unlike rank and file police and sheriff deputies, who enforce directives more or less as ordered, the County Sheriff has a quasi-political role, and makes decisions regarding resource allocation and prioritization of department resources, areas of emphasis for community safety, etc. As such, this role should remain directly accountable to the people, rather than through an intermediary like the King County Executive, so that the people may directly choose to approve or disapprove of the performance of the Sheriff and whether she or he should continue in the role. The further that the Sheriff is removed from direct accountability to the people, the more likely it is that attentiveness to the needs of the citizens will diminish.

I strongly urge members of the Charter Review Commission not to change the current direct election of the King County Sheriff. The current direct election system is working well and best serves the needs of the people of King County.

Sincerely,

Shane Macaulay, MD

**Daly, Sharon**

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**From:** Sarina Forbes <archhistorian@hotmail.com>  
**Sent:** Monday, July 1, 2019 10:47 PM  
**To:** Review, Charter  
**Subject:** Election of King County Sheriff

To whom it may concern:

As a resident of King County I feel very strongly that the office of King County Sheriff should continue to be an elective one. The sheriff should be chosen by the Electorate and not chosen by the King County Executive.

Every last county in Washington State elects their Sheriff. If this change is made, the people in King County will be the only ones who won't have a say in who can best carry out the role of Sheriff.

Personally I do not believe it is acceptable for this decision to be made by one person while disenfranchising the voters. I do not trust the politicians who lead King County with simply appointing someone this important for the job. The position should not be politicized in any way, shape or form.

Sincerely,

Sarina Forbes

Renton

Sent from my iPad

**Daly, Sharon**

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**From:** terrymarsh@aol.com  
**Sent:** Tuesday, July 2, 2019 6:43 AM  
**To:** Review, Charter  
**Subject:** Against making the King County Sheriff a non-elected (i.e., Mayor appointed) position

Dear Sirs/Madams --

I am against making the King County Sheriff a non-elected (i.e., Mayor appointed) position. I believe the citizens of the county are best served by an elected official.

Regards,  
Terry Marsh

**Daly, Sharon**

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**From:** Melinda Pidgeon <littleladybugsmiles@gmail.com>  
**Sent:** Tuesday, July 2, 2019 8:40 AM  
**To:** Sarina Forbes  
**Cc:** Review, Charter  
**Subject:** Re: Election of King County Sheriff

Well said!

Did you catch that you said 'note' instead of not? First paragraph, second sentence.

MUHAHA!

On Mon, Jul 1, 2019 at 10:46 PM Sarina Forbes <[archhistorian@hotmail.com](mailto:archhistorian@hotmail.com)> wrote:  
To whom it may concern:

As a resident of King County I feel very strongly that the office of King County Sheriff should continue to be an elective one. The sheriff should be chosen by the Electorate and not chosen by the King County Executive.

Every last county in Washington State elects their Sheriff. If this change is made, the people in King County will be the only ones who won't have a say in who can best carry out the role of Sheriff.

Personally I do not believe it is acceptable for this decision to be made by one person while disenfranchising the voters. I do not trust the politicians who lead King County with simply appointing someone this important for the job. The position should not be politicized in any way, shape or form.

Sincerely,

Sarina Forbes

Renton

Sent from my iPad

**Daly, Sharon**

---

**From:** Andy Ryan <nordic44@comcast.net>  
**Sent:** Tuesday, July 2, 2019 8:53 AM  
**To:** Review, Charter  
**Subject:** Elected Sheriff

If there is any truth to an article I recently read regarding making the Sheriff an appointed rather than elected position. I think this is a very bad idea. We have to many examples of politically motivated groups (i.e.- Seattle City Council) that attempt to put their political agendas in place and circumvent the publics rights.

Again, bad idea in my opinion  
Sincerely  
Andrew Ryan

**Daly, Sharon**

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**From:** JEANNIE VANVLEET <DVANJVAN@msn.com>  
**Sent:** Tuesday, July 2, 2019 11:28 AM  
**To:** Review, Charter  
**Subject:** King County Sheriff

I live in South King County and want to ensure we the voters choose our Sheriff via the voting process. Do not let this be a position chosen by committee & Seattle City Council. Keep our sheriff a voter appointed position!!!

We voted on this and that vote should be respected.

Jeannie VanVleet

**Daly, Sharon**

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**From:** nancy campbell <nancy\_22091@msn.com>  
**Sent:** Tuesday, July 2, 2019 11:56 AM  
**To:** Review, Charter  
**Subject:** Sheriff election

Please keep electing the sheriff NOT appointing one Thank you

Nancy Campbell  
Lifelong KC resident & property owner

Sent from my iPad

**Daly, Sharon**

---

**From:** Carlos Ramos <carlosr77@gmail.com>  
**Sent:** Tuesday, July 2, 2019 1:09 PM  
**To:** Review, Charter  
**Subject:** Keep Sheriff Elected

I think that maintaining a separation of the executive from the Sheriff position is critical in checking potential council abuse of powers. We have sadly come to see the political abuse implications taking place in a vastly Democratic Party controlled government; evermore, moving left, and more radical. Look at what is happening in Portland. Great example of political abuses, politics preventing law enforcement from carrying out its public duty.

Carlos Ramos  
Newcastle, Wa

Sent from my iPhone

**Daly, Sharon**

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**From:** Elly Broggi <ellyb1@hotmail.com>  
**Sent:** Tuesday, July 2, 2019 1:22 PM  
**To:** Review, Charter  
**Subject:** Elected Sheriff

Once again you thugs are trying to take our rights away.

Sent from my Verizon, Samsung Galaxy smartphone

## Daly, Sharon

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**From:** Matt Seybold <mattse@microsoft.com>  
**Sent:** Tuesday, July 2, 2019 2:17 PM  
**To:** Review, Charter  
**Subject:** Sheriff should be an elected position like all other counties in Washington

Having an "appointed" Sheriff takes control away from the citizens of King County. Most county commissioners positions no one votes vs. the sheriff position. Having KC council members making decisions for the citizens of King County is truly laughable.

Keep the Sheriff an elected position. I couldn't even tell you who currently sits on the KC council. I've known every Sheriff going back to Reichert. Every other county has elected Sheriff position.

Matt Seybold  
Sammamish, Wa

## Daly, Sharon

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**From:** Tad Doviak <tubatad@gmail.com>  
**Sent:** Tuesday, July 2, 2019 3:05 PM  
**To:** Review, Charter  
**Subject:** Elected vs Appointed Sheriff

It has come to my attention that study is being done to make King County the only county in the state an appointed sheriff vs an elected sheriff. Given the hyper-politicized state of law enforcement in King County and the fact that the KCSO serves citizens in only 6 of the 9 districts of King County, it seems best to leave the decision of who will be sheriff to the voters who are served by the sheriff rather than elected officials who do not represent those citizens.

Thank your for the work you are doing on the charter review. It is very important work. By removing this from consideration it will free up your time to look at other important charter issues.

--

Tad Doviak

**Daly, Sharon**

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**From:** Richard Mikita <B717Cap@hotmail.com>  
**Sent:** Tuesday, July 2, 2019 4:54 PM  
**To:** Review, Charter  
**Subject:** King County Sheriff

Dear Sir or Madam:

I would like to let you know that I am in favor of the King County Sheriff being ELECTED.

Thank you,  
Richard Mikita  
Issaquah

**Daly, Sharon**

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**From:** Henry Sherwood <robinshoods@msn.com>  
**Sent:** Tuesday, July 2, 2019 6:08 PM  
**To:** Review, Charter  
**Subject:** Sheriff

So are we going communist now !

**Daly, Sharon**

---

**From:** bill.kennamer <bill.kennamer@gmail.com>  
**Sent:** Tuesday, July 2, 2019 6:13 PM  
**To:** Review, Charter  
**Subject:** King County Sheriff

No, no ,no the Sheriff needs to be elected by the people, not a lapdog to the Country Executive.

Sent from my T-Mobile 4G LTE Device

**Daly, Sharon**

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**From:** Matt Savage <satmavage@gmail.com>  
**Sent:** Tuesday, July 2, 2019 9:31 PM  
**To:** Review, Charter  
**Subject:** Sheriff election

The right of the people is to elect the Sheriff of King County. Please do not remove the priveledge to continue this process. This is too important of a process and position in law enforcement to nearly change to an appointed position. It wreaks of partisanship to whomever political party the council and executive align with. This should not be the direction we move and our right to vote should stay in place.

Regards,

Matt Savage

**Daly, Sharon**

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**From:** Joe Winters <cajunswampbug@icloud.com>  
**Sent:** Wednesday, July 3, 2019 6:14 AM  
**To:** Review, Charter  
**Subject:** Elected Sheriff

Leave my right to elect my Law Enforcement leader alone!!!!!!!

Sent from my iPhone

**Daly, Sharon**

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**From:** Carl Ueland <carl@uelandfamily.com>  
**Sent:** Wednesday, July 3, 2019 9:40 AM  
**To:** Review, Charter  
**Subject:** Voting vs appointing sheriff

Please do not move forward the change of letting the voters elect a sheriff.

We need to be able to vote in the sheriff so they do the job of law enforcement freely.

Carl Ueland



Virus-free. [www.avg.com](http://www.avg.com)

**Daly, Sharon**

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**From:** Steve Davis <sld3925@msn.com>  
**Sent:** Wednesday, July 3, 2019 2:04 PM  
**To:** Review, Charter  
**Subject:** Discussion to remove the elected Sheriff Position

I have just read that the Charter Review Commission is considering a measure to change the King County Sheriff from an elected position to one appointed by the County Executive with ratification by the County Council. I would like the Commission to know that I am very opposed to this measure and will be contacting both the Council and the Executives Office to express my concerns. It hasn't been even 20 years since the citizens of the County voted to return the Sheriff from an appointed to an elected position. Other than blatant politics there is no reason now to attempt to return it to an appointed one. I can well remember the reasons why the citizens voted, in an overwhelming majority, to return the Sheriff an elected position and they are as valid now as they were then. Frankly this proposal is a very bad one and is purely a political gambit. I can assure you my neighbors and I will oppose it.

Thank you.

Steve Davis

Sent from Mail for Windows 10

**Daly, Sharon**

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**From:** Eric Burrows <eburrows2@gmail.com>  
**Sent:** Wednesday, July 3, 2019 3:47 PM  
**To:** Review, Charter  
**Subject:** Placing Jail under Sheriffs Control

Hello,

I would like to suggest putting the jail under the the control of the sheriffs office.

I believe that King County is the last or at least one of the last county jails not under control of the county sheriff.

Thanks

Sent from my iPhone

**Daly, Sharon**

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**From:** Richelle Spence <richellespence@hotmail.com>  
**Sent:** Saturday, July 6, 2019 7:47 AM  
**To:** Review, Charter  
**Subject:** Sheriff selection

Please continue to allow the people of King Count to choose our Sheriff. Do not take away our choices.  
Thank you for your time,  
Richelle Spence

Sent from my Samsung Galaxy smartphone.

## Daly, Sharon

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**From:** barb770@aol.com  
**Sent:** Saturday, July 6, 2019 11:48 AM  
**To:** Review, Charter  
**Subject:** Vote for a sheriff

Are you trying to hide something? Why won't you let the voters decide on what kind of sheriff they want? No more "good old boys" running a muck in each party please.

Barb Kenney  
Bellevue, WA

**Daly, Sharon**

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**From:** Barry Teats <barryteats@me.com>  
**Sent:** Monday, July 8, 2019 5:42 PM  
**To:** Review, Charter  
**Subject:** Appointed King Co. Sheriff

Taking away the peoples right to vote for King Co sheriff is a bad,bad,bad idea. DO NOT make any change to current process of electing a King Co sheriff.

Thank you

Barry and Anna Teats

Woodinville, Wa

**Daly, Sharon**

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**From:** Michael Swope <swopeexcavation@hotmail.com>  
**Sent:** Wednesday, July 10, 2019 10:43 PM  
**To:** Review, Charter  
**Subject:** Keep the sheriff elected

To whom it concerns,

The sheriff of king county is accountable to me and the other 2 million residents of king county, not Dow Constantine. The argument that the sheriff could be picked from a number of better candidates nationwide is absurd. Candidates for sheriff, not from here, don't reflect our values, don't understand the nuance of our ways, and would have difficulty enforcing the laws the way the people here want them to be enforced. Enforcing laws outside the norms of the community is precisely what is driving a wedge between society and law enforcement. It isn't the elected sheriffs from around our country that are responsible for that rift. It is the state police and the city police who are not directly accountable to the people. We can find one person in the 2.2 million people that live in this county that the people want to elect for sheriff. The very notion that anyone thinks it's appropriate to appoint a position that should clearly be elected smacks of arrogance and tyranny. Arguing the case for an elected sheriff versus an appointed "sheriff" feels like debating the virtues of democracy versus nazi Germany.

Michael Swope  
206-852-2395

Sent from my iPhone

**Daly, Sharon**

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**From:** omarofalexandria@aol.com  
**Sent:** Thursday, July 11, 2019 10:32 AM  
**To:** Review, Charter  
**Subject:** Comment(s) on Appointed Sheriff Charter Proposal(s)

I am providing this email as insight into the discussions pending before the King County Charter Review Commission (KCCRC) regarding the question of returning to an appointed Sheriff. I worked for King County, specifically the Sheriff's Office, from 1978 through 2015 retiring at the rank of Major. I have worked for both appointed and elected Sheriffs and can say with absolute certainty that maintaining the elected Office of King County Sheriff is the correct choice to take. What is of importance, is considering where or perhaps more importantly why (?), this question is before the KCCRC. If you have not (correctly so in my opinion) seen the political motivations behind this proposal, you are allowing yourselves to be manipulated by King County Politics.

Historically, while Mr. John Spellman was the County Executive, the change from an elected to appointed Sheriff was politically motivated. On or about calendar year 1972 Mr. Spellman - using the authority as the first County Executive and the newly created Home Rule Charter - envisioned law enforcement in King County as evolving into a single-source provider. To that end, he facilitated the end of an elected sheriff and created the position of Sheriff-Director as an appointed position which was directly answerable to the County Executive. His plan was that eventually all municipal law enforcement in King County would be managed by this new entity which he labeled the 'King County Department of Public Safety Police' (KCDPS). In his vision all city police agencies would cease to exist and municipal law enforcement facilities would become precincts or sub-stations of the newly created KCDPS. What Mr. Spellman did not anticipate was that municipalities did not want to lose local control of their law enforcement to a County entity. His plan failed.

With the change of County Charter in 1968 there were hopes that the government corruption scandals of the 1950's and '60's (both the Seattle Police and the King County Sheriff's Office - KCSO - were involved) that a new professionalism could be instilled within the KCSO and corruptive influences dealing with local law enforcement minimized. In theory this sounds both reasonable and effective. In practice the opposite took place as a political position that was open to potential corruptive influence was replaced by an appointed King County Sheriff who was now open to political corruptive influences by both the King County Executive and King County Council. Please remember that an elected official is answerable to those who elected them. An appointed official is ultimately answerable to that individual or group who appointed them. As a former (appointed) Sheriff told me once, he had one veto available to him when dealing with the County Executive. If or when he used that veto to override any Executive Directive, he knew he would find his position terminated by the County Executive. As you can see, under such a system (which is now a proposal in front of you to decide) the power of the Sheriff's Office in King County resides not with those living within the County but within the political environment of the County Executive and Council.

In theory, an argument can be positively made that a appointed Sheriff can provide a more professional and effective leadership. Potential candidates can submit resumes, be interviewed and a successful candidate ultimately selected for appointment. In truth this process does not produce the expected and desired results since the appointed Sheriff is now part of the political agenda of the Executive. All you have to do is look at the mess that the City of Seattle has become to understand how appointed positions are restricted by political directives as it relates to law enforcement functions. The Seattle Mayor, and her political advisory group(s), have kept the Seattle Police from

proactively policing the City to address the problems of civil/criminal discord that has become the reality of life in Seattle. The KOMO Special Report "Seattle is Dying" is all you have to review to understand how political influence in law enforcement issues results in a negative societal impact. Listen to what the Seattle Police Officers are saying in that report and apply those comments to the question of our returning to an appointed Sheriff. I can remember the first Sheriff (appointed Sheriff-Director) that I worked for. His career was initially with California law enforcement and, on paper, he looked to be an excellent candidate for the position. The reality of his tenure was far different...unless...a history of alcohol impaired driving, related traffic accidents/events, questionable staff appointments and a proclivity towards younger women (not his wife) are considered as employment assets. His appointment as Sheriff-Director was done by Mr. Spellman and was made in line with the same operational changes that you are considering making. He remained in his position despite his obvious personal shortcomings for only one reason...he did exactly and without question what the Executive told him to do regardless of the many negative impacts that these directives had on law enforcement within King County.

My final comment is that it is not the quality of education, work experience or family name that creates an acceptable candidate for any position. It is the **quality of the person** (certainly along with a balance of work and educational experiences) that is seeking the position that makes the difference. Returning to an appointed King County Sheriff would not benefit those who depend on service from the Sheriff's Office. Such a change would be an extension of the internal politics of King County whose ultimate goal is a minimization of the Sheriff's Office and the political corruption of that Office. While there are no perfect systems to selected executive positions in any employment field, there are those positions that require community elective input. Please leave this decision to the voters of King County as it relates to the Office of Sheriff.

Please feel free to contact me if you have any questions.

