



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

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King County Charter Review Commission
Meeting Minutes – September 25, 2007
NCOB, 5:30pm-7:30pm

The September 12, 2007 meeting of the King County Charter Review Commission was called to order by co-chair Governor Mike Lowry at 5:34 p.m.

Commission members in attendance:

Absent:

Mike Lowry, Co-chair
Lois North, Co-chair
Doreen Cato
Dan Gandara
Bryan Glynn
Darcy Goodman
Kirstin Haugen
Gregg Hiramawa
John Jensen
Gary Long
Allan Munro
Sarah Rindlaub
Mike Wilkins
James Williams

Trisha Bennett
Juan Bocanegra
John Groen
Jim English
Tara Jo Heinecke
Terry Lavender
Sharon Maeda

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, Council Chief of Staff
Rebecha Cusack, Council Liaison to the Commission
Joanne Rasmussen, Council Committee Staff Liaison to the Commission
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney’s Office
Jennifer Stacy, Deputy Prosecuting Attorney, Prosecuting Attorney’s Office
Nick Wagner, Council Co-Liaison to the Commission

Guest Speakers:

Sheriff Sue Rahr

Scott Noble, County Assessor

Bob Hirsch, Government Relations Administrator/Wastewater Treatment, Wastewater Treatment Division, Department of Natural Resources and Parks

1. Opening Remarks and Issue Management and Assignment

Mike Lowry asked for approval of minutes from the September 12, 2007 meeting; minutes were approved as written. Mark Yango provided explanation about how CRC Co-Chairs and staff formed the subcommittees and assigned issues to each. Issues affecting voters directly, including balance of power issues, were assigned to the Government Structure (GS) Subcommittee. Regional, departmental, budget and council issues were assigned to the Regional Governance (RG) Subcommittee. Gary Long lobbied for moving budget and Sheriff's Office issues to the GS Subcommittee.

2. Guest speaker presentations**Sheriff Sue Rahr**

Sheriff Rahr made three recommendations:

- Establish the independence of the Office of the Sheriff by cleaning up charter language: Remove reference to "Department of Public Safety;" eliminate reference to Sheriff's Office as an "executive branch agency," as well as reference to the Executive as the "Chief Peace Officer."
- Re-establish the Civil Service Commission: Civil service rules would be appropriately updated and hiring and promotions processes would be streamlined.
- Authorize the Sheriff to negotiate and manage the labor contracts of Sheriff Office employees. The collective bargaining agreements control not only wages and benefits, but more importantly, working conditions. Under the current charter provision, the Sheriff is being held accountable for agreements that she didn't have the direct authority to bargain.

The Sheriff argued that as a separately elected official, she should be granted the statutory authority in the charter to negotiate and manage labor agreements with all labor units employed by the Sheriff's Office.

Questions and Answers (paraphrased)

Mr. Munro: Would this Civil Service Commission engage in the testing, ranking and promotion of employees. Is there an eligibility register?

Sheriff Rahr: The Civil Service Examiner provides a ranked list of employees from which the Sheriff can select one of the three top candidates.

Mr. Munro: Can you terminate employees?

Sheriff Rahr: I can terminate or suspend an employee, but they can take the decision to the arbitration process, where there are extreme delays.

Mr. Glynn: How big is the Civil Service Commission?

Sheriff Rahr: A Civil Service Examiner conducts managing and hiring process, and the commission itself consists of three people.

Mr. Williams: How much would the Civil Service Commission cost?

Sheriff Rahr: It is not paid. There would be no increased costs.

Mrs. North: Who would perform labor negotiations if you had that authority?

Sheriff Rahr: Would assign it to employees who would represent me on issues of priority in the Sheriff's Office. Part of the reason for the elected is to distinguish between the priorities of the executive and the Sheriff.

Mrs. North: Would you have any objection to have the Charter set forth professional specifications?

Sheriff Rahr: No personal objection but this is inconsistent with allowing voters to have free choice. As an elected, I was more thoroughly vetted by voters than any one employee. Process is very thorough.

