



King County

Ron Sims
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CHARTER REVIEW COMMISSION

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King County Charter Review Commission
Meeting Minutes – December 11, 2007
Chinook Building, 5:30pm-7:30pm

The December 11, 2007 meeting of the King County Charter Review Commission was called to order by co-chair Governor Mike Lowry at 5:37 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Trisha Bennett
Darcy Goodman
Kirstin Haugen
Gregg Hiramawa
Gary Long
Sharon Maeda
Allan Munro
Sarah Rindlaub

Absent:

Juan Bocanegra
Doreen Cato
Jim English
Dan Gandara
Bryan Glynn
John Groen
Tara Jo Heinecke
John Jensen
Terry Lavender
James Williams
Mike Wilkins

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 PAO Staff:

Ross Baker, Chief of Staff, King County Council

Rebecha Cusack, Council Liaison to CRC, King County Council

Joanne Rasmussen, Committee Assistant, King County Council

Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office

Nick Wagner, Council Co-Liaison to CRC, King County Council

Grace Reamer, Legislative Aide to Kathy Lambert, King County Council

1. Opening Remarks and Voting Procedures Presentation

Governor Mike Lowry made introductory comments and asked for approval of minutes from the November 27th meeting. However, the commission did not have a quorum with only 10 commissioners. Minutes were not approved.

Mr. Yango gave a brief presentation on voting procedures highlighting the number of commissioners that constitute a quorum to vote. Mr. Yango expressed that with 21 commissioners, 11 constitute a quorum and 15 constitute a supermajority. Mr. Yango also outlined the two-step process to ensure the deliberations are not rushed. Each issue brought to the commission from subcommittee is on the agenda twice. The process is as follows:

- 1) Subcommittee presents recommendation to full commission for first-round discussion
- 2) Full commission considers the recommendation at its next meeting in a second round of discussion in preparation for action

Mr. Yango also stressed the importance of having roll call vote for better accuracy and historical significance as well as having a process in place for minority reports. Finally, Mr. Yango emphasized the importance of submitting no more than 10 charter amendments to the County Council, which would help the Council's deliberation of the issues by minimizing the number and also mitigate voter fatigue.

2. Discussion on Voting Procedures

At the end of Mr. Yango's presentation, commissioners discussed voting procedures.

Mr. Long: I feel uncomfortable passing any charter amendments with six votes. It seems much too low.

Ms. Maeda: I agree with Gary. Six votes is too small a number to pass amendments. Is there some kind of way for commissioners who are not here to submit their vote?

Mr. Yango: We were thinking about the idea of conferencing people in. How does everyone feel about that or vote by proxy.

Ms. Bennett: I would think people would make a better effort to attend meetings if they knew we were voting in advance, and I would assume we would get more people attending. Maybe if we had them respond before the meetings, it would give us a little more time.

Ms. Rindlaub: I would agree that six votes is too small. We should do whatever we can to empower commissioners to vote. I'm not sure what the rules are but I'm in several organizations where voting can take place through emails. But if people know what the issues are we can move issues by email for those who are not present. However, it doesn't help people to not hear the discussion.

Ms. Maeda: But if a subject is discussed twice, and they are there for at least one of the discussions, they should be able to vote by email or other means.

Ms North: We had this discussion ten years ago in the last commission. The feeling of the group is that if you haven't been in attendance and haven't heard the discussion, you're not really fully informed to take a position or vote on it. We didn't allow telephone votes and there wasn't email and we decided no, you had to be in the meeting to vote. You needed all the give and take and the points everyone would make on the issues. I agree Gary, six commissioners seems awfully small a number. I hope attendance will pick up in January and February. I think if we can discuss what's on the agenda tonight but give plenty of notice on issues being voted upon for the next meetings, hopefully this would spark attendance.

Mr. Munro: I share everyone's concern. But I'm going to suggest we go ahead with a simple majority which can be as low as 6 and move through the various amendments that are being proposed here. And at the end of the discussions, let's consider the document with all its proposals and amendments as a whole and give everyone a chance to move to reconsider and really try to make sure the proposed amendments are indicative of the entire sentiment of the commission. This can answer Gary's problem but we can still take action at those meetings that are not very highly attended.