Mr. Brad Thompson  
Auburn, WA  
206-713-6776  
omarofalexandria@aol.com

**Daly, Sharon**

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**From:** Kendall De preker <kendep69@gmail.com>  
**Sent:** Thursday, July 11, 2019 6:56 PM  
**To:** Review, Charter  
**Subject:** electing our sheriff

after reading and listening to on the radio about what the king county wants to do about the sheriff position i'm really feeling this is just another power grab

buy the democrats to take away the communities right to vote for who we want to enforce law dow counsotin will find a person who will follow his view of what

laws should be enforced and from where i'm standing he wants to protect illegals that commit crimes of murder ,rape molesting its all there and when they are

supposed to be deported after they have been convicted buy a judge he still wants them here in our state unbelievable this will not go well in our county

and i hope you will not let this happen please vote to not have a polaticion pick .... let the taxpayers have their say after all ITS WE THE PEOPLE RIGHT

Kendall De Preker

**Daly, Sharon**

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**From:** Marie-Anne <maharkness@comcast.net>  
**Sent:** Monday, July 15, 2019 8:19 PM  
**To:** Review, Charter  
**Subject:** King County Sheriff

It is necessary for the good of the community to elect our county sheriff. Making it an appointed position hurts community confidence in this important position. Why take away the right of King County voters to elect their Sheriff? This makes no sense in a free Republic. Local, city, county and state government are even more important than Federal government. Let the people decide who they want for the top law enforcement position in King County.

Marie-Anne Harkness

### **Commissioners attempting to remove your right to vote for Sheriff**

On the June 26 meeting of the Charter Review Commission a poll was taken of the commissioners with a "thumbs up to continue work on this issue" of removing your right to elect the Sheriff. This vote was not unanimous. If this change makes it through the commission, county council, and voters ultimately approve the measure, it will mean the King County Executive gets to appoint, with council ratification, the Sheriff going forward.

Every single county in Washington elects their Sheriff. If this change is made, the people in King County will be the only ones who don't have a say in their Sheriff. We've all seen what happens in Seattle, with how political the issue of policing is and how their Chief of Police is restrained from doing her job.

You can send your feedback to the charter review commission at [CharterReview@kingcounty.gov](mailto:CharterReview@kingcounty.gov).

You can review the [agenda and draft ordinance](#) to remove your right to elect your Sheriff.

## Daly, Sharon

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**From:** Dallas Boyer <dallasboyer@msn.com>  
**Sent:** Monday, July 15, 2019 10:05 PM  
**To:** Review, Charter  
**Subject:** County Sheriff

I absolutely reject the idea that an appointment to the office of sheriff would be entertained let alone discussed. The idea of denying the people this right will not be tolerated.

Sent from [Mail](#) for Windows 10 Dallas Boyer

**Daly, Sharon**

---

**From:** John Brekke <john@brekkeproperties.com>  
**Sent:** Monday, July 15, 2019 10:36 PM  
**To:** Review, Charter  
**Subject:** Sheriff

Dear King County,

Let the people continue to elect our Sheriff in King County, now and always.

Thank you,

John W. Brekke  
Medina, WA

## Daly, Sharon

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**From:** Jerry Logan <jerryjohnlogan@yahoo.com>  
**Sent:** Monday, July 15, 2019 11:19 PM  
**To:** Review, Charter  
**Subject:** Sheriff election

Please allow the people in King County to vote on the sheriff. Gerald Logan 28916 52nd Place South, Auburn WA 98001

Sent from Yahoo Mail on Android

## Daly, Sharon

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**From:** Jonathan <ibamountaineer@comcast.net>  
**Sent:** Tuesday, July 16, 2019 10:29 AM  
**To:** Review, Charter  
**Subject:** We need to continue to elect our sheriff

I am opposed to changing how the King County Sheriff is chosen. I want to continue to vote for the sheriff.

Jonathan Harkness  
29780 53<sup>rd</sup> Ave S  
Auburn, WA 98001  
253-797-1400

## Daly, Sharon

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**From:** Diane Chakravarty <sandia17@comcast.net>  
**Sent:** Tuesday, July 16, 2019 4:19 PM  
**To:** Review, Charter  
**Subject:** Sheriff

Hi Charter Review Commission,

I'm writing to let you know that as a resident of King County, I am very concerned about the proposal to do away with elections for the position of Sheriff. This must not happen. Frankly, the fact that this is even up for discussion is disturbing.

We currently have an excellent Sheriff. Mitzi Johanknecht is a superb Sheriff, and I cannot imagine being denied the right to vote for someone like her, who is deserving of this most important office. I'm following this - please, DO THE RIGHT THING.

Diane Chakravarty  
Auburn, WA

**Daly, Sharon**

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**From:** cindiriess25@gmail.com  
**Sent:** Sunday, July 21, 2019 12:21 PM  
**To:** Review, Charter  
**Subject:** Voting for Sheriff

I have the right to vote for the sheriff I feel will do the best job! You have no right to take that away!!!

Sent from my iPhone

## Daly, Sharon

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**From:** Sarah Luthens <sarahluthens@gmail.com>  
**Sent:** Monday, September 30, 2019 1:12 PM  
**To:** Review, Charter  
**Subject:** Request for Charter Review

Hi... Thanks for your service on the Charter Review Commission.

If it's appropriate, I'd like to suggest that you recommend a measure that would prohibit incumbent candidates for King County elected offices from making individualized fundraising campaign appeals, especially phone calls, to King County employees (except as part of mass mailings). As a King County employee who recently received such a call, I'd appreciate that very much!

I'd also very much like the commission to consider recommending ranked-choice voting in county elections where there are more than two candidates. This measure gives a stronger & more productive voice to voters. It also promotes greater civility as candidates have a strong incentive to woo voters to rank them #1 or #2. Many local jurisdictions, in addition to the state of Maine have adopted this very pro-democracy measure. I hope to find the time to send a separate email to you on this topic...

Thanks for considering!

Sent from my iPhone

## Daly, Sharon

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**From:** Review, Charter  
**Sent:** Tuesday, October 22, 2019 3:52 PM  
**To:** Review, Charter  
**Subject:** Form submission from: <https://kingcounty.gov/independent/charter-review-commission.aspx>

Submitted from: <https://kingcounty.gov/independent/charter-review-commission.aspx>  
Submitted at 3:51:44 PM, on Tuesday, October 22, 2019

Charter\_Review\_Web\_Comments:

FromUser: Cindy Alia

EMail: [info@proprights.org](mailto:info@proprights.org)

addr1: 718 Griffin Avenue #7

city: Enumclaw

state: WA

zip: 98022

MessageText: The position of Sheriff must remain an elected position! The importance and constitutional requirements of the job demand elected status for a sheriff!

On June 26, 2019 the King County Charter Review Commission has taken up the task of changing your right to vote for a sheriff, replacing that right with an appointment by the county executive:

?AN ORDINANCE proposing to amend the King County Charter to reestablish the office of county sheriff as an executive appointed position; amending Sections 5 350.20.40, 680.10, and 890 of the King County Charter and repealing Sections 645 and 898 of the King County Charter; and submitting the same to the voters of the county for their ratification or rejection at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance.?

Hats off to Shift Washington for uncovering this little reported bit of malfeasance being carried out by the Charter Review Commission! King County Voters? Rights to Elect Sheriff Being Threatened exposes the planned changes proposed by the commission, and includes a link to the draft agenda where this proposed change has been included in the meeting minutes here. A second article here discusses some of the flawed logic. Below, we describe a number of other important considerations on this issue.

Most citizens would find this proposed change appalling in that we expect our elected sheriff to act in the interest of all citizens as the guardian and watchman of our constitutionally protected rights. This news has alarmed and disgusted many citizens of unincorporated King County. We elect our councilmen, hoping for the best with our candidates for that position, but in doing so it is realized their representation will be seriously diluted by councilmen from Seattle and other environs that do not know rural unincorporated life well.

Given the strictly political nature of a county council election, it would not be a stretch to say in comparison the election of a sheriff is paid closer attention and is taken more seriously than a councilman race. A sheriff must be one who does

know rural King County life, understands the priorities and needs of rural citizens and is ready and willing to understand the issues of unincorporated citizens.

It is during the campaigning and election process voters determine the ability and likelihood of a candidate to hold fidelity to our constitution rather than a political allegiance. Determining the best candidate for sheriff is watched closely and discussed in detail among citizens during the election season. An elected position better defines duty to citizen and constitution than an appointed sheriff, who would be hampered in their duty by fidelity to the county, not the citizen.

Oath swearing aside, an appointed sheriff would unfortunately be answerable to the county council, not the individual voting citizen. The appointed sheriff could be recruited from anywhere in the country and thus would be lacking in historical knowledge of the county and its past and present issues. An appointed sheriff could be fired by the county council, and would be a de facto head of an administrative arm, taking a prioritization of duty from the county executive.

In contrast, the elected sheriff when swearing an oath is accountable to the citizens he/she serves, and to the Constitutions of the United States and State of Washington.

An elected sheriff must know and understand the area to which he/she is elected, be a resident of that area, and take the job seriously enough to campaign and display a level of concern and responsibility to the citizens electing him. The Sheriff will take an oath of office which includes a statement of dedication to those who elected him.

The Sheriffs of Washington are elected and are constitutional officers within the Constitution of the State of Washington. State law at RCW 36.16.030 requires that every county ELECT (not appoint) a Sheriff.

An elected sheriff may not be fired, but rather good cause for recall must be shown, and removal from office would go to a vote of the citizens who elected him.

It is clear in state law the sheriff owes allegiance to the rule of law, not the rule of man. Nowhere in state law is it described where a sheriff may ignore some law that is not favored by a county council. On the other hand, a sheriff's duty is to uphold the Constitution, and can thereby protect his/her citizens against an unconstitutional whim of state legislators, bureaucrats, or even voters! An example is discussed in this article regarding the unconstitutional nature of Initiative 1639:

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gunpowdermagazine.com%2Fwashington-state-sheriff-we-have-constitutional-duties-with-our-oath-of-office%2F&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069172342&data=xlBy%2FMrG0499tQ9ZH3e9kl0pxhf9m5tJuedv4QMn5sc%3D&reserved=0>.

State law at RCW 36.28.010 describes the general duties of the sheriff:

General duties.

The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office, he and his deputies;

- (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;
- (2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;
- (3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

Although the King County Sheriff's Office is indicated as a "department" in this url:  
<https://kingcounty.gov/depts/sheriff.aspx>, it is not a subdivision of King County government.

The top of the Washington State Sheriffs Association (WSSA) website  
(<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwashingtonsheriffs.org%2F&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069172342&sd=HpxamYTyUisK7c%2F7xSVHhPTX4JijlCSgl8eooBZDbs%3D&reserved=0>) states: ""The Office of Sheriff is one of antiquity. It is the oldest law enforcement office known in the common law system, and it has always been accorded with great dignity and high trust" - Walter H. Anderson, in Sheriffs, Coroners and Constables. The Sheriffs of Washington are elected and are constitutional officers within the Constitution of the State of Washington." Further, in a slideset by WSSA found here, the Powers and Duties of the Sheriff are described as:

The modern Office of Sheriff carries with it all of the common law powers, duties and responsibilities attendant upon an office of such antiquity and high dignity, except insofar as the office has been legally modified by legislative enactment. The Sheriff is not a county police chief.

The Sheriff works for the people, not the commissioners [or councilmembers] The Sheriff does not work for county government, but is part of county government.

The WSSA slideset provides additional detail on why the Sheriff's office is NOT a "department" of the county government, and why that distinction is so important. The Office of the Sheriff is a Constitutional Office having exclusive Powers and Authority. These Powers are not subject to the dictates of county government.

The National Sheriffs' Association recognizes the importance of keeping the Office of Sheriff as an elected position in their document PRESERVE THE OFFICE OF SHERIFF BY CONTINUING THE ELECTION OF OUR NATION'S SHERIFFS:  
[https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sheriffs.org%2Fsites%2Fdefault%2Ffiles%2Ftb%2FPreserving\\_the\\_Office\\_of\\_Sheriff\\_Through\\_Election.pdf&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069182335&sd=DmTBB9owlhZ25ieL6e9tim%2FZ8L9NOwIVV9AgPZhtiQM%3D&reserved=0](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sheriffs.org%2Fsites%2Fdefault%2Ffiles%2Ftb%2FPreserving_the_Office_of_Sheriff_Through_Election.pdf&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069182335&sd=DmTBB9owlhZ25ieL6e9tim%2FZ8L9NOwIVV9AgPZhtiQM%3D&reserved=0)

The Constitutional Sheriffs and Peace Officers Association  
<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcsppa.org%2F&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069182335&sd=r4U%2FES8fNXz%2FSIJk7Njdl8FghM3yWZtDsl7AVg1EzCI%3D&reserved=0> recognize the constitutional duties of a sheriff as illustrated in this article featuring Sheriff Robert Mack, written by Charles H. Featherstone of the Columbia Basin Herald, SHERIFF MACK: UPHOLDING RIGHTS, NOT ENFORCING LAW, PURPOSE OF POLICE AND SHERIFFS:

[https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.columbiabasinherald.com%2Flocal\\_news%2F20190714%2Fsheriff\\_mack\\_upholding\\_rights\\_not\\_enforcing\\_law\\_purpose\\_of\\_police\\_and\\_sheriffs&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069182335&sd=aOPUIIXyMZKLLI5Hs7Gmjxnt7RDulbVodybZIRW7oiU%3D&reserved=0](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.columbiabasinherald.com%2Flocal_news%2F20190714%2Fsheriff_mack_upholding_rights_not_enforcing_law_purpose_of_police_and_sheriffs&data=02%7C01%7CCharterReview%40kingcounty.gov%7Cbcc0dd3d195c4bd8869e08d757426a46%7Cbae5059a76f049d7999672dfe95d69c7%7C0%7C0%7C637073815069182335&sd=aOPUIIXyMZKLLI5Hs7Gmjxnt7RDulbVodybZIRW7oiU%3D&reserved=0)

It seems this King County Charter Commission is working against the rights of all citizens and for the political wishes of some citizens and the King County Executive in proposing to eliminate our right to vote for our Sheriff. It is hardly reassuring the change would be put to a vote of the citizens, we in King County are well-aware of the perils of "free and fair elections". Citizens' Alliance for Property Rights is recommending each citizen take time now to contact their King County councilmen, as well as the King County Charter Commission to let them know your opinion on the proposed change from elected sheriff to appointed sheriff. It will prove to be effective to have your opinion known now when it may be enough to stop this attempted miscarriage of representation, than it will be later if this proposed change is put to a vote of the citizens of King County.

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User IP Address:10.84.2.22

User Software Client:Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)  
Chrome/77.0.3865.120 Safari/537.36

**Daly, Sharon**

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**From:** Charles Royer <croyer1@gmail.com>  
**Sent:** Monday, October 28, 2019 2:16 PM  
**To:** Review, Charter  
**Cc:** Larson, Linda R.  
**Subject:** Re: King County Charter Review Commission - elected sheriff

I have been opposed to King County having an elected Sheriff since the idea was first surfaced. We have had a long enough learning curve on this issue to now confirm that it may not be a good idea for us, and in fact poses great risk. We have been lucky so far, but the population and mood of the region is changing as is the nation's about public safety. It is not your father's King County anymore. Nor is it Mayberry. If our luck runs out as it did in 2016 when we elected a President of the United States, we could one day wake up to a newly elected Sheriff Joe Arpaio. The experience in Maricopa County is worth sober reflection by the Commission.

Please give us a modernized appointment process where administrative experience, academic background, and exemplary performance "Trumps" medals for arrests, perceived toughness, and TV appeal. And where accountability for Sheriff's Department performance rests squarely on the shoulders of an Elected Executive and the voters who put him/her there.

A fair model is Seattle's Charter, which makes the Executive, the Mayor, responsible for the health and safety of the city.

For me, that responsibility was made dramatically clear on my first day in office when the Police Chief, whom I had just fired, walked into my office in his full dress uniform carrying the new mayors gun, a box of ammunition and a badge.

I did a national search for his replacement, appointed a former Deputy Chief of the NYPD and a Fordham law graduate, who commanded Manhattan South, the home of the UN headquarters, to mention only one of his headaches, and was in charge of developing a very large NYPD budget.

Patrick Fitzsimmons became the longest running chief in Seattle's history, almost 20-years, and never considered cashing in on his visibility and popularity for high elective office. He was known not for his "toughness" but for making a mostly white male police department look like the city it served, and for hiring quality command staff, two of the main points in a "handshake contract" negotiated and affirmed during the appointment process. I agreed he could run the department without my interference or second guessing as long as he kept me informed of his progress on the contract, and always told me both the good news and the bad.

That contract, amended and expanded a few times, remained in force during our twelve years together as Mayor and Chief.

The close relationship between the executive and law enforcement is critical. And it pivots between the success and failure of both in large part based on a process involving two people coming to agreement on the values and general direction that the voters embraced in an election. The Chief can then manage the department with the authority and legitimacy that only the voters can bestow, without feeling the urge to play to them every four years.

Our relatively good luck with electing King County Sheriffs could run out or the next one could be elected by Facebook. Better include a term limit if you want to stick with the current system.

Thank you for your service to all of King County.

Charley Royer

Charles Royer  
206-812-1195 (C)  
206-527-1236 (H)

On Wed, Oct 23, 2019 at 4:24 PM Charles Royer <[croyer1@gmail.com](mailto:croyer1@gmail.com)> wrote:

Hey, Linda, "strong feelings" doesn't quite get to where I am on that issue! i'm finishing up a little writing project right now but I will get you some vitriol in an email by week's end. Thanks for the opportunity.

Charley  
Charles Royer  
206-812-1195 (C)  
206-527-1236 (H)

On Wed, Oct 23, 2019 at 10:01 AM Larson, Linda R. <[llarson@nossaman.com](mailto:llarson@nossaman.com)> wrote:

Hi Charley –

Lynn mentioned that you have strong opinions about whether or not the King County Sheriff should be elected or not. (Although she didn't say which way you are leaning.) Anyway, my fellow commissioners and I are recommending that the sheriff be returned to an appointed position; most of the public testimony we have received has accused us of a communist plot and are in favor of a continued elected position. If you would like to weigh in, the final public hearing is tonight at the County Council Chambers at the courthouse at 7. Or you can send an email to [CharterReview@kingcounty.gov](mailto:CharterReview@kingcounty.gov)

Cheers,

Linda

**Linda R. Larson**

Attorney at Law

NOSSAMAN LLP

719 Second Avenue, Suite 1200

Seattle, WA 98104

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## WASHINGTON STATE SHERIFFS' ASSOCIATION

3060 Willamette Drive NE • Lacey, WA 98516

Phone (360) 486-2380 • Fax (360) 486-2381 • [www.washeriffs.org](http://www.washeriffs.org)

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March 25, 2019

To whom it may concern

At the February 28, 2019 meeting of the Washington State Sheriffs Association, a resolution in strong support of the election of sheriffs in each county of our state was unanimously passed. Our members feel very strongly that the direct accountability and responsiveness to voters is a critical aspect of the office of sheriff.