Mr. Gandara: Why should you be elected?

Sheriff Rahr: In most counties, the Sheriffs are elected. This has to do with the structure of government and the need for independent leadership. I work very well with the appointed chiefs in Seattle and they find it advantageous to have a Sheriff that can speak out on issues that he or she could not otherwise take a position on if he/she were appointed.

Mr. Long: If there are two people who are responsible for labor negotiations, how is that handled?

Sheriff Rahr: I would consult with the Executive. The County Council has final say to ensure that I don't go off track.

Mr. Long: The contracts address management responsibilities and management rights—is there anything there that prevents you from exercising those rights?

Sheriff Rahr: They are very limited and our specific concerns must be bargained.

Mr. Larsen: What are the consequences of delays in discipline?

Sheriff Rahr: They are significant. I have eight arbitrations pending and those came up because the people who brought them didn't think I had control over the arbitration process. Witnesses disappear, memories fade, and it is very difficult to prevail in a situation like that.

Mr. Larsen: In negotiating labor agreements, don't you need the Guild?

Sheriff Rahr: I did not have the support of the Guild in the last election and I won with 77 percent majority.

Mr. Glynn: Sheriff controls the administration of the arbitration process.

Sheriff Rahr: Process of enforcing timelines in the agreement; those timelines have been allowed to slide. I have raised this with the Executive many times.

Ms. Goodman: Under Civil Service, how would things be different?

Sheriff Rahr: Through arbitration or a substitute for the Civil Service [Note: Need legal opinion on this.]

Scott Noble, King County Assessor

Fragmentation

The map of taxing districts represents the distinct combinations of taxing districts that have the authority to levy property taxes: 166 different taxing districts that overlap 654 different ways, each of which is a distinct group of property taxing authorities. These authorities generate 277 distinct rates. Washington State has the most taxing districts per capita. We have one taxing district for every 6300 citizens, second only to Chicago with one taxing district per 6200 citizens. High/Low differential of 103 percent / Low = \$6.29/\$1000 High = \$12.79 /\$1000.

Example: Tukwila has 28 different taxing district combinations within the city boundaries that generate 13 distinct property tax rates with a difference of 36 percent. One cul de sac has eight homeowners with four homes to the north and four to the south; their rates are 20 percent different on the same assessed value.

In February 2006, as a result of high levels of real estate market speculation, Mr. Noble instituted assessments based on a three-year average. As a separate elected, he has the latitude to make that kind of decision and the ability to challenge districts, various public initiatives or referenda that would result in unfair tax shifts in the budget base property tax system. One such challenge dealt with communities using a rate-based approach versus the budget base system that focuses on the amount of money they would like to raise relative to past levies. In focusing on rate base, districts tie their tax policy to the real estate market, because the increase is relative to assessed value in any given year. This is a very risky approach.

Impact to county

We may see declines in value, in which case rate-based districts will lose money. If the legislature puts into effect a homeowner's exemption, certain fire districts will be bankrupt; the King County flood zone will cease to exist, as will the ferry district. It will remove \$45 billion from our tax base and shift \$150 million/year in property taxes. Unincorporated areas will look to the county to provide services that can no longer be provided.

Trends

Districts are finding it difficult to survive on increases of one percent per year, but there are approaches that further obscure transparency and alienate the citizenry. The county is at the center of this with 39 cities, 27 fire districts, 20 school districts, hospital districts, drainage districts, and water/sewer districts, all competing for funds.

Keep the Assessor an elected position.

As an elected official, I can take those actions that I believe best protect the interests of King County citizens, promote fairness, fight against what is unfair, and try and keep them informed. As an elected, I was able to implement the uniform standards of a professional appraisal practice, the only county in the country to do so. I was able to challenge Referendum 47's tax shift provision before the State Supreme Court and in a two-year fight get it unanimously dismissed as unfair and unconstitutional. It would have specifically burdened average homeowners and senior

citizens on property tax exemption programs. I was able to challenge Initiative 722 tax shift provision before the State Supreme Court and in a two-year fight get it unanimously dismissed as unfair and unconstitutional. I am able to take positions that if appointed I might not have been able to take.