Ms. Bennett: Mark had mentioned maybe teleconferencing and I do a lot of that. It's obviously got its pluses and minuses, but at least in terms of hearing the issues and discussion, it might be a good alternative. But it can be very expensive.

Mr. Yango: Are there any legal problems with teleconferencing.

Mr. Sinsky: Phoning in is less problematic. I think the numbers that need to be present are more of a legal requirement. If you had a telephone system where someone could be online and participate and be electronically present, I think we'll probably be fine.

Ms. Cusack: I just wanted to point out that recently, I can't recall if it was the Board of Supervisors or the Flood District or the Ferry District set up protocols where if a board member was out of town there was a procedure set in place where a member can call in to vote with an authentication process. It might be worth having the legal counsel take a look at that along with

Mr. Yango and see if it is something that might be worth your consideration.

Gov. Lowry: If there was a definite true hardship where someone had to be out of town or someone fell ill, then they can be able to teleconference, otherwise not. Mike does that make sense?

Mr. Sinsky: That makes good sense to me as long as the person on the other line is a commissioner.

Gov. Lowry: My feeling is I like this because I think the only way it should be accepted is that for people to vote not in attendance is that there be a definite hardship which would be a trip that had to be taken or an illness and we can make that consideration and then that person can than vote by telephone. Having said that, I myself am for people being here. I was thinking about something like requiring 11 votes to pass an amendment that we recommend to the county council. So there could be the subcommittee work, but to vote in our package that we send to the council I favor that it takes 11 votes. We should have better attendance in January and February.

Mr. Long: Let me clarify, for actions before final passage, like putting things into the package, what is the process you'd like to see with the vote.

Gov. Lowry: A quorum present and majority vote. Theoretically, that could be six. That would allow us to keep moving and not be held up and get us to the place where can make the important vote.

For final passage of a proposed amendment that we will be sending onto Council in our report, it should take 11 votes for that amendment. For work up to that point, it would take a majority of commissioners present with having to have quorum for that meeting. But the majority of the quorum would be able to do the committee work up to the final passage.

Mr. Yango: Can we add roll call?

Gov. Lowry: Why don't we take that up as a separate item. What we're doing here is laying out a process and our agenda when we have a quorum since we don't have one tonight but at least we laid out the process for next meeting. This will be the first item of our January meeting.

[The process passes unanimously with commissioners present.]

Now on the second question, Mark is recommending that there should be roll call on every single vote.

[This issue passes unanimously with commissioners present.]

Mr. Yango: One last issue has to do allowing teleconferencing for votes?

Mr. Long: I think we should allow it only in the case of hardship.

Ms. Goodman: We should allow the co-chairs to make the decision of hardship.

Ms. North: Mr. Chair, I would assume all this talk about hardship has to do with the final passage of amendments because that's where it really counts and in the preliminaries as we're working up to it, we probably won't allow it.

[This issue passes unanimously with commissioners present.]

Mr. Yango: The final issue we wanted to bring to the commission's attention is the number of proposed charter amendments to be 10. Our suggested process is that we take action on all of the issues brought to the full commission and then we finalize and prioritize the amendments keeping them limited to 10 priority charter amendments.

Gov. Lowry: We can also propose charter amendments that aren't going to next election. For instance, many of the technical amendments that we really think can be helpful to the County, but those are individual amendments and there are roughly half a dozen that fall into that category.

Ms. Maeda: Can we not combine the technical amendments with an overarching statement.

Mr. Sinsky: If the amendments have a unifying theme it is ok.

Gov. Lowry: I'm more concerned with having 14 or so amendments on the ballot contributing to voter fatigue.

Mr. Yango: So then we'll use our suggested approach of examining all the issues brought to the commission and prioritizing them to come up with no more than 10 amendments.

Ms. Rindlaub: In terms of minority opinions, I can see some issues that may warrant a minority opinion and I think it's something we should probably do.

Ms. Bennett: I agree. It shows to the public that you very exhaustively studied the issue and looked at a lot of other options. That way they can understand how we came to the decision that we did. I think that's valuable.

Gov. Lowry: Are we in unanimous consent that we allow minority opinions. That any group can come together and offer minority opinions?

Mr. Hirakawa: Just a point of clarification, will it be a minority opinion for every issue or will it be one report outlining the minority opinions from the commission.