The office of sheriff provides law enforcement services and is the chief law enforcement officer of each county. In addition, the office of sheriff provides civil and foreclosure services as required by law. These vital public services require a sheriff who has the legitimacy and support of the residents of their county, which is why these offices are elected and directly responsive to the voters.

On behalf of the 39 elected sheriffs of the great state of Washington, we strongly and clearly support the direct election of our offices.

John D. Snaza  
Washington State Sheriffs Association  
Sheriff, Thurston County, Washington

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**President**

John Snaza  
Thurston County

**Vice President**

Tom Jones  
Grant County

**Secretary/Treasurer**

Brian Burnett  
Okanogan County

**Past President**

Gene Dana  
King County

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April 15, 2019

Louise Miller & Ron Sims, Co-Chairs  
King County Charter Review Commission  
King County Courthouse  
516 Third Avenue  
Seattle, Washington 98101  
c/o charterreview@kingcounty.gov

Dear Ms. Miller and Mr. Sims,

Thank you so much for your invitation to provide input on potential amendments to the King County Charter to help shape the future of both King County government and the citizens of this county. We are writing to request that you consider Charter changes that could improve regional governance relating to the wastewater that comes from customers directly served by local governments in King County.

While we were fortunate to have a productive meeting with the King County Executive last week to initiate discussions, we feel it is important that we continue to explore all possible avenues to get these issues resolved. The following critical issues may need to come through this commission for resolution.

As you know, the Metropolitan Municipality of Seattle (Metro) was officially merged into King County in the mid-1990s, shifting the responsibility to provide regional wastewater transmission and treatment services to the County. Included in the merger was the creation of the Regional Water Quality Committee (RWQC) that was intended to provide meaningful policy input from the local governments that directly serve customers. However, opportunities are too limited for providers to give the kind of substantial input they were able to provide through Metro.

In addition, during the last 25 years, communities outside Seattle have grown in size and population, and many new cities exist that were not contemplated in the 1990s. Yet these entities (as well as Seattle) that provide retail wastewater services to the people of King County do not have an effective voice or a vote on how regional wastewater services are planned for, delivered, or financed.

The King County Charter addresses the role of local wastewater service providers in Section 270, "Regional Committees". We are looking for a *real* voice and vote for those providers and their customers that could be achieved through a collaborative process requiring that before major plans, capital budgets, rates, and connection charges are approved, true consensus must be reached among the County, cities with various portions of the customer base, and special purpose districts. An additional improvement would involve adjusting the composition and/or powers of the Regional Water Quality Committee (RWQC) in Sections 270.20 and 270.30 of the Charter. The RWQC could become more relevant and help build consensus between the County as the regional transmission and treatment provider, and the direct service utilities operated by cities of various sizes and by special purpose districts.

We hope to further these opportunities in our discussions, and are looking forward to a collaborative process that considers RWQC approval of (a) major wastewater CIPs and system plans, (b) rates, and/or (c) connection charges, before County Council action as well as a potential adjustment of membership and decision making on the RWQC to allow for an

increase of membership or otherwise adjusted to allocate membership to providers (cities and districts) in a way that reflects the number of residential customer equivalents directly served.

Thank you again for your careful consideration of these issues. We would be pleased to provide you with additional information and detailed ideas if you interested in pursuing these concepts.

Sincerely,

Sincerely,



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John Stokes, Councilmember  
City of Bellevue



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Mary Lou Pauly, Mayor  
City of Issaquah



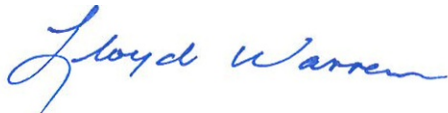
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Penny Sweet, Mayor  
City of Kirkland



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Angela Birney, Council President  
City of Redmond



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Lloyd Warren, President  
Sammamish Plateau Water



---

Jon Ault, President  
Skyway Water and Sewer District



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Allan Ekberg, Mayor  
City of Tukwila



## Proposed Inquest Charter Amendment

### 1. Background

The following proposed charter amendment is jointly submitted by the following 14 organizations:

- Asian Counseling and Referral Service
- Asian Pacific Islander Coalition of King County
- Casa Latina
- Columbia Legal Services
- Disability Rights Washington
- King County Department of Public Defense
- Loren Miller Bar Association
- Mothers for Police Accountability
- Not This Time
- OneAmerica
- Public Defender Association
- Seattle King County NAACP
- Vietnamese Community Leadership Institute
- Washington Defender Association

If you have any questions, please contact Corey Guilmette at [corey.guilmette@defender.org](mailto:corey.guilmette@defender.org).

#### a. What is an inquest?

An inquest hearing provides a public, transparent, and neutral review of any death involving a member of a King County law enforcement agency while in the performance of his or her duties. An inquest is not a trial and does not produce any judgement on liability or fault. However, an inquest shares many attributes of a trial, including that it is governed by the rules of evidence, and witnesses, including expert witnesses, are called to provide testimony, subject to attorney questioning. In an inquest hearing, a jury is selected and, based on the testimony and evidence presented, answers a series of written yes/no questions, called interrogatories.

In October 2018, in response to community concerns, King County Executive Dow Constantine announced significant changes to the strengthen the inquest process. Under the revised inquest rules, inquests will be conducted by an Inquest Administrator. Inquest Administrators will be selected from a pool of retired judges, and will be tasked with overseeing the inquest process and serving as a neutral decision-maker. The typical inquest will involve three attorneys: 1) a neutral attorney (drawn from a pool of pro tem attorneys) who coordinates the inquest process; 2) an attorney representing the family of the deceased individual; and 3) an attorney representing the agency employing the law enforcement member involved in the death. Additionally, although the law enforcement member is not required to participate, the member may, at his/her discretion, offer testimony and have legal representation at the inquest proceeding.

Importantly, the revised rules will expand the scope of the inquest hearing, allowing the jury to determine whether policy and training were followed. This expanded scope will help inform other decision-making processes by suggesting the need for accountability if policy or training were violated or highlighting the need to review policy and training if, despite following policy and training, a preventable death occurred.

**b. Why does the charter need to be changed?**

The King County Charter needs to be amended to ensure that an inquest is held when the actions of a jail staff member or corrections officer may have contributed to an individual's death. Presently the Charter requires an inquest in any death, "involving a member of the law enforcement agency of the county in the performance of the member's duties." The Charter does not define the word "involved," and, thus, is open to inconsistent application. In order to ensure consistent application, the Charter should be amended to provide greater specificity, requiring an inquest when the, "[law enforcement agency] member's actions, decisions, or failure to offer appropriate care may have contributed to an individual's death."

Inquests are of particular value when a death occurs in jail. Unlike police shootings, which receive an independent investigation through I-940, King County jail deaths receive no thorough, independent review. As a result, the inquest process offers the only opportunity for a comprehensive, independent death investigation when the actions of jail staff or officers contributed to an individual's death. Furthermore, jail death investigations are not published to the general public, making the inquest process the only public forum for families and the public to gather information about a jail death.

Forced to confront an investigative process that is closed and oftentimes incomplete, families are re-traumatized as they search unsuccessfully for information about the death of their loved one. In contrast, the inquest process allows families, through the assistance of an attorney, to directly review evidence, question witnesses, and ultimately receive the answers they are seeking through jury interrogatories. It is important that this opportunity be consistently available to all families by amending the King County Charter to offer greater specificity.

## **2. Current Charter Language**

### **Section 895 Mandatory Inquests.**

An inquest shall be held to investigate the causes and circumstances of any death involving a member of the law enforcement agency of the county in the performance of the member's duties.

## **3. Proposed Amended Charter Language**

### **Section 895 Mandatory Inquests.**

An inquest shall be held to investigate the causes and circumstances of any death involving a member of any law enforcement agency in the county, including commissioned officers, non-commissioned staff, and agents of all local and state police forces, jails, and corrections agencies, in the performance of the member's duties. A death involves a member of any law enforcement agency when the member's actions, decisions, or possible failure to offer appropriate care may have contributed to an individual's death.

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**From:** Rich Stolz <rstolzster@gmail.com>  
**Sent:** Thursday, June 20, 2019 12:24 PM  
**To:** Review, Charter  
**Cc:** eric@entrehermanos.org; Lilliane Ballesteros  
**Subject:** Feedback on the Charter Review  
**Attachments:** June 18 Comments on King County Charter.docx

Dear Charter Review Commission:

Please find attached comments submitted on behalf of OneAmerica, Latino Community Fund and Entre Hermanos on various aspects of the King County Charter. Given the importance of this process, we hope that these comments will lead to robust discussion on topics that are of importance to the broader community, including immigrant and refugee communities, communities of color and members of the LGBTQ community in King County. Please feel welcome to reach out with any questions you may have.

Sincerely,

Rich Stolz  
OneAmerica

Sent with [Mixmax](#)

June 18, 2019

To: King County Charter Commission

## **Recommended Changes to the King County Charter**

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Thank you for this opportunity to provide recommendations that would modernize the Charter and ensure that the Charter fully reflects a series of initiatives across King County to strengthen the County's commitment to racial and social equity. The recommendations included in this memo are provided sequentially, following the content of the Charter.

**Preamble.** We recommend adding to the Preamble language that defines the term "racial equity" being used by the County. Of particular value would be language describing the County's commitment to end disparities in health outcomes based on race and zip code.

We also recommend replacing the term "citizen" with "resident" throughout the document, except where using the term resident may not be consistent with requirements under the State constitution (e.g., voting).

**Section 260 – Office of Citizen Complaints.** This provision raised questions about what the "Office of Citizen Complaints" is, how it functions in the County Government, and what efforts have been made to make this Office accessible to the broader community.

Instead of an "Office of Citizens Complaints" we recommend establishing a new agency in County Government that would be a "Community Advocate" modeled after the Public Advocate position that exists in New York City, an elected position. This recommendation is touched on later in this memo under sections where such a recommendation appears to be appropriate.

**Section 265 – Office of Law Enforcement Oversight.** It is not entirely clear that the language in the Charter is consistent with the duties and functions of the Office as it currently exists. We recommend reviewing this language to ensure that it reflects the intent of the existing ordinance related to this office.

**Section 270.10 – Regional Committees.** We recommend that the County Charter establish additional regional committees:

Regional Committee on Criminal Justice Reform. The criminal justice system reflects a lion's share of the County Budget, and while there are multiple efforts across the County to address racial disparities in the criminal justice system, establishing a Regional Committee would serve as a new center of gravity at a higher level of authority that would squarely examine reforms to the system. We also recommend that the Charter expressly include and define as the mission of the Committee to transition the mission of the system to adopt a transformative justice framework that prioritizes rehabilitation and accountability over punishment, and adopts the County's goals with regard to zero youth detention.

Regional Committee for Housing Affordability and Displacement Prevention. Separate jurisdictions across the County are engaging in efforts to protect lower-income communities, businesses and non-profit organizations, and residents from being displaced due to rising property values. But a regional framework is critical to addressing these issues, including the location of “workforce housing” and other affordable housing options.

Regional Committee for Climate Resiliency and Pollution Prevention. The Charter Commission also has the opportunity to establish a Committee charged with exploring regional strategies – building on multi-jurisdictional commitments to reducing greenhouse gas emissions – that would reduce greenhouse emissions and related airborne pollutants, mitigate the impact of climate change causing pollution on environmental justice communities, and examine strategies for climate resiliency and adaptation.

**Section 270.20 – Composition of Regional Committees.** The Charter should further “democratize” the Regional Committees. Each Regional Committee should also have an advisory commission comprised of local residents, particularly focused on centering the voices of impacted communities and residents. If the Charter includes a Community Advocate, per our recommendation, that position should also serve on the Regional Committees.

**Add to Section 350 a new sub-section that establishes the Office of the Community Advocate** as an Executive Department, with an elected Director. The Office, which can be modeled on a similar office that exists in New York, should have the following functions: an inspector general role that can investigate County Government, responsibility for shepherding and coordinating the various Boards and Commissions in County Government, and responsibility for coordinating and supporting culturally competent public and community outreach efforts for King County Government.

**Add to Section 470 a new sub-section that authorizes the County to establish by ordinance an infrastructure bank** in order to generate capital and investment to advance County priorities.

**Section 510 (Under Article 5 – The Personnel System)** insert language clarifying that legal permanent residents are eligible for all County positions, and include the prioritization of qualifications related to life experience reflective of communities served (e.g., race, income, etc.) in addition to professional qualifications. We also recommend including language placing a priority on bilingual staff, authorizing the County Executive to incentivize the hiring and retention of individuals fluent in more than one language.

**Article 6 – Elections.** In Section 630, clarify that the County strives to ensure that elected representation is proportionally representative of the total population (not just registered voters), and authorize the County Council to enact legislation to lead to this outcome.

We also recommend that the Charter include language that asserts that citizenship is not a requirement for voting, running for office or holding office, subject to limitations under state or federal law.

We also recommend a new section 600 that adopts language from the WA Voting Rights Act affirming the right to vote.

**Section 650.30 – Districting.** We recommend adding language drawn from the WA Voting Rights Act that prohibits racially polarized voting and adopts mechanisms to adjust district lines and election systems that can generate greater voting rates and ensure proportional representation.

**Section 690.10 – Limits on Campaign Contributions and Expenditures.** We recommend inserting language directing the Council to enact legislation creating a publicly funded election system that includes mechanisms, like “Democracy Vouchers”, that can democratize campaign finance.

**Section 800 – Charter Review and Amendments.** Instead of reviewing the Charter every 10 years, we recommend that the review take place every 5 years in order to allow for more consistent community engagement.

We also recommend language in the Charter that clarifies that the Commission be a resident commission that reflects the diversity of King County.

We further recommend that lobbyists and County government contractors not be allowed to serve on the Commission, in order to ensure that seats on the Commission go to community residents and to prevent any potential conflicts of interest.

**Section 815 – Contracts and Procurement.** Insert language that a) requires a tangible community benefit to all County-funded projects, including pre-apprenticeship and apprenticeship mechanisms, affordable housing and equitable development strategies, and that all contractual requirements include language upholding worker rights, protections, wages.

We also recommend language that asserts that the County, within state requirements, has the authority to gift property or sell property at below market value for the purpose of equitable economic development and preservation of affordable residential and commercial property.

**Section 830 – Public Inspection of Public Records.** Either add to this section or create a new section that establishes privacy requirements related to data on residents collected by the county, taking into consideration the role of video, facial recognition and other forms of surveillance where data may be used for purposes other than intended.

Seattle recently enacted an ordinance that established a public review process intended to establish greater public accountability for expenditures made by the jurisdiction to ensure that certain surveillance technologies be analyzed through a racial equity lens, that the technologies

(and data gathered through the technologies) are not used for purposes beyond their intended use.

**Section 840 – Antidiscrimination.** We recommend that the Commission include “immigration status” and “criminal history” as protected classes.

**Section 895 – Mandatory Inquests.** We support recommendations from the community to reform the inquest system. Please contact us for further information.

**Section 897 – High Conservation Value Properties.** Include language that applies the principle of land conservation to both natural resources and for the purpose of preventing displacement. This section should also allow for the equitable development of land conserved for the purpose of addressing displacement and economic inequity.

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To: King County Executive  
King County Council  
King County Charter Review Commission

From: George Cheung, More Equitable Democracy

RE: Reforming the King County Charter Review Process

Date: August 27, 2019

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Each generation, people who are governed by a core set of rules and structures ought to be able to kick those proverbial tires and reform them if they aren't working. This is the rationale for why, in 1968, the framers of the King County Charter included a provision for an official charter review process every 10 years. At a minimum, this process should educate the public about how we govern ourselves, provide a space for dialogue on what's at stake, and encourage thoughtful deliberation that leads to meaningful reforms. The charter has been altered several times over the past decade, including a shift to an elected Elections Director, and a nonpartisan government. How are these reforms working?

The charter review process is also an opportunity to examine our structures from a racial equity perspective to ensure that government is working for all of us, not just those with power and privilege. The trends with regard to elections in King County are troubling. Races for county council are generally characterized as uncompetitive and low turnout, particularly in the primary when electorate is disproportionately richer, older, and whiter. The result is a highly undiverse body; in fact, only three people of color have ever been elected to that body.

That is why I am deeply disappointed in the work of the King County Charter Review Commission and ask that you, our county leaders, take immediate action to engage our communities, particularly communities of color, in a meaningful process.

The following is a partial articulation of the shortcomings of the current process:

1. **No translations.** King County is about 40% people of color, of which a large number are immigrants and refugees. Section 203 of the Voting Rights requires that any election-related materials in this county be translated into Chinese and Vietnamese; subsequent action by the King County Council extended these protections to Korean and Spanish. Though much of the current agenda set by the commission includes important election reforms, not a single document has been translated. Under a strict reading, these laws may only pertain to the work done by King County Elections, but the intent is clear - everyone should have a say in elections and the burden is on the county to make language accommodations.

