



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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**King County Charter Review Commission**  
**Meeting Minutes – April 22, 2008**  
Chinook Bldg., 5:30pm-7:30pm

The meeting of the King County Charter Review Commission was called to order by co-chair Mike Lowry at 5:08 p.m.

**Commission members in attendance:**

Mike Lowry, Co-chair  
Lois North, Co-chair  
Trisha Bennett  
Doreen Cato  
Jim English  
Dan Gandara  
Bryan Glynn  
Kirsten Haugen  
Tara Jo Heinecke  
Gregg Hiramawa  
Terry Lavender  
Gary Long  
Sharon Maeda  
Allan Munro  
Sarah Rindlaub  
Mike Wilkins  
James Williams

**Absent:**

Juan Bocanegra  
Darcy Goodman  
John Groen  
John Jensen

**Staff:**

Mark Yango, Charter Review Coordinator  
Corrie Watterson Bryant, Project Manager, Charter Review Commission  
Becky Spithill, Project Manager, Charter Review Commission  
Charlotte Ohashi, Administrative Assistant, Charter Review Commission

**Council and Prosecuting Attorneys Office Staff:**

Ross Baker, Chief of Staff, King County Council  
Rebecha Cusack, Legislative Lead Analyst, King County Council  
Mike Sinsky, Prosecuting Attorney's Office  
Nick Wagner, Principal Legislative Analyst, King County Council

**1. Opening Remarks and Introductions**

Co-chair, Mike Lowry called the meeting to order at 5:40 pm. Minutes from March 25, 2008 were approved as written.

**2. Public Hearings**

Summaries for each of the four hearings are at the end of these minutes

West Seattle – Allan Munro reported

The meeting was well attended. Two issues that came up were Instant Runoff Voting (IRV) and gender identity and expression. There was a great deal of discussion of the latter issue. Comments over the course of the hearing were directed toward expressions of approval of the CRC's actions.

Shoreline – Tara Jo Heinecke reported

More than 30 people attended the meeting, and 18 people made statements, mostly in support of IRV. Seven Nova High School students spoke in support of IRV. In addition, two individuals made statements about transgender representation. Virginia Gunby, a former free holder and charter review commissioner made several comments, and was generally supportive. Other citizens spoke in favor of having CRC recommendations go directly to the ballot.

Preston – Doreen Cato reported

About 15 people spoke. Kathy Lambert, through her representative, supported the work and conclusions of the Blue Ribbon Panel and the proposal that the senior official should be from the rural unincorporated areas.

Renton – Mike Lowry reported

At each of the meetings, the Suburban Cities Association's (SCA) position was voiced through a representative. The SCA is supportive of most of the Charter Review Commission (CRC) amendments. In addition, Gov. Lowry commented on the testimony

from a woman who farmed in King County who spoke in support of the Open Space Amendment.

### **3. Proposed changes responding to public comments and Prosecuting Attorneys Office recommendations**

As a result of the public comments made in the course of the public comment period, including but not limited to the public hearings, Commissioners were asked to consider changes to the existing amendments, as well as other recommendations that may be in order.

#### **A. Anti-Discrimination**

(Bryan Glynn) Public hearings included testimony supporting amendments that would broaden anti-discrimination classes to include disability and gender identity. Sexual orientation taken alone doesn't fully describe transgender community. We have an opportunity to make a statement that can do no harm and may make people feel more secure and protected.

Discussion: Ms. Heinecke asked for clarification of the term "disability." Is the term "disability" more or less restrictive? Mr. Glynn stated that he wanted the commission to bring this provision up to the state of the art. Mr. Sinsky said the code uses the term "disability." Governor Lowry recommended action now with additional action if needed next week. Ms. Heinecke indicated that she supported whatever language regarding disability would be the broadest and most inclusive.

Mr. Gandara asked what is meant by gender expression. Mr. Glynn said that is was his understanding that it is how a person presents him or herself to the outside world, including manner of dress. Mr. English questioned whether this protection might allow for impropriety in dress. Ms. Heinecke said that nothing in the law would preclude requiring people to dress in accordance with the employment environment, so long as the restrictions were gender neutral.

Ms. Bennett asked about the status of the non-governmental entities clause of the original amendment with the proposed addition. Would private contractors have to abide by this provision in order to be eligible for county contracts? Mr. Glynn said yes.

**MOTION:** Approve the change of language as follows:

**Section 840. Anti-Discrimination.** 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 non-governmental entity which 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.

Motion passes      Vote      Yes: 17      No: 0      Absent: 4

**B. Instant Runoff Voting (IRV)**

(Sarah Rindlaub) The issue that the commission raises does not have anything to do with the merits of IRV, but rather, the state of elections and the elections office in King County at this time. Regardless of the compelling statements by IRV supporters over the course of the public meetings, the elections situation has not changed. Perhaps setting a date for change a year out would be more practical. Mr. Wilkins said he understands concerns about the open-endedness of the Commission’s position on IRV and that it is a reasonable request on the part of IRV proponents that the Charter Review Commission (CRV) set a deadline. Mr. Long stated that it is reasonable to expect a timely review of IRV in an election reform context and to advise Council to form a task force to look at the issue in 24 to 36 months.