Ms. Goodman: I like that idea that's it is a separate report incorporating the minority opinions on every charter amendment that we've done.

Gov. Lowry: And it could be different commissioners that had a different opinion on the issues, such as the issue of voting on the Director of Elections position. Does everyone concur with this process. Are we unanimous?

Ms. Goodman: Can we go back to the ten charter amendment goal. I don't know if we can have 10 substantive charter amendments. I would hate to have 9 substantive charter amendments and one technical amendment, because those are just housekeeping measures. And perhaps for the housekeeping measure we can have the County Council phase them in over a couple of years so that they all don't go to the ballot at one time and that substantive charter amendments can get the voters whole attention.

Gov. Lowry: I think that's a good point because we want to be mindful of Council and the PAO's work as well as voter fatigue. So we should make sure we keep the charter amendments down to a workable number.

Ms. Cusack: Mr. Chair, this question has come up during a Council Committee of the Whole briefing. And that's one of the questions that we were directed to take action on. We'll work with legal counsel to see if the phasing in on some of the amendments is a viable option. So staff has been directed to get an opinion from the prosecuting attorney's office. But it sounds to me that your arguments are consistent with what councilmembers are wrestling with.

Ms. Reamer: In that case, I would probably say that 10 isn't a hard and fast number. If you were to recommend a number of amendments each year that might be more acceptable to add more. My suggestion would be to not rule anything out right now. Especially when you're still waiting to go out to public comment. As broad a range of amendments as possible is probably what you want to get comments on and then narrow down from there.

Mr. Sinsky: My sense is that there would not be a legal limitation on the Council's decision not to take action on particular recommendations in one year and phase it into other years.

Ms. Cusack: The majority of the Council is consistent with the policy matter of no more than 10 substantive amendments. Absent greater direction from Council, I think you need to bear that in mind. Because you're still going to ask Council to wrestle with these amendments in a short period of time.

Gov. Lowry: Thanks for your comment. We are definitely trying to make sure that we work with Council in the most efficient way as possible.

3. Council Committee of the Whole Update

Ms. Cusack summarized the Committee of the Whole meeting on Monday, December 10th. She highlighted three key issues during the COW meeting:

Regional Committee Issue – Commissioner Long was tasked with pulling together a work group, and the Council agreed to participate in that work group and will get two names of Councilmembers (one from the Democratic side and one from the Republican side) to participate in the work group.

Secondly, the Committee of the Whole directed budget staff to look at the Executive's recommendation of a 90-day budget timeline and come back with a recommendation that has the support of the full Council hopefully by the first part of next week.

Lastly, in terms of the issue of the CRC's recommendations going straight to the ballot, the Committee of the Whole asked one of the councilmembers to draft a letter on behalf of the Council expressing why they are concerned with that approach. He/she will try to get that letter out to commissioners in the following week.

Mr. Baker also clarified comments made at last night's governmental structure meeting in regards to the discussion concerning partisanship and nonpartisanship. The council has not taken an official position as to the issue of partisanship. Joe Fain, Chief of Staff to Councilmember Pete von Reichbauer, pointed out last night that there is legislation that could potentially make the council nonpartisan. The council has not chosen to take that up this year and has not taken an official position on this issue.

4. Subcommittee Update

Mr. Yango went through all of the issues and their status in the Governmental Structure subcommittee. This includes:

- Charter Amendment by initiative with a 20% signature threshold based on the votes for county executive in the last election for that office -- Subcommittee voted to move it to full commission. Tonight will be first discussion.
- Charter Review Commission amendments going directly to the ballot – Under consideration in subcommittee; Council will be submitting a letter to the commission on their issue with this proposed amendment
- Appointment or Elections of Assessor, Sheriff, Elections Director – Voted on in Subcommittee to maintain status quo on all positions – Will bring to the full commission meeting in January for first discussion
- Outlining qualifications for the position of Assessor, Sheriff and Elections Director – Voted on in subcommittee to allow additional language in the charter for qualifications to be explicitly laid out for the positions of Assessor, Sheriff, and Elections Director – Will bring to the full commission meeting in January for first discussion
- Instant Runoff voting – Subcommittee voted not to take action in implementing IRV this year – Will bring to the full commission meeting in January for first discussion
- Partisanship/nonpartisanship – Subcommittee voted to maintain status quo on issues; Will bring to the full commission meeting in January for first discussion