2. **Virtually no publicity.** There is very little evidence that the county has publicized this process. Its website includes a “social media toolkit” that encourages individuals to post graphics or videos on Facebook and Twitter. However, a search on those platforms brings up only a dozen posts and about the same number of tweets.
3. **Lack of public participation.** The county hosted three “community meetings” in Magnuson Park (2/19), Fall City (2/20), and Federal Way (2/26). I was informed by a charter review commissioner that a total of eight members of the general public (not elected, staff, or consultants) attended the first and last meetings; no one attended the Fall City meeting. I also understand that advocacy groups, including FairVote Washington, which is advocating for ranked choice voting, were never consulted to provide input or answer questions. (I also serve on FairVote Washington’s board.)
4. **Little information about the process.** As of August 27th, though there is a date set for the next meeting, there is virtually no information about what happens from here. In fact, for the last meeting on June 26th, there are no posted minutes (as there are with previous meetings). There is an audio clip of the meeting lasting well over 2 hours. Further, there is no staff person in the county that is accessible to the public. The current webpage only lists a generic email address (CharterReview@kingcounty.gov) - no name or phone number.

It is clear that, with regard to the charter review process, King County has failed to live up to the rhetoric it uses about equity and civic engagement. Part of the problem is lack of leadership and willingness to do the hard work of public engagement. The other part is structural. A charter review commission established and controlled by current elected leaders is highly unlikely to result in reforms that could threaten those in power. This creates an inherent conflict that we must avoid.

I therefore ask the King County Council to pass a resolution for a charter amendment that would do the following:

1. **Create an engagement process using deliberative democracy.** Using a random selection similar to the jury process, the county should create a “community assembly” of 50 or more delegates that are a true reflection of King County’s diverse communities. This group would meet several times over the course of 3-6 months in order to learn about the charter, what are contemporary challenges, what are the range of options, and then deliberate on solutions. Participants should be offered interpreting services and monetary stipends to cover their time and expenses. This methodology is well established in [Canada](#) and Europe with recent pilot projects in [Minnesota](#).
2. **Empower this body to refer amendments directly to the ballot.** Right now, the charter review commission can only recommend reforms to the county council, which is

free to ignore them. If we believe in the democratic process, then we must trust the work of the deliberative body and empower them to refer whatever they decide directly to the ballot for a vote of the people.

The charter review process is a critical part of establishing legitimacy for our local representative government. I ask that you take this opportunity to learn from this shortcoming and take a big step towards racial equity and participatory democracy.

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Deanna Dawson

**Sound Cities Association**

6300 Southcenter  
Boulevard  
Suite 206

Tukwila, WA 98188

(206) 433-7168

SCA@SoundCities.org

www.SoundCities.org

September 24, 2019

Ms. Louise Miller, co-chair

Mr. Ron Sims, co-chair

King County Charter Review Commission  
Seattle, WA 98104

Dear King County Charter Review Commission:

Thank you for volunteering your valuable time to review and update the King County Charter to ensure governance in King County is representative, effective, and efficient.

The Sound Cities Association (SCA) appreciates the Commission providing the opportunity to comment on the proposal before your Regional Coordination subcommittee to consolidate the three regional committees established by the Charter.

SCA was founded to help cities in King County act locally and partner regionally to create vital, livable communities through advocacy, education, leadership, mutual support, and networking. Collectively, our 38 member cities represent over one million constituents in King County. SCA appoints members to each of the three charter committees to represent cities outside of Seattle, and our members play an active and important role ensuring that countywide decision-making is representative of the diverse communities throughout King County. SCA does not support consolidating the regional committees and reducing the role of cities in setting countywide policies. This position was adopted unanimously by our Public Issues Committee (PIC), and our Board.

The King County Charter provides that three regional committees shall be established by ordinance to develop, recommend, and review regional policies and plans for consideration by the Metropolitan King County Council; one for transit, one for water quality, and one for other regional policies and plans. SCA supports the Charter provisions for city involvement in decision-making in regional policies and plans.

SCA members believe that regional policies and plans adopted by the Metropolitan King County Council are stronger and more effective when cities are part of the decision-making process. It is crucial to have diverse perspectives from cities large and small and in different parts of the county brought to bear on regional issues.

SCA would welcome the opportunity to explore with the Metropolitan King County Council how the regional committees can best be utilized to improve the committee process and resulting outcomes.

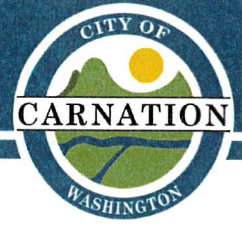
Thank you again for the opportunity to provide feedback and for your work on the Commission. If you have any questions, please contact SCA Executive Director Deanna Dawson at [Deanna@soundcities.org](mailto:Deanna@soundcities.org).

Sincerely,

A handwritten signature in blue ink, reading "Leanne Guier".

Mayor Leanne Guier, Pacific  
President, Sound Cities Association (SCA)

cc: SCA Board of Directors  
SCA Public Issues Committee  
King County Executive Dow Constantine  
King County Council  
Patrick Hamacher, King County Director of Legislative Analysis



November 6, 2019

King County Charter Review Committee  
King County Courthouse  
516 Third Avenue, 10 Floor  
Seattle, WA 98104

Dear Charter Review Commissioners,

At its November 5, 2019 meeting, the City of Carnation City Council expressed its strong support of the election of the sheriff in King County. Councilmembers feel very strongly that the direct accountability and responsiveness to voters is a critical aspect of the office of sheriff. This is especially important to Carnation since we are one of multiple cities/agencies that contract with King County for law enforcement services.

The office of sheriff provides law enforcement services and is the chief law enforcement officer of each county. In addition, the office of sheriff provides civil and foreclosure services as required by law. These vital public services require a sheriff who has the legitimacy and support of the residents of their county, which is why these offices are elected and directly responsive to the voters.

On behalf of the 2,220 residents of the City of Carnation, we strongly and clearly support the direct election of our King County Sheriff.

Sincerely,

Kimberly Lisk  
Mayor

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To: King County Charter Review Commission

From: George Cheung, More Equitable Democracy

RE: Proposals for King County Charter Amendments

Date: November 5, 2019

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This memo lays out a series of potential amendments to the King County Charter. Ideally, the King County Charter Review Commission would have a robust public process so that residents like myself would have an opportunity to learn, deliberate, and recommend a series of meaningful structural reforms. However, I have been extremely disappointed in the lack of effort to engage the public, which has resulted in a series of dismally attended events. I hope you will incorporate these ideas into your final report as you complete your work.

1. **Deliberative democracy for future charter review commissions.** Instead of an appointed body of political insiders, King County should use a modified jury process to seat an assembly of around 50 residents who are truly reflected of the broader community. The body should have an opportunity to learn about the charter, deliberate, and send recommendations directly to the ballot.
2. **Ranked choice voting for county-wide offices.** As all offices are nonpartisan, the top-two primary only serves to whittle down the field. However, turnout in these primaries is incredible low and not reflective of the broader electorate. By implementing ranked-choice voting, the county can dispense with this costly process and have one high-turnout general election where voters will not have to vote strategically.
3. **Proportional representation for county council.** Races for county council can be described as non-competitive and result in a very undiverse body. In fact, only three people of color have ever been elected to that body, all from South Seattle. By switching to three 3-member districts with ranked choice voting, all seats become instantly competitive and would very likely result in better representation, particularly for communities of color in South King County.
4. **Moving to even election years.** Turnout in odd-year elections is always lower than even-year elections. Though there is some limited value in having local races separate so that there is more public attention paid, more participation in those election creates more legitimacy and accountability. King County should follow Pierce County and move all county elections to even numbered years. Countywide offices can be timed for the midterm elections so as not to conflict with the presidential elections.

5. **Independent redistricting commission for county council.** Council districts, whether three (as proposed above) or nine, ought to be drawn by a truly independent body and not by the council or its proxies. In fact, the council has a history of attempting to draw lines to punish a councilmember who dared challenge and defeat an incumbent.
6. **Limits to political fundraising.** Similar to the state legislature, there should be a freeze on fundraising during years when councilmembers are not up for election. This could address potential pay-to-play dynamics where political contributions have a large impact on public policy. Further, candidates should not be able to surplus funds for future campaigns.
7. **Revolving door ban.** Former councilmembers should have a “cooling off” period of 2-4 years after public service. During this time, these individuals should be banned from actively lobbying their former colleagues.
8. **Resign to run.** If a county elected official decides to run for another office, they should be forced to resign. Many such officials spend much of their time focused on the campaign and not on the work of running county government.
9. **Expanding the franchise.** King County should increase the franchise by allowing 16 and 17 year olds as well as non-citizen residents to vote for county offices.

Survey got 40 responses

1/14 Executive  
1/14 Lambert  
2/14 Nixon  
2/15 Oliver  
2/15 King County Council  
2/16 King County  
2/19 King County  
2/19 Baldacci  
2/20 King County  
2/20 King County Council  
3/7 Salazar  
6/3 King County Council  
7/3 Nixon

Twitter

2/15 Oliver  
2/15 King County Council  
2/15 King County  
2/15 Ames Lake Community Center (rt)  
2/18 Oliver  
2/26 Morita  
2/27 Morita  
5/10 Municipal League

David Perez  
Margaret Morales  
Michael Byun

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**King County**

**Claudia Balducci**

Councilmember, District 6  
**Metropolitan King County Council**

October 24, 2018

Charter Review Commissioners,

Thank you for your participation in the Charter Commission. The Charter is foundational to County government and I appreciate your efforts to ensure it is a relevant and up-to-date guide that reflects the values and priorities of our residents.

As you continue your work, I would respectfully request you consider the following potential changes to the King County Charter:

- Update the charter sections pertaining to the referendum and initiative processes. Recent experience has demonstrated that the Charter is not written in a way that is accessible to the general public. In addition, some of the timelines in the Charter are ambiguous and others do not comply with State law. I do not seek any changes to the underlying logic of how initiatives and referenda are processed by the County; rather, I would like the Charter to be in synch with State law and County code and be written in language understandable to anyone who might want to undertake an initiative or referendum. I am working with the Prosecuting Attorney's Office to draft an amendment for your consideration.
- I believe the Charter Review Commission should give high priority to proposals that increase transparency and effective citizen participation. To that end, you may want to also include the values of transparency in the preamble of the Charter.

I am looking forward to your final product. Please let me know if I can be of assistance in your efforts.

Sincerely,

Claudia Balducci  
King County District 6

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**King County**

**Jeanne Kohl-Welles**

Councilmember, District 4

**Metropolitan King County Council**

October 23, 2018

Dear Charter Review Commissioners,

I greatly appreciate the time and effort you are dedicating to the important business of updating the King County Charter. As you continue your work, I respectfully request you consider the following potential changes:

- Consider a process to give the cities a more effective voice in County operations. The existence of three separate regional committees, two of which have narrow responsibility, seems to hinder that effect. I suggest you consider having the Regional Policy Committee absorb the work of the Regional Transit and Regional Water Quality Committee and this new committee meet twice a month—the same as other standing Council Committees.
- I believe that a hallmark of open and transparent operation of government is that elected officials work together and be seen communicating in a public manner. Over the last several years, the “budget message” as required by the Charter has become less about communication between the Council and Executive and more about an opportunity to highlight Executive proposals. I believe that opportunity should be taken by the Executive, but that a budget address to the Council is also a key piece of interaction between the branches. I request you consider recommending the budget message be modified to include a “budget address at a County Council meeting.”
- The County Council is prohibited from originating an appropriations ordinance except in emergencies, which is an understandable budgetary control. However, when it comes to the Capital Budget, the Council is prohibited from making any changes to a project without a specific request from the Executive. This allows the Executive Branch to continue with a project, even with changing circumstances, without the Legislative Branch having a say. I suggest the specific prohibition be eliminated.
- Labor trafficking is an economic calamity and there are often few or no repercussions to entities found to have violated these laws. In much the same way that Title 8, Section 40 prohibits the County from contracting with entities that do not share our anti-discrimination policies, I suggest you consider recommending a prohibition on



**King County**

**Jeanne Kohl-Welles**

Councilmember, District 4

**Metropolitan King County Council**

procurement with any business entity that has been convicted of a labor trafficking-related offense.

- I believe the structure of the Office of Law Enforcement Oversight needs to be improved by strengthening the language around independent investigations and access to information. OLEO's ability to communicate with the public about its work must also be addressed to truly provide the transparency upon which its mission is based. In addition, I believe the role of the Community Advisory Committee needs to be made consistent with its current duties. Finally, I request that the Director's term be changed to five years from four, making the position consistent with the Ombuds.'

Thank you for your consideration of these requests. Please contact me with any questions or needs for clarification.

Sincerely,

Councilmember Jeanne Kohl-Welles  
King County Council – District Four



**King County**

**Dave Upthegrove**  
Councilmember, District 5  
**Metropolitan King County Council**

October 22, 2018

Charter Review Commissioners,

I want to take this opportunity to thank you for your hard work on behalf of the residents of King County. I am aware that sitting on a board or commission, especially such a large one, takes a considerable commitment of time. I want to thank you for that effort.

As you continue your work, I would respectfully request you consider the following potential changes to the King County Charter:

- My personal experience has been that the Regional Committee process has been inefficient and ineffective – and I would strongly encourage you to look at difference strategies to improve coordination and communication between King County and our city partners.

Thanks for your consideration, sincerely,

Dave Upthegrove  
King County Council  
District 5

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**King County**

*Kathy Lambert*

Councilmember, District 3

**Metropolitan King County Council**

Charter Review Commissioners,

Thank you for volunteering to serve as a member of the Charter Review Commission. We are fortunate to have the input of such an intelligent and diverse group of citizens as we explore the potential updates to our county charter.

As you continue your work, I would respectfully request you consider the following potential changes to the King County Charter:

- Establish a formal process whereby Councilmembers can register employee performance concerns with the county Executive.
- I have several potential changes relating to the budget process:
  - Require the Executive to personally present the biennial budget to council;
  - Require Council consultation prior to appropriating any unspent fund balance;
  - Allow Council to initiate non-emergency supplemental appropriations.
- Prior to collective bargaining agreement negotiations, require the Executive to work with the Council on more specific and timely general parameters and goals of bargaining.
- Establish an appropriate level of law enforcement officer work experience as a condition of running for or holding the position of sheriff.
- Establish a charter process for filling vacancies in Councilmember offices.
- Establish a process to increase faith based organization contracting opportunities.
- Change the charter review commission appointment process to allow each Councilmember to directly appoint a commissioner, and require at least one member of the commission to be from an unincorporated part of King County.
- Establish a process for rating and reporting on county services provided to unincorporated areas of the county.

Thank you for your consideration and again, thank you for your service.

Sincerely,

*Kathy Lambert*

Kathy Lambert  
King County Councilmember  
District 3

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# King County

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## Office of Law Enforcement Oversight (OLEO)

**Date:** March 20, 2019  
**To:** Charter Review Commission Members  
**From:** Deborah Jacobs, Director, Office of Law Enforcement Oversight  
**Re:** Recommended changes to OLEO in Charter

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Thank you for the thoughtful consideration that you have already dedicated to review of OLEO's authorities in the King County Charter. I greatly appreciate the interest of the members in helping ensure that the Charter reflects the intent of the Council and public in establishing OLEO. My recommendations follow, as well as a track-changes version of the OLEO section of the Charter to reflect desired changes.

### **Subpoena Power**

OLEO has subpoena power authority based upon King County Code 2.75.055. However, the ordinance is in collective bargaining. We would like the Charter to explicitly state that OLEO has subpoena power to bring it in-line with the OLEO ordinance and to clarify the matter for all concerned.

Subpoena power is essential to OLEO's ability to conduct independent investigations. When OLEO does conduct an investigation, our hope is that Sheriff's Office personnel will voluntarily participate in the investigation for transparency. However, in the event that does not occur, without the ability to compel Sheriff's Office personnel to be interviewed by OLEO and produce relevant records, OLEO has limited ability to complete thorough and objective investigations.

The authority to issue subpoenas is an established power within oversight agencies around the country, and granted to numerous county entities (see below). The edits I've suggested are consistent with the subpoena power provided to the King County Ombuds.

### **OLEO Reporting**

OLEO has experienced significant difficulties due to the current collective bargaining agreement's prohibition on OLEO saying or publishing the name(s) of anyone hurt or killed in an incident with Sheriff's Office personnel (e.g. see OLEO's [report](#) related to release of public information in high-profile cases).

This prohibition undermines OLEO's purpose and ability to be transparent with the public, and especially the communities most impacted by police. We would like to add language to the Charter that specifies that part of OLEO's role is to report to the public, and should not be limited from

withholding critical details, like the names of people involved (if already in the public domain). We have provided suggested language, but welcome stronger versions.

### **Timely and Unfettered Access**

Oversight cannot meet its duties without full access to the relevant information held by the agency it monitors. Additionally, over the past two and a half years, OLEO's work has suffered due to denials or delays of requested information and access by the Sheriff's Office. OLEO staff has spent countless hours following-up with the Sheriff's Office in attempt to secure needed documents or information. We have provided suggested edits, but welcome stronger versions.

### **Independent Investigations**

We recommend adding the word "independent" in describing OLEO's authority to conduct investigations. This addition will bring the Charter in-line with OLEO's ordinance and clarify OLEO's standing in terms of being able to select the investigations it wants to undertake, and conduct the investigations in a thorough, objective, and self-directed manner based on best practice standards for independent investigations.

### **Director's Term**

The current term is four years, which is one year short of when a King County employee vests in its pension program. The political nature of this work makes any OLEO director vulnerable to losing reappointment. In addition, other agencies, such as the Ombuds, have a five-year term. I would hope that the next OLEO director will have the comfort of a five-year term, at least for the initial term.

### **Additional Changes**

I have recommended a few other small but important changes to improve the description of OLEO in the Charter including:

- Addition that OLEO "shall serve the interests of the public" to bring it in-line with OLEO's ordinance and clarify OLEO's purpose.
- Update to the description of OLEO's Community Advisory Committee to add clarity and direction.
- Specify that OLEO can observe as well as conduct interviews, and that OLEO can attend "boards" as well as "review hearings," since the Sheriff's Office holds both.

### **OLEO Bargaining**

It's my understanding that a Commission member brought forth a proposal to amend Section 898 of the Charter to provide OLEO with greater standing in the collective bargaining process. This is an important idea that has the potential to protect OLEO's authority and eliminate conflict of interest.