Questions and Answers (paraphrased)

Mr. Glynn: Have you experienced issues like those that the Sheriff highlighted?

Mr. Noble: We've had issues, but we've been able to work with HR and with other county agencies in moving toward resolution of our differences. Operationally, I am obliged by the state Department of Revenue that directs me to remain independent and to exercise control over the office's resources.

Ms. North: How do you react to the idea of the Charter laying out a job description about the qualities and education, background and experience that the assessor should have?

Mr. Noble: I would have no problem with that, particularly highlighting real estate appraisal, statistical management. If the county should pursue this, we would encourage coordination with state Department of Revenue to make sure the details are in order.

Ms. Goodman: Does your office do anything to foster greater confidence in our tax system?

Mr. Noble: King County is the only major jurisdiction in the country that provides neighborhood appraisal reports for each of the 90 designated neighborhoods annually. In addition, King County does an annual tax release that provides information about districts levies.

Bob Hirsch, Government Relations Administrator/Wastewater Treatment, Wastewater Treatment Division, Department of Natural Resources and Parks

Mr. Hirsch spoke on behalf of a charter amendment that changes the composition of the Water Quality (WQ) Committee to ensure the representation and participation of local governments in the formulation of regional wastewater system plans and policies. Originally, the six members selected to serve on the WQ Committee, along with the six King County Councilmembers, were intended to represent the sewer rate payer base. In reality, the service area for the King County Wastewater utility is different than the boundaries of King County and includes portions of Snohomish County. In addition, King County is constructing its third major WWTP in South Snohomish County.

The breakdown of membership relative to percent of current service provided by King County is as follows:

- City of Seattle – 2 representatives (42 percent and decreasing)
- Suburban cities – 2 representatives (34 percent and increasing)
- Sewer districts – 2 representatives (19 percent and decreasing)
- Snohomish County – no representatives (5 percent and increasing to 9 percent by 2030 and 10 percent by 2050)

The DNRP and the Executive are proposing that one of the sewer district seats be given to Snohomish County portion of the service area. In addition, DNRP suggests that the CRC review the way that representatives are appointed to the WQ Committee. Currently, an oddity exists in that one of the members is from a sewer district that is not served by King County. The charter

should be tightened to ensure that those elected officials serving on the WQ Committee are from agencies within the King County wastewater service area.

Questions and Answers (paraphrased):

Mr. Wilkins: Is it by contract or law that KC serves Snohomish County?

Mr. Hirsch: It is solely by contract, and the contracts extend to 2036. When the state law was enacted that permitted the assumption of a metro government by a county (1977), that statute says specifically that the county has full power to provide services through those contracts.

[Note: Mr. Sinsky should provide appropriate legal advice.]

Ms. Rindlaub: What is the legal authority for King County controlling a facility within Snohomish County?

Mr. Hirsch: Metro had statutory authority to exercise eminent domain within and outside of King County, and the county inherited all those powers.

Mr. Jensen: Is this arrangement with Snohomish County the result of topography?

Mr. Hirsch: Yes. The Snohomish County area that is served by King County drains by gravity flow to the Lake Washington/Lake Sammamish drainage basin. In mid-sixties, WA DOE put pressure on Snohomish County to use Metro.

Mrs. North: Is Snohomish County lobbying for representation on the WQ Regional Committee?

Mr. Hirsch: Yes, it is. It became a higher profile issue with the planning and construction of Bright Water.

Mrs. North: Would you be willing to work with the subcommittee on developing language in the charter to amend this provision?

Mr. Hirsch: Yes.

Mr. Baker: Has DNRP considered the potential for a reduction in the number of KC Councilmembers that serve on Regional Committees and a change in the composition of the Regional Committees?

Mr. Hirsch: It is aware that the potential exists but haven't developed recommendations to take that into consideration.

Ms. Cusack: Have you briefed the chair of the WQ Committee on this?

Mr. Hirsch: Contact with Councilmembers was handled by the Executive Office.