Ms. Spithill went through all of the issues and their status on the Regional Governance Issues. This includes:

- Transitory Provisions in Article 9 – Will be discussed tonight
- Formation of a Regional Committee Stakeholder Group – Group make recommendations to subcommittee – Recommendations will be presented to full commission in February meeting
- Anti-Discrimination Clause – Will be discussed tonight

- Budget timeline – Under consideration; Awaiting response from Council
- King County Library System – Letters are being drafted with our recommendations; will be brought up during January full commission meeting
- Sheriff proposal – Tabled until January full commission meeting. There will be an important meeting in early January with the Sheriff and the Executive office
- Eliminating budget allotments section – Will be discussed during tonight's meeting

Ms. Watterson went through all of the issues and the current status on the rural affairs committee:

- Intergovernmental contracting – Under consideration – Will be taken up during January meeting
- Open Space amendment – Under consideration – Will be taken up during January meeting
- Preamble – emphasize the rural area – Under consideration – Will be taken up during January meeting
- Deputy Executive for Rural affairs – Under consideration – Will be taken up during January meeting
- Subarea planning for rural unincorporated areas – not a charter amendment, will just be a recommendation – Will be taken up during January meeting

5. Discussion of Issues

Gov. Lowry suggested that the commission table taking action on any of the items since it hasn't voted on the voting procedures. Mr. Long and Ms. North suggested the commission hold off until January on the discussion for the initiative process because of the light turnout. The January meeting would then count as the first discussion. Mr. Hirakawa asked when the commission must have its recommendations completed and finalized and Mr. Yango responded that recommendations must be completed by late February or early March so public comment can occur in mid-March or early April.

Gov. Lowry discussed putting the initiative discussion off until January and to limit the evening's discussion to the three technical amendments, starting with the issue of adding sexual orientation to the charter.

Ms. Spithill: Should sexual orientation be among the classes that should be under discrimination in section 840. This was raised by a citizen and the regional governance subcommittee took it up in their first meeting. We put together charter language that Mike Sinky has reviewed

Mr. Long: The only issue with this proposed amendment is how to deal with the federal government and that's why the language is there to exclude non-governmental entities.

Gov. Lowry: I vote to move this on to have a second discussion. If we have a quorum, we probably can move through these three amendments fairly quickly.

Mr. Hirakawa: Just a point of clarification, we would vote to move this to the next meeting.

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Gov. Lowry: Yes and this would mean, next January we would take a final vote on this amendment pending that our voting procedures two step process will also be passed in January.

Ms. Bennett: With these amendments, I don't think it will matter because it's technical in nature. But for some of the other amendments however, will individual members receive them in advance of the meeting to give us time to review the issues.

Mr. Yango: Yes, we'll make sure all commissioners get the issue summaries to the commissioners prior to the meeting.

Gov. Lowry: Motion to move the issue of sexual orientation on to the second discussion in January.

[Passes unanimously.]

Gov. Lowry: Now to the issue of budget allotments.

Ms. Spithill: This is something that both the council and Executive agreed upon that the allotment process was not a value and caused a lot of unnecessary work. It's just a matter of striking that section, section 475.

Mr. Munro: What was the benefit of Section 475 thought to have been? Is this to have been tighter control on money?

Ms. North: I think so

Mr. Long: What it's doing is creating a lot of paper work back in the day before automation.

Gov. Lowry: All in favor of moving this issue along to the next meeting?

[Passes unanimously.]

Gov. Lowry: Transitory Provisions

Ms. Spithill: There are actually two sections of the charter that deal with transitory provisions and one is in Article 9. Bryan Glynn had a question about a provision that had to do with personnel and whether there were still personnel around that would have an exemption that this provision provides. Mike Sinsky is looking into that. But along with Article 9 section 350.20.30 which refers to the metropolitan service department can all be deleted because it's no longer relevant.

Gov. Lowry: All in favor of moving this issue along?

[Passes unanimously.]

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Gov. Lowry: Mark, will you send a report on what transpired tonight, especially for the absent members.

Next Meeting: Tuesday, January 29, 2008

Co-chair Mike Lowry adjourned the meeting at 6:45pm.

Respectfully submitted by Mark Yango

DRAFT