Although there is an understandable aversion to adding additional layers of complexity to the collective bargaining process, the director of King County's Office of Labor Relations offered to open a dialogue to vet the idea of giving OLEO standing in the bargaining, and we're in talks about who might participate.

### King County Entities with Subpoena Power

<i>KC Entity</i>	<i>Limits of Subpoena Power</i>	<i>Charter/Code Section</i>
Council	Limited to matters relating to proposed ordinances under consideration by the council.	Charter 220.20
Ombuds	Limited to matters under written complaints by a resident of the city or county.	Charter 260 & KCC 2.52.090 (General Authority)
	May not subpoena information that is legally privileged.	KCC 1.07.140 (Lobbyist Disclosure)
	May not subpoena information that is legally privileged or legally protected from disclosure.	KCC 3.04.055 (Ethics)
	Prohibition of subpoenaing privileged information does not appear to apply to investigations of improper governmental acts.	KCC 3.42.057 (Whistleblower Protection)
Office of Civil Rights	Shall consult with the prosecuting attorney before issuing any subpoena.	KCC 12.17.040, 12.22.050 & .080
Auditor	Requires approval of the County Council by motion before a subpoena may be issued.	KCC 2.20.65
Chief Medical Examiner	NA	KCC 2.35A.090
Personnel Board	NA	KCC 3.08.100
Hearing Examiner	Limited for witnesses to appear at a contested hearing.	KCC 23.20.080

### Partial List of Nationwide Police Oversight Offices with Subpoena Power

- Oakland, CA
- Washington DC
- Chicago, IL
- Denver, CO
- St. Paul, MN
- Albuquerque, NM
- San Diego, CA
- Richmond, CA
- Indianapolis, IN
- Detroit, MI
- Syracuse, NY
- Los Angeles, CA
- New York, NY
- Cambridge, MA
- Rochester, NY
- San Francisco, CA

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## **CIVILIAN OVERSIGHT OF LAW ENFORCEMENT**

The County has a civilian-led Office of Law Enforcement Oversight with the ability to investigate and report on certain events and areas of the operation of the King County Sheriff's Office.

Should the official powers of the office, as described in the charter, be expanded to include subpoena power and/or other improvements to give the office more ability to investigate and report?

### **Sheriff's Response:**

I am also on record as supporting independent oversight of the Sheriff's Office to provide further perspective on how the Sheriff's Office and I are doing. Further, the residents of King County have an advantage if the Sheriff's Office fails to deliver constitutional, accountable, effective and efficient services with dignity and respect. They can vote me or the Sheriff's that follow me out of office if they fail. Finally, I have formally established the first goal to be *Through Community Engagement and Collaboration Develop and Sustain Public Trust, Value and Support*.

### **Current Office of Law Enforcement Oversight – Concerns**

I have concerns with the focus, methodologies and priorities of the current Office of Law Enforcement Oversight. I would humbly point out an approach being taken by our neighbors next door in the City of Seattle with their Office of Inspector General. The primary functions of the Office of Inspector General for Seattle are to conduct Audits, Review and Certify/Not Certify Investigations and Reviews, be a clearinghouse for best practices through Data-Driven Policy Work and to establish effective communications and outreach to support the work of the Office of IG.

Of particular note is that the model that Seattle is pursuing, as does most model oversight agencies around the nation, is that they audit or assess to standards then make that information available to other decision-makers for action. The model Seattle uses would add value with how the Sheriff Office currently works with the Auditor's Office, Ombud's Office and Risk Management. Most importantly, it would bring the current Office of Law Enforcement Oversight into alignment with best practices currently being used around the nation rather than adding authorities and functions not normally assigned oversight offices.

### **Subpoena Authority for OLEO**

First it is unclear why subpoena authority is necessary. OLEO has access to a significant amount of information which most agencies do not. For example the Ombuds has such authority, but they do not have access to an electronic database with statement, documentary evidence and tape recorded interviews related to their investigations. All this information is available to OLEO.

Additionally, there are potentially significant impacts on workforce. Officers may be charged with criminal offenses and so are provided with certain protections, one of which is that they cannot be compelled to provide statements on an issue that can be available for a criminal investigation. Such authority has the potential to run afoul of these protections. In fact, this issue is one of the primary issues in labor negotiations which are headed to interest arbitration. Because that issue can be determined by an arbitrator, we could end up with a determination that is inconsistent with the charter. We propose that this issue be fully vetted with specialized labor law advice, to gain guidance on the issues raised by this concept. The Prosecuting Attorney's Office has specialized labor counsel who could provide guidance to this committee

Conclusion: The King County Office of Law Enforcement Oversight is a necessary function for police accountability and public trust. The OLEO is still in the process of establishing itself and needs to focus on identifying then consistently performing the key functions of oversight which are reviewing/auditing, certifying/not certifying investigations and review, helping to identify best practices and policies through data-driven analysis, and establishing effecting relations and communications with the communities the Sheriff's Office serves. They have excellent opportunity to partner with other mature and established Offices of county government to do so in an effective, efficient manner, such as the Auditor's and Risk Management.

Thank you for the opportunity to provide my views on this most important matter.

## WHICH COUNTY OFFICIALS SHOULD BE ELECTED?

The County has a number of positions like the Sheriff, Elections Director and Assessor that are elected positions, meaning the public directly chooses the person to fulfill the role.

Should these positions continue to be elected or should an official be chosen through a more traditional job application process?

### Sheriff's Response:

#### Washington Law Favors an Elected Sheriff.

There is strong support for keeping the Sheriff as an elected official of the County. In Washington, the laws indicate a strong preference for an elected sheriff. The state Constitution identifies the sheriff as an officer who must be elected by the people. Article XI, Sec.5 provides: "The legislature, by general and uniform laws, **shall provide for the election in the several counties of** boards of county commissioners, **sheriffs**, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office". The Revised Code also provides for election of the Sheriff. RCW 36.16.030 ("**in every county there shall be elected from among the qualified voters of the county ... a county sheriff**"). Washington courts, interpreting Article XI, Sec. 5, limit the ability to interfere with the office of sheriff. "The office of sheriff is a constitutional office. In naming the county officers in section 5, article 11 of the Constitution, the people intended that those officers should exercise the powers and perform the duties then recognized as appertaining to the respective offices which they were to hold. State ex rel. *Johnston v. Melton*, 192 Wash. 379, 388, (1937). The language concerning elected officers in section 5, article 11 of the Constitution is mandatory. *State v. Blumberg*, 46 Wash. 270, 274 (1907) (describing the language as "plain and unambiguous", the constitution "requires all county officers to be elected"). Although Article XI, Sec. 4, of the Constitution *allows* for the appointment of some county officers in home rule counties, it does not require appointment of the Sheriff.

#### Voter Engagement Demonstrates a Strong Public Interest in Election of a Sheriff.

Even if there were not strong legislative support for an elected Sheriff, it is clear that the public has a strong interest in deciding who is responsible for the law enforcement in their community. Examining the results of the 2017 General Election in King County sheds an important perspective on the voter's view of the importance of the elected Office of Sheriff: only the County Executive's race resulted in a higher vote count. The County Executive's race received 502,584 total votes, the Sheriff's 499,959, Division 1 Court of Appeals 425,776 and 324,883 respectively, Port Commissioner Position 4 468,381 and City of Seattle Mayor 217,693. The highest vote total was for King County Council was District 3 at 59,966. Total ballots counted for the November 7, 2017 General Election was 546,200. In a state where voter input is solicited for a variety of public servants and subject matter initiatives, it is hard to image a public preference for retracting the right to vote for the chief law enforcement officer in the County. Recent legislation, including initiatives on police accountability show an ongoing public concern, and voting participation related to law enforcement issues.

#### An Elected Sheriff Model Supports Consistency and Balance.

Election of the sheriff also provides a check and balance by electing county official directly responsible to the citizens that protects from undue influence by members of the county council or by other county officials. If an elected sheriff fails to serve the interests of the community, the voters can remove the sheriff from office. As explained below, voters provided a chance to decide the issue have almost universally decided to keep the office elective. In addition, the appointment could lead to lack of continuity and inefficient administration of one of the County's largest agencies. No one can effectively run an agency with a new Chief Officer, subject to removal at the direction of another branch of government, at any time. There is no objective, empirical data that proves city police departments, headed by an appointed law enforcement official are any more creative, innovative, stable or cost-effective than the office of sheriff. At their recent meeting on February 28, 2019, the Washington State Sheriff's Association passed a unanimous resolution to maintain an elected Sheriff in each county in the state. Referring to the vital public services such as civil and foreclosure procedures provided by elected Sheriffs, in addition to law enforcement, the Association said "These vital public services require a sheriff who has the legitimacy and support of the residents of their county, which is why these offices are elected and directly responsive to the voters." You all should have received a copy of the WSSA letter earlier this week.

### **Election of a Sheriff is Consistent with the Prevailing Practice in the United States.**

Across the country, popular election is the almost uniform means of selection of the sheriff. Sheriffs are elected to four-year terms in 41 states, two-year terms in three states, a three-year term in one state and a six-year term in one state. The races are on a partisan ballot in 40 states and on a non-partisan basis in 6 states. Attempts to retract the right to elect a sheriff have been short-lived and arguably unsuccessful.

Some jurisdictions have explored switching to a system of appointed sheriffs and at least two have had an appointed sheriff and returned to a system of elections. In Multnomah County, Oregon the sheriff became appointed on January 1, 1967. From January 1, 1967, to late 1978 the county board appointed six different sheriffs. Due to dissatisfaction with that system, the voters returned to election of the sheriff. The position of sheriff in King County, Washington, was elected until 1968. At that time, the Home Rule Charter of the county was amended and the sheriff became appointed, serving at the pleasure of the elected executive. The voters restored the position to being elected in 1997. The change was proposed in response to Council concerns that as an appointed director the sheriff was not able to establish an independent budget in response to community public safety needs. Media reported that the voters believed that public safety and law enforcement services would be improved by the return to election of the sheriff. In 1994, Iowa held a referendum to change the status of sheriff from elected to appointed, but that initiative was heavily defeated by the voters.

Thank you for the opportunity to provide my views on this most important matter.

**King County Public Defense Advisory Board**

Kimberly Ambrose, Chair  
PDABB10@kingcounty.gov

Louise Miller, Co-Chair, [Charter6@kingcounty.gov](mailto:Charter6@kingcounty.gov)

Ron Sims, Co-Chair, [Charter9@kingcounty.gov](mailto:Charter9@kingcounty.gov)

King County Charter Review Commission

SENT BY EMAIL

RE: Proposed amendment to King County Charter Section 350.20.60

Dear Commrs. Miller and Sims,

I write on behalf of the Public Defense Advisory Board to request an amendment to the King County Charter. The Public Defense Advisory Board ("PDAB") was established in 2014 to advise the Department of Public Defense ("DPD"), a newly created County Department, and to make recommendations to the County Council and Executive on matters of equity and social justice related to public defense. King County Charter Section 350.20.65; K.C.C. 2.60.031. The Board consists of 11 [members](#) with substantial experience and expertise relevant to the work of DPD, including familiarity with advocating on behalf of accused individuals who are indigent.

Independence of the public defense function is critical to ensure the constitutional rights of poor defendants.<sup>1</sup> Public defenders have both a constitutional and ethical duty<sup>2</sup> of undivided loyalty to their clients, when representing them against accusations brought by the government. The King County Charter and the Ordinance enacted to implement the Charter recognized this unique relationship between public defenders and the government.

King County Charter Section 350.20.60 currently provides as follows:

Elected officials shall not interfere with the exercise of these duties by the department; however, the enactment of appropriation ordinances does not constitute interference. The department shall not have its duties, as established in this section, decreased by the county council or the county executive.

The King County Ordinance strengthens the independence of DPD by proscribing the duties of the Public Defender to include:

Ensuring that the American Bar Association Ten Principles for a Public Defense Delivery System, as approved by the American Bar Association House of

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<sup>1</sup> "[A] defense lawyer best serves the public not by acting on the State's behalf or in concert with it, but rather by advancing the undivided interests of the client," *Polk Cty. v. Dodson*, 454 U.S. 312, 318–19, 102 S. Ct. 445, 450, 70 L. Ed. 2d 509 (1981). The Supreme Court concluded in *Polk County* that "a defense lawyer is not, and by the nature of his function cannot be, the servant of an administrative superior" *Id.* at 321.

<sup>2</sup> These ethical duties are proscribed by the Washington Rules of Professional Conduct.

Delegates in February of 2002,<sup>3</sup> guide the management of the department and development of department standards for legal defense representation... of the county public defender's efforts in that regard.

KCC 2.60.026A.4

The Board recommends additional language be added to the Charter to provide consistency with the Ordinance and to clarify that appropriations will not be used as a mechanism to interfere with DPD's constitutionally and ethically required duties:

Elected officials shall not interfere with the exercise of these duties by the department; however, the enactment of appropriation ordinances does not constitute interference. The department shall not have its duties, as established in this section, decreased by the county council or the county executive- If such ordinances do not impair the department's ability to comply with the American Bar Association's Ten Principles of a Public Defense Delivery System (2002), the Washington Rules of Professional Conduct, or any other obligation imposed upon the Department by law. The department shall not have its duties, as established in this section, decreased by the county council or the county executive.

We believe that this minor addition to the Charter will help ensure that DPD retains the independence required to perform its critical function protecting the constitutional rights of accused individuals in King County who are indigent.

Thank you for your consideration and for all of your work on behalf of the residents of King County. Please do not hesitate to call or email if you have any questions or concerns.

Sincerely,



Kimberly Ambrose  
Chair, King County Public Defense Advisory Board  
[PDAB10@kingcounty.gov](mailto:PDAB10@kingcounty.gov)  
206.245.5285

Cc: Patrick Hamacher, [Patrick.Hamacher@kingcounty.gov](mailto:Patrick.Hamacher@kingcounty.gov)

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<sup>3</sup> The Ten Principles were adopted by the ABA in 2002 as a practical guide for government officials, policymakers and other parties to set forth the fundamental criteria for designing and maintaining an effective, efficient and high quality public defense delivery system for indigent defendants. The principles can be found at: [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_def\\_ten\\_principlesbooklet.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_ten_principlesbooklet.authcheckdam.pdf).



**King County**  
**BOARD OF APPEALS/EQUALIZATION**  
500 Fourth Avenue, Suite 510  
Seattle WA 98104-2306  
(206) 477-3400

To: King County Charter Review Commission  
From: King County Board of Appeals & Equalization  
Date: September 25, 2019  
Re: **Request to Revise Article 7 (Board of Appeals) of the King County Charter**

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### **ISSUE**

Due to the revisions of power made under King County Ordinance No. 18195 the Board of Appeals & Equalization's (BoAE) seeks to make revisions to Article 7 of the King County Charter that will allow us to: 1) accurately convey our powers to the public, 2) eliminate extraneous record creation 3) reduce labor efforts associated with complying with the Public Meetings Act and 4) limit our jurisdiction to appeal types suitable for the expertise of our membership. The revisions the BoAE respectfully requests the Charter Review Commission to consider are as follows:

- 1) Rename Article 7 to the "Board of Equalization" and replace all instances of "the Board of Appeals" and "the Board of Appeals & Equalization" with "the Board of Equalization"
- 2) Revise Article 7 Section 720 to explicitly limit the jurisdiction of the Board of Equalization to the items specified under Washington Administrative Code (WAC) 458-14-015<sup>1</sup>, similarly to the other boards of equalization (BOE)

### **BACKGROUND AND LEGAL FRAMEWORK**

Under Revised Code of Washington (RCW) 84.48.010 each county in Washington State is required to form a board of equalization (BOE) in order to review the assessment values established by the county assessor and to hear assessment appeals filed by taxpayers. In King County, under Article 7 of the King County Charter, a Board of Appeals (BOA) was established, and under section 720, the powers of the BOA include 1) deciding all appeals from any valuation by the department of assessments and 2) deciding any other appeal by council ordinance, other orders by an executive department or administrative office. The specific types of appeals within the Boards power are codified under King County Code (KCC) 2.34.030. KCC 2.34.030 also formally designates the Board as the Board of Appeals and Equalization (BoAE) and provides that the powers of the BOE are vested in the BoAE.

Although the BoAE has previously heard various types of appeals including decisions on taxi cab licenses and animal control citations, in 2015, under King County Ordinance No. 18195, the BoAE's powers were reduced to only include appeals regarding determinations made by the department of assessments, thus effectively limiting our scope of work to that of a BOE governed by RCW 84.48.010 (the other appeals formerly heard by the BoAE were transferred to the powers of the office of the Hearing Examiner).

### **ISSUES**

The vesting of the BOE's powers to the BoAE is problematic as there are more posting requirements for a public board (e.g. the BoAE) under RCW 42.30 (Public Meetings Act), than there are for county BOE's (see enclosed AGO option and BOE Manual 8.1), which is what the BoAE effectively functions

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<sup>1</sup> WAC 458-14-015 – Jurisdiction of County Boards of Equalization

as. Moreover, 40% of the hearings we hold are for appeals on assessment values of commercial properties where confidential income information is presented. Confidential income information is exempted from public disclosure (ref. WAC 458-14-105) and additionally, upon request, the hearing cannot be attended by the public making the posting of a schedule a moot point.

Another issue is that the current composition of the members of the BoAE generally reflect individuals with strong finance, real estate, law and business backgrounds. Due the complexity of issues reviewed in assessment appeal cases, it is essential our membership maintain this composition. While our members are well versed in the issues raised in appeals filed under WAC 458-14-015, our members are less equipped to hear appeals filed from various King County agencies. Under the existing language in Article 7, at any time an ordinance could be passed which could expand our powers to hear appeals which likely would be more suitable to be heard by another body/ individual. As a result, the proposed change to explicitly limit our powers to the standard jurisdiction of a county BOE would eliminate the looming possibility appeals of determinations from other King County agencies from being assigned to our Board.