Mr. Hirakawa said he is not convinced that IRV claims are legitimate and would like to see more research. He cited San Francisco’s experience wherein voter turnout went down and election costs went up. He argued that election turnouts are less a function of the elections process than of the candidates.

Mr. Williams stated support for a stronger recommendation coming out of the CRC. Given the level of interest in the concept, the CRC should not ignore the positions of vocal citizens.

Kirstin asked that the CRC acknowledge the top-two primary system that is in place now. The CRC should set a target date within the next year and have it up and running for 2009. Mrs. North expressed concern about elections over the next few years. IRV is worthy of further discussion and investigation but the next three or four years will be packed with other changes—three or four years down would be the soonest it could be implemented.

Ms. Bennett agreed and added that with disillusionment surrounding elections, timing will be a huge consideration. Ms. Rindlaub proposed 2010, which would be a year with no major elections, as a possible implementation date, providing it was on the ballot in 2009. Mr. Munroe expressed concerns about unintended consequences: Is there a way to game it? Does a non-party affiliation advance policies, or are the difficult King County issues all still around?

Mr Glynn advised that IRV would require a careful look over time and, while he would support recommending a timeline for its consideration and possible implementation, he was skeptical about “magic bullets.” Mr. Gandara stated that the lack of confidence in our electoral system is very significant and until previous problems are adequately addressed, going to run-off system could exacerbate the problem. Pierce County is under a great deal of pressure to get things done.

Gov. Lowry stated that the cautions are reasonable, but that he found things that were very appealing about IRV, not the least of which was its ability to minimize huge negativity on campaigns. He recommended the commission set a timeframe.

**MOTION:** Recommend to Council the formation of citizen commission appointed by January 2010, reporting to Council by January 2011 in order to consider whether to implement IRV for subsequent elections.

Motion passes            Vote            Yes: 16            No: 1            Absent: 4

**C. Removing reference to county auditor from election timeline amendments.**

(Mike Sinsky) This is a housekeeping item: Proposed amendments to sections 230.40, 230.50 and 800 election timelines should not refer to the “county auditor” but should instead refer to that person as the “county officer responsible for conducting elections.”

***230.40 Referendum***

... After the petitions are filed, the ordinance to be referred shall be placed on the ballot at the next special or general election occurring ~~more than forty five days after the petitions are filed~~ after the minimum time established by ordinance for presentation of referendum measures to the county officer responsible for conducting elections, provided that 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. ...

***230.50 Initiative***

... If the proposed ordinance is not enacted within ninety days after the petitions are ~~presented~~ filed, it shall be placed on the ballot at the next ~~regular~~ general or special election occurring after the minimum time established by ordinance for presentation of initiative measures to the county officer responsible for conducting elections, ~~occurring more than one hundred thirty five days~~ or at an earlier election designated by the county council. ...

***800 Charter Review Commission***

... The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election ~~occurring more than forty five days~~ occurring after the minimum time established by ordinance for presentation of proposed charter amendments to the county officer responsible for conducting elections. ...

**MOTION:** Change Sections 230.40, 230.50 and 800 accordingly (Establishing Deadlines for Filing Local Ballot Measures)

Motion passes            Vote            Yes: 17            No: 0            Absent: 4

**D. Senior Official in Rural Areas**

(Tara Jo Heinecke) While there was a proposal that the senior official reside in rural/unincorporated King County, it wasn’t clear whether the proposal was for a resident from rural vs. unincorporated area. Mr. Long argues against such a specification did not belong in the charter; it belonged in a job description. Mr. English stated that it was not something for the CRC to address. Mr. Gandara advised that it would shrink the pool of qualified candidates unfavorably. Ms. Lavender pointed out that Councilmembers

Lambert and Dunn are examples of representatives who are not or have not been rural residents but have aptly represented their rural constituents. Mrs. North noted that the rural/urban dynamic is constantly changing. Ms. Rindlaub recommended that the CRC document that it recommends the appointment of an individual who has some sort of rural background. Ms. Heinecke added that this person should exhibit sensitivity to rural communities.

**NO ACTION TAKEN**

**E. Open Space Amendment (OSA)**

(Mike Sinsky) The open space protection amendment assumed a list of properties would be included in the proposed Charter Appendix A, but the CRC's prior vote technically did include of the list of properties to be included in the appendix.

**MOTION:** Approve list of properties to be included as proposed Appendix A to the Charter.

Motion passes            Vote            Yes: 15            No: 2            Absent: 4

**F. Council action**

(Mike Sinsky) The language used in the amendment should be changed in order to eliminate ambiguities. Mr. Sinsky recommended the following change to Section 800:

**Section 800. Charter Review and Amendments.** [last sentence] The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments.

**MOTION:** Approve language change.

Motion passes unanimously

**G. Separately elected officials collective bargaining**

(Allan Munro and Bryan Glynn) Proposed changes to Section 890 language.