Ms. Cusack: Is this an Executive endorsed proposal?

Mr. Hirsch: Yes.

3. Staff presentations

Ms. Watterson addressed the members' questions about how issues were assigned to each of the three subcommittees. Governmental Structure looks at issues that involve elected versus appointed positions, partisanship, initiatives, and election methods (instant runoff voting). The Local/Rural Subcommittee will address issues of unincorporated areas and the Regional

Governance Subcommittee gets all other regional issues, including council procedures, budget, some of the Sheriff's issues, and others that are less clearly in one subcommittee or another.

In addition, staff and commissioners have identified ways that the CRC can address new or ambiguous issues. Chairs, vice chairs and staff discuss issue similarity and subcommittee workload? In terms of new issues, a commissioner should talk with chair, vice chair and staffer of the subcommittee.

- Orphan issues (OI) (significant but not taken up by any subcommittee) include annexation, paid signature gathering, council procedures, budgeting, and the Sheriff's Office.
- Alternatives for addressing these issues include the subcommittee adopting, the full commission forming an Ad Hoc Subcommittee to deal with that issue (this will require enough interest from Commissioners for us to form an effective Subcommittee), or dropping the issue.

Mr. Wilkins suggested that the staff do a rough cut of housekeeping issues: Transitory issues, changes in Sheriff's office (name), to develop a narrow list of issues to address alternatively, some of which will still be orphaned for a 4th subcommittee. Mr. Yango said that he had consulted with Mr. Sinsky about what constitutes technical cleanup in the event that it seemed possible to batch together many technical issues as one proposed amendment. Ballot measures have to deal with one issue and the courts will look for a rational unity among the amendments, but issues that affect substantive changes have to be taken one at a time. Staff will keep an inventory of issues that don't have significant policy implications. Mr. Wilkins said that a staffer and a few commissioners could deal quickly with those issues that were of little importance substantively. Ms. Haugen commented that it would be enough for now to establish the priority list and then take up other issues after we've addressed priority issues – at the end.

Mr. Williams argued that before addressing the issues involving the civil service and collective bargaining, the Commission will have to come to grips with the fundamental issue of whether the County should retain the Sheriff position as an elected official and whether it should empower the elected official with the authority to do things such as control her staff.

Mr. Long said when that debate happens (in the GS Subcommittee), there is a second debate to consider: How many independent branches of government does King County want to create for itself? Because those are fundamental responsibilities of the executive and there is a positive tension between the separately elected officials and the Executive Office on contracts, budgets, and personnel administration which is important for coherent business management of a large county agency. If it these agencies become separately administered, it creates a whole other branch of government. It really needs a serious debate and it belongs in GS.

Mr. Jensen said that some issues are truly balance of power issues that should be handled in GS. If there are demonstrable problems with the situation, then we need to hear about it, but we haven't heard a strong presentation from the Executive side. Mr. Munro agreed that some of these issues were timing and procedural in that the Commission must make threshold decisions before it moves on to more detailed decisions.

Ms. Spithill presented information on the process for taking an issue to the level of a Charter amendment. Ms. Spithill presented the members with a handout detailing the process.

Ms. Watterson spoke on the role of subcommittee chairs. Ms. North commented that some of the chairs might want to rethink being chair, since it robs them of their ability to take a strong position on issues. Subcommittee chairs need to think about that. It's a penalty to chair the meeting. Mr. Munro suggested that if there is an issue that comes up, the chair should turn the gavel over.

Ms. Watterson gave a reminder about the email system and cautioned members not to vote via email.

Ms. Cusack noted that her comments in the previous meeting of the full CRC referenced a second potential charter item of interest to the Council; that issue is the allotment process in budgeting.

Ms. Rindlaub requested that members keep to the issues at hand and refrain from making character assassinations referencing elected officials.

The meeting adjourned at 7:15 pm.

--Commission members broke out into their subcommittees--

Next Meeting: Tuesday, October 30, 2007 in the Seattle Municipal Building.

Respectfully submitted by Becky Spithill