### CONCLUSION

In conclusion, we respectfully request that Charter Review Commission consider these changes. If the proposed revisions are made and corresponding changes to KCC 2.34.030 are made, we are confident that our powers and legal compliance obligations would be clearer to the public as well as to our members and we could make better use of our staffing resources.

Regards,



Ronald Bosi  
Chairman  
King County Board of Appeals & Equalization



Michelle Geiger  
Manager/ Clerk of the Board  
King County Board of Appeals & Equalization

CC: Carolyn Busch, Janine Weihe

### Enclosures:

- Exhibit 1 – King County Charter Article 7
- Exhibit 2 – Ordinance No. 18195
- Exhibit 3 – WAC 458-14-015
- Exhibit 4 – KCC 2.34.030
- Exhibit 5 – AGO Opinion
- Exhibit 6 – BOE Manual Section 8.1

**ARTICLE 7 - BOARD OF APPEALS****Section 710 Composition, Appointment, Removal.**

The board of appeals shall be composed of seven members appointed by the county executive subject to confirmation by a majority of the county council. Each member of the board of appeals shall serve a four year term and until the member's successor is appointed. Two members shall be appointed each year; except that every fourth year, only one member shall be appointed. A majority of the county council, but not the county executive, may remove a board of appeals member for just cause after written charges have been served on the board of appeals member and a public hearing has been held by the county council. The county council shall provide for the compensation of the board of appeals members on a per diem basis. (Ord. 18316 § 1 (part), 2016).

**Section 720 Powers.**

The board of appeals shall hear and decide all appeals from any valuation by the department of assessments. The county council may by ordinance provide for an appeal to the board of appeals from any other order by an executive department or administrative office. The decision of the board of appeals shall be final unless reviewed by a state agency as provided by general law or appealed to a court of competent jurisdiction within the time limits established by ordinance or general law. (Ord. 3405, 1977).

**Section 730 Rules of Practice and Procedure.**

The board of appeals shall prepare, publish and amend rules of practice and procedure establishing the method for appealing to the board and shall provide for the selection of those of its members who shall serve with representatives of cities or other agencies of government on any joint board or commission established by general law which hears appeals which would otherwise be within the jurisdiction of the board of appeals established by this charter.



## KING COUNTY

### Signature Report

December 15, 2015

Ordinance 18195

EXHIBIT 2

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

Proposed No. 2015-0404.1

Sponsors von Reichbauer

1 AN ORDINANCE relating to the board of appeals and  
2 equalization; amending Ordinance 6444, Section 1, and  
3 K.C.C. 2.34.010, Ordinance 6444, Section 2, as amended,  
4 and K.C.C. 2.34.020, Ordinance 6444, Section 3, as  
5 amended, and K.C.C. 2.34.030, Ordinance 6444, Section 4,  
6 as amended, and K.C.C. 2.34.040, Ordinance 6444, Section  
7 5, as amended, and K.C.C. 2.34.050, Ordinance 6444,  
8 Section 6, as amended, and K.C.C. 2.34.060 and Ordinance  
9 12504, Section 1, and K.C.C. 2.34.100 and repealing  
10 Ordinance 13410, Section 6, as amended, and K.C.C.  
11 2.34.035.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Ordinance 6444, Section 1, and K.C.C. 2.34.010 are each hereby  
14 amended to read as follows:

15 A. There is established a King County ((B))board of ((A))appeals as provided  
16 ((for)) in Article 7 of the King County Charter. Additionally, the functions of the county  
17 council in its capacity as a board of equalization are hereby vested in the board of  
18 appeals, which shall be formally designated as the King County ((B))board of

19 ~~((A))~~appeals and ~~((E))~~equalization(~~(, and which shall be referred to hereafter in this~~  
20 ~~section as "the board."))~~.

21 B. The chair of the board ~~((shall be))~~ is responsible to the ~~((King County))~~  
22 council for the efficient management and administration of the board and its resources.

23 SECTION 2. Ordinance 6444, Section 2, as amended, and K.C.C. 2.34.020 are  
24 each hereby amended to read as follows:

25 A. ~~((In conformance with Section 710 of the King County Charter, t))~~The board  
26 shall be composed of seven members appointed by the county executive and subject to  
27 confirmation by a majority of the county council.

28 B. The term of office shall be ~~((for))~~ four years, and shall be staggered as  
29 follows: two terms shall commence each year except that every fourth year  
30 ~~((commencing in 1986))~~ only one term shall commence. Board members shall fill the  
31 term to which appointed or that portion remaining of an unexpired term. A member  
32 whose term has expired shall continue to serve until a successor has been appointed.  
33 Terms shall commence on July 1~~((st))~~.

34 C. Removal of a member of the board, except upon expiration of ~~((his))~~ the  
35 member's appointed term, shall be only as provided for in Section 710 of the King  
36 County Charter.

37 D. The members of the board shall meet and choose a chair~~((man))~~ annually to  
38 serve from July 15 through July 14 of the following year.

39 E. A majority of the board shall constitute a quorum in matters of  
40 equalization~~((;))~~ and in matters of appeal from executive orders and regulations.

41        SECTION 3. Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030 are  
42 each hereby amended to read as follows:

43            A. The board may administer oaths and affirmations and shall hear and decide all  
44 appeals from any valuation in property by the department of assessments, examine other  
45 matters related to assessment of the property of the county as provided by general law  
46 and hear appeals from any other orders by an executive department or administrative  
47 office as provided by ordinance.

48            B. In conformity with RCW 84.48.010 through 84.48.046 relating to the  
49 equalization of assessments((;)) and in addition to those powers relating to valuation  
50 provided for in Section 720 of the King County Charter, the board shall hear and decide  
51 all appeals as are provided by statute, including the following appeals:

52            1. Appeals of exemption denials related to public corporations under RCW  
53 35.21.755;

54            2. Appeals for a change in appraised value if the Department of Revenue  
55 establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b)  
56 based on an appraisal done by the county assessor at the request of the Department of  
57 Revenue;

58            3. Appeals of decisions or disputes related to historic property under RCW  
59 84.26.130;

60            4. Any ((F))forest land determination under chapter 84.33 RCW ((84.33.116,  
61 84.33.118, 84.33.120, 84.33.130 and 84.33.140, including an appeal of an assessor's  
62 refusal to classify land as forest land under RCW 84.33.120)));

- 63           5. Current use determinations under chapter 84.34 RCW (~~84.34.035 and~~  
64 ~~84.34.108~~));
- 65           6. Appeals related to senior citizen exemption denials under RCW 84.36.385;
- 66           7. Appeals related to cessation of exempt use under RCW 84.36.812;
- 67           8. Determinations related to property tax deferrals under RCW 84.38.040;
- 68           9. Determinations related to omitted property or value under RCW 84.40.085;
- 69           10. Valuation appeals of taxpayers under RCW 84.48.010;
- 70           11. Appeals from a decision of the assessor relative to a claim for either real or  
71 personal property tax exemption, under RCW 84.48.010; (~~and~~))
- 72           12. Destroyed property appeals under RCW 84.70.010(~~(-)~~);
- 73           (~~C. The board shall hear and decide all appeals resulting from:~~  
74           ~~1.)~~) 13. The granting, denial, suspension or revocation of business licenses  
75 under K.C.C. 6.01.150;
- 76           (~~2.)~~) 14. Grievances related to actions of the director of the animal control  
77 authority under K.C.C. chapter 11.04;
- 78           (~~3.)~~) 15. The fire marshal's decisions on fireworks permits under K.C.C.  
79 chapter 6.26; and
- 80           4.) 16. Assessments by lake management districts, with the final decision made  
81 by the council (~~under Ordinance 11956; and~~  
82           ~~5. Other orders or regulations as required by ordinance~~)).
- 83           SECTION 4. Ordinance 13410, Section 6, as amended, and K.C.C. 2.34.035 are  
84 each hereby repealed.

85        SECTION 5. Ordinance 6444, Section 4, as amended, and K.C.C. 2.34.040 are  
86 each hereby amended to read as follows:

87        A. The board shall appoint a clerk of the board as provided by state law. The  
88 clerk, or ~~((his or her))~~ the clerk's designee, shall attend all sessions of the board and shall  
89 keep the official record thereof. The clerk ~~((shall))~~ is also ~~((be))~~ responsible for  
90 managing the administrative staff support of the board. The county assessor, the director  
91 of any executive agency whose orders and regulations are subject to appeal before the  
92 board~~((;))~~ and any member of ~~((such))~~ those agencies' staffs may not serve as the clerk.

93        B. With the approval of the board and within budgetary constraints, the clerk may  
94 appoint ~~((such))~~ assistants ~~((and employees as))~~ the board deems necessary for aiding the  
95 board in carrying out its functions. The clerk and the assistants ~~((and employees))~~ shall,  
96 in accordance with state law, serve at the pleasure of the board and are ~~((thus))~~ exempt  
97 from career service. As exempt county employees, the clerk and the assistants ~~((and~~  
98 ~~employees))~~ shall comply with the same work-related regulations as ~~((are applicable))~~  
99 apply to exempt employees of the legislative branch of county government.

100        C. The board may, subject to budgetary constraints, hire on a per diem basis one  
101 or more hearing examiners who shall be selected for their knowledge of the values of  
102 property in the county and shall subscribe to the same oath as board members.

103        D. The board shall submit each year to the county council for approval a  
104 proposed budget for the following year in the manner provided by law for the preparation  
105 and submission of budgets by appointive officials.

106        SECTION 6. Ordinance 6444, Section 5, as amended, and K.C.C. 2.34.050 are  
107 each hereby amended to read as follows:

108           A. ~~((For each six hour day devoted to official work of the board, each~~  
109           ~~member and each hearing examiner employed by the board thereof))~~ If scheduled  
110           to work for three or more hours a day, a board member or hearing examiner shall  
111           receive a per diem allowance of ((two hundred fifty)) three hundred dollars  
112           ~~((except that))~~. If scheduled to work for less than three hours a day, a board  
113           member or hearing examiner shall receive a per diem allowance of ((one hundred  
114           fifty)) two hundred dollars ~~((shall be paid for official board work of more than~~  
115           ~~four hours but less than six hours))~~. In the event a board member or hearing  
116           examiner is scheduled to work for less than three hours a day but actually works  
117           for three or more hours that day, the board member or hearing examiner shall  
118           receive a per diem allowance of three hundred dollars.

119           B. Members of the board ~~((assigned parking stalls))~~ shall pay parking fees as  
120           provided for in K.C.C. chapter 3.32 ~~((unless exempted from payment by ordinance))~~ at  
121           the rate set for monthly employee and county vehicles.

122           SECTION 7. Ordinance 6444, Section 6, as amended, and K.C.C. 2.34.060 are  
123           each hereby amended to read as follows:

124           Members of the board and all employees assigned to the board shall be governed  
125           by the employee code of ethics as provided in K.C.C. Title 3. All persons deemed to  
126           have a conflict of interest and wishing to appeal to the board on matters of equalization  
127           shall be governed by the appeals procedure provided in the code of ethics ~~((and as~~  
128           ~~provided in this section))~~.

129           SECTION 8. Ordinance 12504, Section 1, and K.C.C. 2.34.100 are each hereby  
130           amended to read as follows:

131           The owner or person responsible for payment of taxes on any property may  
132   petition the King County board of equalization for a change in the assessed valuation  
133   placed upon such property by the county assessor. ((Such)) The petition ((may)) must be  
134   filed with the board on or before July 1((st)) of the year of the assessment or within sixty  
135   days after the date an assessment or value change notice has been mailed, whichever is

136 later.

137 SECTION 9. This ordinance takes effect January 1, 2016.

138

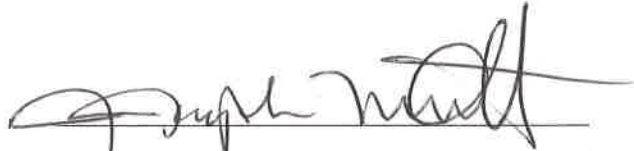
Ordinance 18195 was introduced on 10/19/2015 and passed by the Metropolitan King County Council on 12/14/2015, by the following vote:

Yes: 7 - Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove

No: 0

Excused: 2 - Mr. Phillips and Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 23<sup>rd</sup> day of December, 2015.



Dow Constantine, County Executive

RECEIVED  
2015 DEC 23 PM 3:29  
KING COUNTY COUNCIL  
CLERK

Attachments: None

**WAC 458-14-015****Jurisdiction of county boards of equalization.**

(1) Boards have jurisdiction to hear all appeals as may be authorized by statute, including the following types of appeals:

(a) Appeals for a change in appraised value when the department establishes taxable rent under chapter **82.29A** RCW (leasehold excise tax) based on an appraisal done by the county assessor at the request of the department.

(b) Appeals of assessor determinations related to cancellation of exemption pursuant to RCW **84.14.110** (multiple unit dwellings in urban centers).

(c) Appeals of decisions or disputes pursuant to RCW **84.26.130** (historic property).

(d) Forest land application denial under RCW **84.33.130**, and forest land removal under RCW **84.33.140**.

(e) Current use determinations pursuant to RCW **84.34.035**, denial of application for farm and agricultural land, and RCW **84.34.108**, removal from current use classification and appeal of new assessed valuation upon removal of current use classification.

(f) Determinations pursuant to RCW **84.36.660** (special property tax exemption for increase in value attributable to the installation of an automatic sprinkler system in a nightclub).

(g) Appeals pursuant to RCW **84.36.385** (senior citizen exemption denials).

(h) Appeals pursuant to RCW **84.36.812** (assessed value upon which additional tax is based, upon cessation of exempt use).

(i) Determinations pursuant to RCW **84.38.040** (property tax deferrals).

(j) Determinations pursuant to RCW **84.40.039** (valuation reduction after government restriction).

(k) Determinations pursuant to RCW **84.40.085** (omitted property or value).

(l) Valuation appeals of taxpayers pursuant to RCW **84.48.010**.

(m) Appeal from a decision of the assessor relative to a claim for either real or personal property tax exemption, pursuant to RCW **84.48.010**.

(n) Determinations pursuant to RCW **84.48.065** (cancellation or correction of manifest error) when the cancellation or correction results in a change on the assessment or tax roll.

(o) Destroyed property appeals pursuant to RCW **84.70.010**.

(p) Appeals from decisions of the assessor pursuant to RCW **84.37.040** regarding deferrals under chapter **84.37** RCW (property tax limited income deferral program).

(2) Boards have jurisdiction to equalize property values on their own initiative pursuant to RCW **84.48.010**, in accordance with WAC **458-14-046**.

[Statutory Authority: RCW **84.08.010**, **84.08.070**, and **84.48.200**. WSR 08-16-062, § 458-14-015, filed 7/30/08, effective 8/30/08; WSR 06-13-034, § 458-14-015, filed 6/14/06, effective 7/15/06; WSR 95-17-099, § 458-14-015, filed 8/23/95, effective 9/23/95; WSR 93-08-050, § 458-14-015, filed 4/2/93, effective 5/3/93; WSR 90-23-097, § 458-14-015, filed 11/21/90, effective 12/22/90.]

## 2.34 BOARD OF APPEALS AND EQUALIZATION

### Sections:

- 2.34.010 Establishment.
- 2.34.020 Composition.
- 2.34.030 Powers.
- 2.34.040 Administrative support.
- 2.34.050 Compensation.
- 2.34.060 Conflict of interest.
- 2.34.100 Petition for change in assessed valuation

### 2.34.010 Establishment.\*

A. There is established a King County board of appeals as provided in Article 7 of the King County Charter. Additionally, the functions of the county council in its capacity as a board of equalization are hereby vested in the board of appeals which shall be formally designated as the King County board of appeals and equalization.

B. The chair of the board is responsible to the council for the efficient management and administration of the board and its resources. (Ord. 18195 § 1, 2015: Ord. 6444 § 1, 1983).

**\*For statutory provisions regarding county boards of equalization, see RCW 84.48.010 through 84.48.046.**

### 2.34.020 Composition.

A. The board shall be composed of seven members appointed by the county executive and subject to confirmation by a majority of the county council.

B. The term of office shall be four years, and shall be staggered as follows: two terms shall commence each year except that every fourth year only one term shall commence. Board members shall fill the term to which appointed or that portion remaining of an unexpired term. A member whose term has expired shall continue to serve until a successor has been appointed. Terms shall commence on July 1.

C. Removal of a member of the board, except upon expiration of the member's appointed term, shall be only as provided for in Section 710 of the King County Charter.

D. The members of the board shall meet and choose a chair annually to serve from July 15 through July 14 of the following year.

E. A majority of the board shall constitute a quorum in matters of equalization and in matters of appeal from executive orders and regulations. (Ord. 18195 § 2, 2015: Ord. 13410 § 1, 1999: Ord. 10275, 1992: Ord. 6444 § 2, 1983).

### 2.34.030 Powers.

A. The board may administer oaths and affirmations and shall hear and decide all appeals from any valuation in property by the department of assessments, examine other matters related to assessment of the property of the county as provided by general law and hear appeals from any other orders by an executive department or administrative office as provided by ordinance.

B. In conformity with RCW 84.48.010 through 84.48.046 relating to the equalization of assessments and in addition to those powers relating to valuation provided for in Section 720 of the King County Charter, the board shall hear and decide all appeals as are provided by statute, including the following appeals:

1. Appeals of exemption denials related to public corporations under RCW 35.21.755;
2. Appeals for a change in appraised value if the Department of Revenue establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b) based on an appraisal done by the county assessor at the request of the Department of Revenue;
3. Appeals of decisions or disputes related to historic property under RCW 84.26.130;
4. Any forest land determination under chapter 84.33 RCW;

5. Current use determinations under chapter 84.34 RCW;
6. Appeals related to senior citizen exemption denials under RCW 84.36.385;
7. Appeals related to cessation of exempt use under RCW 84.36.812;
8. Determinations related to property tax deferrals under RCW 84.38.040;
9. Determinations related to omitted property or value under RCW 84.40.085;
10. Valuation appeals of taxpayers under RCW 84.48.010;
11. Appeals from a decision of the assessor relative to a claim for either real or personal property tax exemption, under RCW 84.48.010; and
12. Destroyed property appeals under RCW 84.70.010. (Ord. 18230 § 72, 2016: Ord. 18195 § 3, 2015: Ord. 13507 § 1, 1999: Ord. 13410 § 2, 1999: Ord. 6444 § 3, 1983).