Discussion: Mr. Munro referred to p. 28 of the report, and noted that the proposed change would add crucial language. He said that it had not been vetted by the Blue Ribbon Panel, the Sheriff or the union.

Ms. Heinecke opposed the proposed revision indicating that it ran counter to the nature of collective bargaining, giving effective veto power to the Sheriff. Mr. Munro said this was tacked on to the "effective bargaining" idea. In any event, Council gives final approval.

Mr. Gandara expressed support for giving the Sheriff power as proposed. Mr. Glynn called it a safety valve. Mr. Long said that it would change the dynamic and would

require Council to get involved early in the process to weigh in on what would be negotiated. He concluded it would require more work and a more thoughtful process.

Mr. Hirakawa questioned the role of Council in providing direction. Ms. Heinecke commented that Council could vote to approve or reject a bargaining agreement, but is not in a position to negotiate. It could only send the same parties back to the bargaining table to renegotiate.

Ms. Cato said that she is in favor of the proposed revision, and agreed with Ms. Heinecke, as well. She has concerns about the Sheriff having to execute responsibilities which she doesn't have the authority to manage. Ms. Rindlaub concurred; as an elected sheriff, one must govern the department. She stated that she is not altogether happy with this alternative, but recognizes it as better than what the CRC currently proposes to recommend.

Mr. Glynn said that they were trying to craft a compromise that would work for most and would solve a significant problem; nevertheless, work conditions are inextricably connected to financial issues. Mr. Munro stated that the issue was more than a personality conflict given that the elected officials have to be accountable to voters for the elective position to make sense. In this case, elective official authority (Sheriff and the Executive) is overlapping.

Mr. Wilkins stated that it is not clear whether Sheriff will agree. If the Sheriff isn't ready to set this aside, he said he was prepared to sign on to another letter to Council opposing the Sheriff's position.

Ms. Rindlaub proposed to postpone the vote. Ms. Heinecke and Mr. Wilkins opposed postponement. Mr. Sinsky encouraged the commission to postpone taking action on this item to allow further opportunity for review. Mr. Long proposed that the commission follow its two-step amendment consideration procedure and place the matter before the full commission for a vote on April 29th. Ms. Heinecke and Mr. Wilkins will vote by proxy. Mr. Hirakawa asked if there were any legal issues with the change in language. Mr. Sinsky said he had not had an opportunity to review the proposed change but would be in a position to do so prior to the next CRC meeting.

**MOTION:** Commission agrees to consider adoption of proposed language at the April 29<sup>th</sup> meeting.

Motion passes      Vote              Yes: 14              No: 2              Absent: 5

#### **4. Timing of amendments**

Staff proposes that the report be submitted (as scheduled) May 30 to Council and released to the Executive. Commissioners appear before Council at a subsequent Council of the Whole meeting, possibly as early as June 2<sup>nd</sup>.

## **5. Phasing of amendments**

(Mrs. North) This busy election year may be an unfavorable time for placing recommended charter amendments before the voters. The Presidential election will eclipse the charter amendments, and they will get short shrift. Two potential charter amendments are already going to be on the ballot: elected director of elections and making county government non-partisan. In addition, there is a strong possibility that Councilmember Phillips will propose public financing as a charter amendment to go on the ballot. The CRC has 13 total amendments to put forward. The problem is to figure out how to submit these.

One of the options is to ask Council to set aside the report for a year with the idea that the election for county executive will be a better time and place for county charter amendments. The danger is that Council may lose track of them over the year. The Blue Ribbon Panel worked for a year and then their time was up. As part of their recommendations, they asked to be reconvened to check on the progress of their recommendations. Perhaps the CRC could do the same thing in its final report. The question is: Does the Commission want to urge that the Council phase consideration of its recommended amendments: selecting a few that are urgent for this year and others for later years? Do you want to delay some or all?

Ms. Lavender said that four have no timing constraints (those pertaining to CRC and transitory provisions and budget allotments). Mr. Long stated that Council will likely want to act on the Sheriff, regional committees, anti-discrimination, and budget timeline. Mr. Munro recommended that the housekeeping amendments be delayed until 2009, and the Open Space Amendment should be recommended this year. Mr. English and Ms. Lavender recommended that the citizen initiative threshold and the senior executive be put off until 2009.

Ms. Bennett and Gov. Lowry recommended that the phasing plan be postponed until next week and that the comments be summarized and distributed prior to the final commission meeting.

Mr. Yango agreed to gather recommendations for phasing from commission members and compile information to show members' rankings. Staff will draft a phasing plan for 2008/2009/2010. Commissioners' recommendations would be due to CRC staff by Thursday, April 24, 2008.

## **6. Minority Reports**

Staff informed commissioners that the minority reports would be due on May 1. Commissioners agreed that these would appear in the full report immediately after discussion of the relevant amendment. Mr. Munro had prepared a minority report for Sheriff's stuff, but with the pending changes, the report is on hold.

Meeting adjourned at 7:40 p.m.  
Respectfully submitted by Becky Spithill