#### **2.34.040 Administrative support.**

A. The board shall appoint a clerk of the board as provided by state law. The clerk, or the clerk's designee, shall attend all sessions of the board and shall keep the official record thereof. The clerk is also responsible for managing the administrative staff support of the board. The county assessor, the director of any executive agency whose orders and regulations are subject to appeal before the board and any member of those agencies' staffs may not serve as the clerk.

B. With the approval of the board and within budgetary constraints, the clerk may appoint assistants the board deems necessary for aiding the board in carrying out its functions. The clerk and the assistants shall, in accordance with state law, serve at the pleasure of the board and are exempt from career service. As exempt county employees, the clerk and the assistants shall comply with the same work-related regulations as to exempt employees of the legislative branch of county government.

C. The board may, subject to budgetary constraints, hire on a per diem basis one or more hearing examiners who shall be selected for their knowledge of the values of property in the county and shall subscribe to the same oath as board members.

D. The board shall submit each year to the county council for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by appointive officials. (Ord. 18195 § 5, 2015: Ord. 13410 § 3, 1999: Ord. 6444 § 4, 1983).



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[Home](#) > COUNTIES -- BOARDS OF EQUALIZATION -- OPEN MEETINGS

Attorney General Slade Gorton

## COUNTIES -- BOARDS OF EQUALIZATION -- OPEN MEETINGS

The various county boards of equalization and the state board of tax appeals are excluded from the open meetings act when dealing with property tax exemption cases; however, county boards of equalization must conduct open sessions in such cases under RCW 84.48.010.

-----  
January 19, 1973

Honorable Peter D. Francis  
State Senator, 32nd District  
Legislative Building  
Olympia, Washington 98504  
1973 No. 12

Cite as: AGLO

Dear Sir:

This is written in response to your recent letter requesting our opinion regarding the necessity for open meetings where either the various county boards of equalization or the state board of tax appeals are reviewing a county assessor's determination as to the tax exempt status of either real or personal property.

We answer this question in the manner set forth in our analysis.

### ANALYSIS

The first issue to be resolved in determining this question is that of the applicability of the "open public meetings act of 1971" (chapter 250, Laws of 1971, Ex. Sess.) to the proceedings described in your letter.

As you know, § 14 of this act (now codified as RCW 42.30.140) expressly exempts from the provisions thereof,

"...

"(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; . . ."

In AGO 1971 No. 37 [[to Leonard A. Sawyer, State Representative on November 29, 1971]], copy enclosed, we concluded that by reason of this exemption the provisions of the "open public meetings act" are not applicable to such sessions of a county board of equalization as have been convened under the provisions of RCW 84.48.010.

[[Orig. Op. Page 2]]

Although this determination that the proceedings of boards of equalization are not covered by the "open public meetings act" was keyed, specifically, to those proceedings involving the correctness of a county assessor's evaluation of certain property, we think that our characterization of the proceedings of such boards as "quasi-judicial" is equally applicable in those instances where, under RCW 84.48.010, as last amended by § 2, chapter 55, Laws of 1970, Ex. Sess., such boards are reviewing an assessor's disposition of an individual property owner's claim for a tax exemption. In both instances, the board is reviewing a quasi-judicial matter between named parties as distinguished from a matter having general effect upon the public at large or an indeterminate class or group thereof - as is the state board of tax appeals when it reviews these same evaluation and exemption questions under RCW 82.03.130, et seq.

Accordingly, it is our opinion that the precise question as set forth in your letter is answerable in the affirmative; i.e., both the various county boards of equalization and the state board of tax appeals are excluded from the open meetings act when dealing with property tax exemption cases in the manner outlined in your letter.

In the case of county boards of equalization, however, this does not mean that such proceedings may be closed to the public. As we further indicated in AGO 1971 No. 37, supra, even though the open public meetings act is not applicable to such proceedings, the provisions of RCW 84.48.010 itself require all sessions of a county board of equalization convened pursuant thereto to be open to attendance by the public, subject to a single qualification keyed to the use of certain information obtained by a county assessor under RCW 84.40.340. This conclusion, likewise, is just as much applicable to those boards when reviewing tax exemption claims as it is when they are reviewing evaluation contests between a property owner and a county assessor.

We trust that the foregoing will be of assistance to you.

Very truly yours,

SLADE GORTON  
Attorney General

PHILIP H. AUSTIN  
Deputy Attorney General

## PART 8 – Clerks' Responsibilities

RCW [84.48.028](#) authorizes a board of equalization to appoint a clerk and any assistants the board might need all to serve at the pleasure of the board. However, the statute does not define the clerk's duties other than stating that a clerk shall attend all sessions and shall keep the record. The following general guidelines are offered as the basis for a clerk's manual. All suggestions for content are welcome.

### 8.1 Pre-Hearing Duties

#### 1) Post Notice of Sessions

Statute doesn't require posting a notice of sessions of the BOE; however, a form is available (REV 64-0050) for those boards who wish to continue the practice. The Department of Revenue recommends posting the notice in the office of the county assessor, on the courthouse bulletin board, and publishing it in an official newspaper. Suggested items for the notice include:

- The meeting place.
- Time of the meeting.
- Meetings dates of at least three days of the board session.
- Where appeal forms may be obtained.
- Where petition is to be filed.

Keep one copy of the notice and file it as part of the official record.

#### 2) Receive Timely Filed Petitions

Receive timely filed petitions from taxpayers. (WAC [458-14-056](#).) "The sole method for appealing an assessor's determination to the board ... shall be by means of a properly completed and timely filed taxpayer petition."

- (a) Petition filed **in duplicate** with the board on or before July 1 of the assessment year; or,
- (b) Within 30 days (up to 60 days in counties where the legislative authority has extended the deadline) after the date an assessment, value change notice, or other determination notice is mailed or electronically transmitted, whichever is later. (RCW [84.40.038](#).)
- (c) If petition filed by mail, it shall be postmarked no later than the filing deadline. (WAC [458-14-056\(4\)](#).) Keep the envelope as proof of date of filing the petition.
- (d) If hand delivered, petition should be date stamped when received.
- (e) Advise taxpayers in writing of any rejections of appeals due to failure to timely file.
- (f) Advise taxpayers of good cause exception to filing deadline, RCW [84.40.038](#) and WAC [458-14-056\(3\)](#).

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**Table 1**

First 40 mins: Input on ideas & prioritizing

- Number 6 – ranked choice voting. Structurally supporting equity.
- Number 4 – Housing
- Number 3 – Public Financing of Campains

Number 1 Civilian oversight of Law Enforcement

- One concern is union push back negotiation of more oversight/subpoena as a ~~working~~ change to working condition. They may be paid more for this changed working condition.

Number 2 Elected officials v. Appointed

- Sheriffs now leave office through resigning or re-call. Has jurisdiction over unincorporated KC.
- County Public Defender – Shd it be elected like the prosecutor.
- We discussed pros & cons of appointment versus elections.
- Generally in favor of more elections

Number 3 Most people are pro this. Discussed some concerns around taxation & how to pay.

Number 4 This amendment allows KC to sell for below FMV

- Surplus land means agencies own it but not currently using it. They're on the road to selling it. What's their incentive to sell for under FMV? None. They're just told to so.
- Concern about expanding charter power
- If we were serious abt affordable housing we wouldn't build any in Seattle because of how expensive the city's rules are. Generally for County have power to do so, but KC would consider the criteria for ~~de~~ acting on this power.

Number 5 The County would pay for a lawyer in the inquest process.

Who is the family? How do we define?

- Who gets this free lawyer? Need to use some financial status as Public Defender. Process to determine if family's are financially needy enough.

- We resolved that anyone, regardless of financial status shd get access.

Number 6 Ranked Choice Voting

- It's contrary to two party system.
- It may cost more to reprogram computers
- At-large disenfranchise minority groups so would at least need RCV to mitigate that
- Tried in Pierce County but dropped it
- It's a more confusing process that requires more voter education

Number 7 County has grown, should we increase the size? Louis thinks council shd be 11 people

- 4/9 are Seattle people
- We don't get much interaction w/our county council

Number 8 Population growth

- Get lite rail done faster
- State has growth managmt act, cities negotiate out

<b>Table 2</b>
----------------

1. Civilian oversight of Law Enforcement
2. Which County officials should be elected
3. Public financing of campaigns
4. Surplus land for housing
5. Representation of the deceased fami8ly re: inquest
6. Ranked choice voting
7. Size of the County Council
8. Meeting the demand

Housing:

- Affordable housing a huge priority
- Support for emphasizing affordable housing
- Want to ensure good, solid infrastructure
- Co-locating services with affordable housing
- Where would affordable housing be best located
- Concern with segregation : racial, economic
- Concern with unintended consequences : will people abuse this?
- Similar issues at City of Seattle

County Elected Positions

- What's driving this proposal?
- Who should be appointed and who should be elected?
- Public defender: equity issue. Vote of the public or of a small of decision-makers. How would the process work?

Ranked-Choice:

- Is the idea too convoluted?
- Are there equity issues? Access issues?

Inquests : OLEO:

- Lots of interest in this
- We should prioritize funding this
- Level the playing field
- In favor of strengthening OLEO's powers in the Charter

Public Financing of Campaigns:

- Folks really like Seattle's democracy voucher program
- Levels the playing field
- Need to be specific
- Everyone feels involved and empowered to participate

# of Councilmembers:

- At-large vs. district
- Folks like district reps
- Want to be thoughtful about proportion
- Want to find a balance

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# Charter Review Process

- First 40 mins: Input on ideas & prioritizing
  - Number 6 - ranked choice voting. Structurally supporting equity.
  - Number 4 - Housing
  - Number 3 - Public Financing of Campaigns

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- We don't get much interaction w/ our county council.

Number 8: Population growth

- Get light rail done faster.
- State has growth management act, cities negotiate out

# Community Feedback — 2.19.19

TABLE 2

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2. Which county officials should be elected
3. Public financing of Campaigns
4. Surplus land for housing
5. Representation of the deceased family re: Inquests
6. Ranked choice voting
7. Size of the county council
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- + How would the process work?
- + Is the idea too convoluted?
- + Are there equity issues? Access issues?

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### Inquests / OLEO:

- + Lots of interest in this
- + We should prioritize funding this
- + Putting our money where our mouth is
- + Level the playing field
- + In favor of strengthening OLEO's powers in the charter

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- + Folks really like Seattle's democracy voucher program
- + Levels the playing field
- + Need to be specific
- + Everyone feels involved and empowered to participate

### # of council members:

- + At-large vs. district
- + Folks like district reps
- + Want to be thoughtful about proportion
- + Want to find a balance

# Charter Review Commission

February 19, 2019

## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Address	Email
1	Calli Knight	KC Exec		
2	Louise Miller	Charter R. Comm.		
3	Melissa Whitford	Seattle Sds Community Forum		
4	Katharine Busz	Neighborhood Action Center		
5	Tom Honey	KE		
6	Girmay Zehilay	Public		
7	Ainsley Kelly	public		
8	Kelsey Beck	City of Seattle		
9	Diana Kincaid	Magnus Community Center		
10	Lhorna Murray	MPAC Magnuson Park		
11				
12				
13				

# Charter Review Commission

February 19, 2019

## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Address	Email
50	Alexandra	NA		
51	Matias Grioni	NA		
52				
53				
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56				
57				
58				
59				
60				
61				

<b>Table 1</b>
----------------

Workers' Bill of Rights – like to see one built into Charter (will provide document). (Dale)

What would be concrete effect? Structure.

Codified – contractors already have to adhere to these standards. Still dealing w/transgender rights. A lot of work for example w/Janus, KC did a lot of great work despite the framework.

This becomes a model for cities that don't have the framework.

Project Labor Agreements – to be preferred method & written into Charter. Ensures timely completion w/out labor unrest, ensures the opportunity for employment of workers to live in these same communities. (Billy)

Threshold is \$15 million but working to bring that down.

Is there a place where PLA doesn't make sense?

We likely won't see a threshold below \$1 million.

Elected Positions – Public Defender – Must be independent but politicizing could be dangerous.

A good politician does not equal best candidate.

Elected positions that were appointed prior, did come from the Department.

Size of the County Council

Now 2.2 million people. –If a state, 14<sup>th</sup> largest.

13 members in 2005 – 90,000 more per district. People didn't see advantage.

Demographic blow backs.

We tried 13 & it didn't go well. (Sims)

Rank Choice Voting

It would be interesting to know what the employees/members of KC Elections feel about this.

It was done in Pierce Co. – It was an additional burden.

Civilian Oversight of Law Enforcement

Oleo is doing a good job, they make the deputies uneasy @ times.

Surplus Land for Housing

Suggestion to do long-term leasing. Agree to keep affordable, then sold for profit when aged out. You can structure it differently in a lease.

Housing only lasts as long as the tax credit.

We've lost 90,000 units over the last 5 years in the state.

Demographic of KC Changing

Lower income moving south.

We don't meet the needs of people who need them. Affordable housing south, work north, transportation.

**Worker Bill Rights**

1. We have the right to be treated with dignity and respect;
2. We have the right to safe and healthy working conditions;
3. We have the right to be free from bullying and harassment;
4. We have the right to join a Union free from retaliation;
5. We have the right to negotiate working conditions with our employers;
6. We have the right to fair and open hiring and promotion opportunities;
7. We have the right to take time off for sickness or family care without undue burden;
8. We have the right to a fair and responsible grievance and evaluation process;
9. We have the right to be free from discrimination regarding race, gender identification, sexual orientation, culture and language;
10. We have the right to a living wage and affordable housing.

We would ask that this would apply to King County and its community and business partners.

**I'm here tonight to ask that Project Labor Agreements be used as the preferred method of contracting in King County. PLA's insure timely completion without Labor unrest on King County Projects. Furthermore, adding the requirement of a Community Workforce Agreements with PLA language on all King County projects will increase the opportunity for employment of workers that live in these same communities. Implementing this language will ensure that the residence of King County will receive the proper training necessary to build the skills needed to transition in an ever-changing industry. Lastly, the increase in earning potential of our residence will have a ripple effect in the community and allow this Counties economy to remain strong into the future. Thanks!**

<b>Table 2</b>
----------------

**- ISSUES**

**1. Civilian oversight of law enforcement**

- Do they need subpoena power
- Who should be on the board
- Have they been successful
  - Reports to Council
  - Why was it formed 2015
  - How Effective? Background checks
  - Should it exist

**2. Which County officials should be elected**

- Should be elected
- Should be Sheriff?
- Public Defender? Is it worth the administrative burden? Is there enough vote?

**3. Public financing**

Where is tax coming money coming from to support this?

#### 4. Seniors

- Senior Council Commission
- Update qualification
- Public Utility Discount
- Insurance Commissioner
- Limit tax
- Property taxes (Insurance Commissioner get involved to waive prems for seniors)

#### 5. Union

Rank Choice

#### 6. Part affiliation should it be on voting ballots

- |                          |   |                        |
|--------------------------|---|------------------------|
| 7. Political affiliation | } | Veterans Rights        |
| Veteran affiliation      |   | Veterans Council       |
| Care taker status        |   | 840 Antidiscrimination |

Medic One doesn't allow for paramedic or ~~status~~ AEMT reciprocity.

Size of Council

-840 Antidiscrimination

No political affiliation

No veteran affiliation

<b>Table 3</b>
----------------

- Concern about distribution of services & resources throughout KC. Concern south King County is dumping ground.
- Disparity b/t north & south King County & the allocation of resources.
- South King Co has high percentage of affordable housing.
- Lack of police resources, school funding
- How does Charter influence justice
- Public financing of campaigns – Seattle program has helped individual s feel like part of a campaign + support a campaign.
  - Authorize in Charter as an option going forward

Who should be elected?

- Change back election of Sheriff?
  - Sheriff + Director of Elections have direct effect on citizens + govt participation + direct influence.
  - Appearance of conflict is concern. – Elections
  - Sheriff only responsible/accountable to voters once per 4 years. Can be too long a time – accountable more often than 4 years.
    - Maybe accountable to the Council/some other body.
  - Policing – responsibility & accountability
  - Concerns about prosecuting/crime (or lack of prosecution)

Affordability Housing – accountability w/in affordable housing programs.

Discussion of school to prison pipeline

Funding – Police in cities

Subletting w/in affordable housing programs  
Qualifications of individuals seeking affordable housing  
Board to oversee? Oversight?

#### Civilian oversight

- OLEO subpoena authority – seems reasonable
- How does Charter allow OLEO to share documents w/Ombudsman – Charter should at least allow it.
- Allow OLEO to have some input in collective bargaining process.

#### Public Defender Election

- Independence of office
- Elected position – could make the election too expensive – expensive to run election

#### Diversity training in law enforcement is important

- Have diversity in OLEO – stronger oversight
- Funding to cities to fund programs
- Police – how to behave when officers are on the scene
  - o Educate individuals how to behave when officers are around – how to interact w/officers
  - o Increase diversity/exposure to different

More Councilmembers – interest in increasing the number – but not fans of at large.

#### Public funding of campaigns

- Concern about taxes
- But table not unanimous against public funding

#### Project Labor Agreements – priority hiring

#### Diversity Hires – Apprentice programs

- Some support at the table for those programs
- Pay + quality of work better

#### Ranked Choice Voting

- Some support at the table

#### Prosecutorial Discretion

- Reoffending
- Behavioral health + substance use disorder
- Drug use
- Victims – how are they involved

#### Inquest representation of deceased victim

- Helps hold police accountable
- Diversity training
- More accountability all around (police + victims)
- Seeing it in the Charter

#### Workers bill of rights – protections to King County employees or KC contractors

- Cost of service to cities

[Blank Page]

2/26/19  
Fed. Way

Table 1

## Charter Review Commission 2018-2019

Date: 2.25.58 Workers Bill of Rights - like to see one built into Charter (will provide document.)

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Ron  
Sims

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### Demographic of KC Changing

Lower income moving south.

We don't meet the needs of people who need them. Affordable housing south, work north, transportation.

## Worker Bill Rights

1. We have the right to be treated with dignity and respect;
2. We have the right to safe and healthy working conditions;
3. We have the right to be free from bullying and harassment;
4. We have the right to join a Union free from retaliation;
5. We have the right to negotiate working conditions with our employers;
6. We have the right to fair and open hiring and promotion opportunities;
7. We have the right to take time off for sickness or family care without undue burden;
8. We have the right to a fair and responsible grievance and evaluation process;
9. We have the right to be free from discrimination regarding race, gender identification, sexual orientation, culture and language;
10. We have the right to a living wage and affordable housing.

We would ask that this would apply to King County and its community and business partners.

**I'm here tonight to ask that Project Labor Agreements be used as the preferred method of contracting in King County. PLA's insure timely completion without Labor unrest on King County Projects. Furthermore, adding the requirement of a Community Workforce Agreements with PLA language on all King County projects will increase the opportunity for employment of workers that live in these same communities. Implementing this language will ensure that the residence of King County will receive the proper training necessary to build the skills needed to transition in an ever-changing industry. Lastly, the increase in earning potential of our residence will have a ripple effect in the community and allow this Counties economy to remain strong into the future. Thanks!**

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## - ISSUES

28:23

## 1. Civilian oversight of LAW ENFORCEMENT

- DO THEY NEED SUBPOENA POWER

- WHO SHOULD BE ON THE BOARD

Have they Been successful

→ Reports to council

→ Why was it formed 2015

→ how effective?

Background checks

→ should it exists

## 2. WHICH COUNTY OFFICIALS SHOULD BE ELECTED

• SHOULD BE elected

• SHOULD BE ~~SHERIFF~~ SHERIFF?

• Public Defender? IS IT WORTH The Administrative Burden  
IS THERE ENOUGH VOTE

## 3. Public FINANCING

Where is tax coming MONEY coming from to support this

## 4. Seniors

→ Senior <sup>council</sup> Commission

→ update qualifications

→ Public Utility Discount → Insurance

→ Limit tax

commissioner

→ Property taxes

(Insurance Commissioner get involved to lower premiums for Seniors)

## 5. → UNION

→ RANK CHOICE

→

## 6. Party AFFILIATION SHOULD IT BE ON VOTING BALLOTS

## 7. Political AFFILIATION

Veteran AFFILIATION

CARE TAKER STATUS

VETERANS RIGHTS  
VETERANS COUNCIL

840 ANTIDISCRIMINATION

MEDIC ONE doesn't allow for Paramedic or

~~STATUS~~ AEMT RECIPROCITY

Size of COUNCIL

when making choices decisions  
think what impact it will have  
on seniors

-840 Antidiscrimination

NO POLITICAL AFFILIATION

NO VETERAN AFFILIATION

Anna

33:35

- \* Concern about distribution of services + resources throughout KC. Concern South King County is dumping ground.
- \* - Disparity b/t North + South King Co + the allocation of resources.
- \* - South King Co has high percentage of affordable housing.
- \* - Lack of police resources, school funding -
- \* - How does Charter influence justice
- Public Financing of Campaigns - Seattle program has helped individuals feel like part of a campaign + support a campaign.
- Authorize in Charter as an option going forward.
- who should be elected?
- \* - Change back election of Sheriff?
- Sheriff + Director of Elections have direct effect on citizens + govt participation + direct influence.
- \* - Appearance of conflict is concern. - Elections
- Sheriff only responsible/accountable to voters once per 4 years. Can be too long a time - accountable more often than 4 years.
- Maybe accountable to the council/some other body.
- Policing - responsibility + accountability
- Concerns about ~~for~~ prosecuting/crime for lack of prosecution)
- \* - Affordability Housing - accountability w/in affordable housing programs.

- Funding - Police in cities -

- Sub-letting w/in affordable housing programs -

\* - Qualifications of individuals seeking affordable housing.

\* - Board to oversee? Oversight?

\* - Civilian oversight -

- OLEO subpoena authority - seems reasonable -

- How does Charter allow OLEO to share documents w/ Ombudsman - Charter should at least allow it.

- Allow OLEO to have some input in collective bargaining process -

Public defender - election -

- independence of office

\* - Elected position - could make the election too expensive - ~~too~~ expensive to run election.

\* - Diversity training in law enforcement is important

↳ Have diversity in OLEO - stronger oversight -

↳ Funding to cities to fund programs

↳ Police - how to behave when officers are on the scene -

- educate individuals how to behave when officers are around - how to interact w/ officers -

- increase diversity / exposure to different

\* - More Councilmembers - ~~more~~ interest in increasing the number - but not ~~fast~~ at large.

- ★ - ~~Public~~ funding of campaigns
  - concern about taxes -
  - ~~table~~ But table not unanimous against public funding -
- ★ - Project Labor Agreements - Priority Hiring
- ★ - Diversity Hires - Apprentice programs
  - some support at the table for those programs.
  - Pay + Quality of work better
- ★ - Ranked Choice Voting -
  - some support at the table -
- Prosecutorial Discretion -
  - re-offending
  - ★ - ~~the~~ Behavioral health + substance use disorder -
  - Drug use -
  - Victims - how are they involved -
- ★ 39:12 - Inquest representation of deceased victim -
  - Helps hold police accountable -
  - diversity training
  - more accountability all around (police + victims)
  - seeing it in ~~the charter~~ the Charter -
- Workers bill of rights - protections to King County employees or ~~the~~ KC contractors
  - ↑ Cost of services to cities

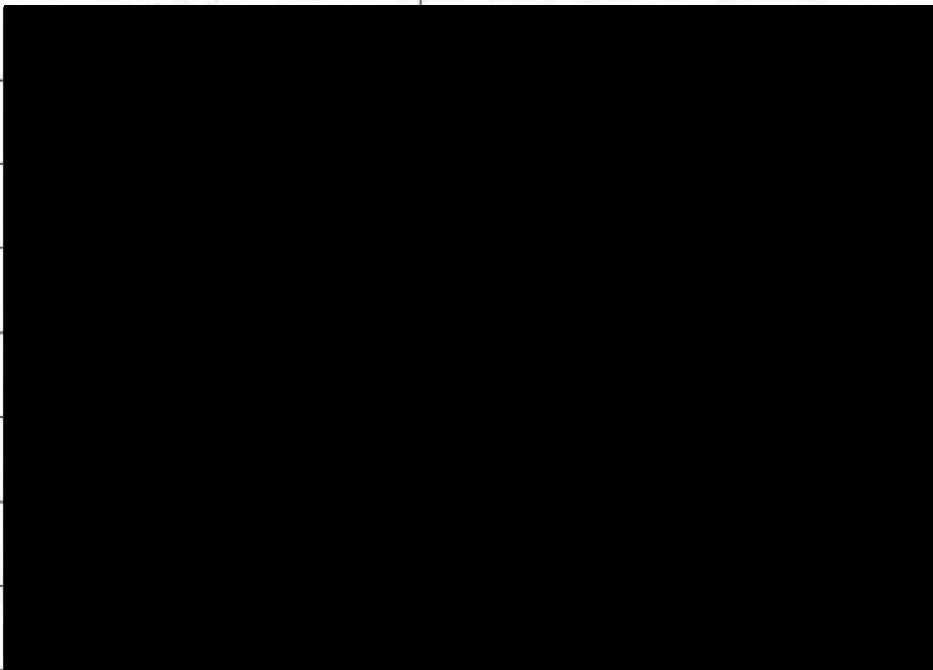
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# Charter Review Commission

February 26, 2019

## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Address	Email
1	Dale Bright	MLK Labor		
2	Billy Hetherington	Laborers Local 242		
3	Anna Patrick	Citizen		
4	Dellie Hawley	Citizen		
5	Susan Honda	Dep Mayor C		
6	LYDIA ASSEFA-DAWSON	City of Federal Way City Council		
7	Katrina Jones	Union		
8	Jon-Michael Hicks	union / citizen of FW		
9				
10				
11				
12				
13				

# Charter Review Commission

February 26, 2019

## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Address	Email
14	Bruce Hanna	CITIZEN		
15	Cara Mattson	Teamsters 117		
16	Craig Patrick	Springwood Preschool		
17	DANA HOLLAWAY	CITIZEN		
18	DAVID LEE BLACK	CITIZEN		
19	Jan Novak	CITIZEN / Federal Way Licenses		
20	Mike Morita	Resident		
21	CASPER CANNILLO	DISTRICT COUNCIL		
22				
23				
24				
25				

# Charter Review Commission

October 15, 2019 Town Hall



## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
1	Alex Tsimmerman	SCCA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Seattle Passes
2	FREDERIK SCHAFFALITZKY		<input checked="" type="checkbox"/>	<input type="checkbox"/>	ELECTION: supports
3					Ranked Choice Voting
4					
5					
6					
7					

TO  
Charter  
Committee



Complaint

King County

# Public Testimony

Please use this card to provide written testimony. Your comments will be distributed to Councilmembers and entered into the record. You may also testify online at [www.kingcounty.gov/council/testimony](http://www.kingcounty.gov/council/testimony).

Thank you for attending our public hearing.

My name Alex Tsimerman  
I am candidate right now  
for govt. 2020. And I  
spoke with you before and  
I demand right now  
again total investigation  
of Seattle Council on Mayor  
Dunbar @ violation US  
constitution, freedom of  
speech open public meeting  
act, US corp ~~free~~ decision  
investigation of violation  
council court, council rules  
@ one-year timeline

For the Record

Name:\*

Address:\*

Alex Tsimerman  
P.O. Box 4222 Seattle WA

November 20, 2019

# Charter Review Commission

October 16, 2019 Town Hall

## Public Sign-in Sheet



PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
1	Alex Tsimerman	SLH	ye		Suble Fascism Coh - Cops
2	Lisa Ayrault	Fair Vote Washington	yes		Ranked-choice Voting (in favor of)
3					
4					
5					
6					
7					

The New York Times

# New Yorkers Have a Chance to Remake How They Vote

Ranked-choice voting is on the ballot in this fall's election.

**By The Editorial Board**

The editorial board represents the opinions of the board, its editor and the publisher. It is separate from the newsroom and the Op-Ed section.

Oct. 15, 2019

If New Yorkers know one thing, it's how to choose among a wide array of options: subway routes, pizza parlors, clothing boutiques, Broadway shows. The nice thing about having these choices is that you can rank-order them; if your first isn't available, you'd probably be O.K. with your second or even your third. But when it comes to electing politicians, New Yorkers are in the same bind as most of the rest of the country — voters can choose only one, no matter how much they like him or her, or how many other candidates are on the ballot.

The good news is that there's a solution, in the form of Ballot Question 1 in this year's New York City elections, for which early voting begins Oct. 26. (Election Day is Nov. 5.) That solution is called ranked-choice voting, also known as instant-runoff voting.

The initiative, part of a package of electoral reforms on the ballot, would give New Yorkers the ability to rank up to five candidates in all primaries and special elections for mayor, public advocate, comptroller, borough president and members of the City Council, starting in 2021. If they didn't like any of the candidates offered, they could, as always, write one in.

While ranked-choice voting has already been adopted in cities and states from coast to coast, New York City would be by far the largest jurisdiction in the country to get on board.

Here's how it works: Rather than being forced to choose a single candidate on your ballot, you rank some or all of the candidates, from most preferred to least. If one candidate has an outright majority of first-place votes, he or she wins. If not, the candidate with the fewest number of first-place votes — call her Candidate C — is eliminated. The ballots that listed Candidate C first are then transferred to whichever candidate those voters listed second. The process repeats, with the last-place candidate being eliminated and his or her ballots transferred to the next highest-ranking candidate on those ballots, until one candidate has a majority of support.

It may sound confusing, but nearly everywhere ranked-choice voting has been used, from the San Francisco Bay Area to Minneapolis to Santa Fe, N.M., voters get it, and they like it. In Maine, voters tried it out in congressional elections in 2018, and it was popular enough that they decided to use it for next year's presidential election.

When voters are able to express their preferences more fully, they feel more connected to the political process, so it's no surprise that turnout tends to go up where ranked-choice voting is used. More voter participation is badly needed in New York City, where the proportion of voters who turn out struggles to crack double digits in off-year elections. Pair that with a welcome increase in the number of candidates — the result of smart new public-financing laws — and it sometimes seems as though there are more candidates on the ballot than voters at the polls. This year's special election for public advocate featured 17 candidates.

In multicandidate races like this, the winning candidate often has less than majority support. The mayoral race is required to hold a runoff if no candidate breaks 40 percent of the vote, but no similar cutoff exists for City Council races. This can create a "spoiler effect," where an unpopular candidate can win with, say, 25 percent of the vote, solely because his or her opponents split the rest.

Ranked-choice voting solves this problem. At the same time, it forces candidates to run more positive campaigns, because they can't afford to go negative against opponents whose supporters might be inclined to list them second or third. It also results in the election of more female and minority candidates, who often suffer from the perception that they aren't "electable" in a traditional first-past-the-post race.

Last but not least, ranked-choice voting saves time and money by avoiding costly, low-turnout runoff elections, which tend to be dominated by a small and unrepresentative slice of the electorate — voters who are older, whiter and wealthier than average.

It's a perfect time for ranked-choice voting in New York City. Some 70 percent of City Council members are term-limited in 2021, as are Mayor Bill de Blasio and Comptroller Scott Stringer and all five borough presidents. All told, more than 500 candidates are expected to run for office, according to the city's campaign finance board.

New Yorkers like to think of their city as a place of bold, progressive innovation, but when it comes to the democratic process, New York is too often stuck in the dark ages. Ranked-choice voting is a smart, tested reform that would make certain that New Yorkers elect candidates who have the support of a majority of voters. Isn't that how democracy is supposed to work?

# Charter Review Commission

October 17, 2019 Town Hall

## Public Sign-in Sheet



PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
1	Bob Ragnan	FW mirror		X	
2	Anna Patrick.	Citizen.	X		
✓ 3	Bob Zimmerman	citizen	X		Keep Sheriff Election
4					
5					
6					
7					

# Charter Review Commission

October 17, 2019 Town Hall

## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
15	DANA HOLLAWAY		X		keep SHERIFF Elected
16	Martin Moore	City Council			
17	Marquist Hall	community leader			
18	Anna Patrick		X		keep Sheriff Elected
19	Alicia Taylor	Chair of Dis	X		keep Sheriff Elected
20	Lidia Asefa-Dawson	FW Councilmember	X		Housing Land
21					

# Charter Review Commission

October 17, 2019 Town Hall



## Public Sign-in Sheet

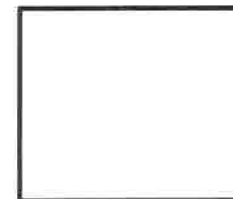
PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
8	Susan & Bruce Honda	council		x	
9	Mark Koppang	council		✓	
10					
11					
12					
13					
14					

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# Charter Review Commission

October 23, 2019 Town Hall



## Public Sign-in Sheet

PLEASE PRINT CLEARLY

#	Name (PLEASE PRINT)	Org./Affiliation (if any)	Testify?		Subject
			Yes	No	
1 ✓	Alex Zimmerman	Sheel	yes		Coll - Org
2 ✓	MITZI JOHANNKECHT	K.C. RESIDENT	✓		ELECTED SHERIFF
3					
4					
5					
6					
7					

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# KC-CRC SCHEDULE PLANNER 2019-2020

PROJECT	CHARTER REVIEW COMMISSION	Calendar for Charter Review Commission Sub-Committees, full Commission Meetings and Final Report development.
VERSION	6 MONTH EXTENSION V3-20-19	

PROJECT PHASE	STARTING	ENDING	SUB-COMMITTEES:
1. SUBC: PURPOSE + LEGAL	March 27 to	May 21	EQUITY FOR ALL
2. CRC EARLY ACTION PROPOSALS	April 24	April 24	TRANSPARENCY AND ACCOUNTABILITY
3. CRC DETERMINE AMENDMENT PROPOSALS	May 22 5:30-8:30PM	May 22 5:30-8:30PM	ACCESS
4. SUBC: BUDGET+FEASIBILITY +OUTREACH	May 23 to	June 25	REGIONAL COORDINATION
0. CRC STATUS REPORT OUT MEETING	June 26 and	September 11	
5. SUBC FINALIZE AMENDMENT TEXT	June 27 to	September 11	
6. CRC DRAFT AND FINAL REPORTS	Sept 25, Oct 9	Oct 23, Nov 6, Nov 20	OUTREACH - TOWN HALLS

MARCH							APRIL							MAY							JUNE							JULY							AUGUST									
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S										
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SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER							JANUARY							FEBRUARY									
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30																					30	31																						

## Key Dates:

- April 24<sup>th</sup>** Vote on proposals that would be sent to Council for consideration for this year's Ballot.
- May 22<sup>nd</sup>** (Extended Meeting) Vote to determine proposals that will move forward for further consideration by the Commission.
- June 26<sup>th</sup>** Status report from Sub-Committees on budget, feasibility and outreach results for each proposal. Deadline for proposals from subcommittees to staff to develop amendment language.
- September 11<sup>th</sup>** Review staff proposed amendment language for each topic.
- September 25<sup>th</sup>** Materials for town hall meetings in October.
- October 9<sup>th</sup>** CRC discussion of full Draft Report and preparations for Town Halls.
- October 23<sup>rd</sup>** CRC discussion of feedback from Town Hall regarding full Draft Report.
- November 6<sup>th</sup>** Final Draft Report reviewed and completed by Commission.
- November 20<sup>th</sup>** Final Report completed by Commission.