



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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

The October 30, 2007 meeting of the King County Charter Review Commission was called to order by co-chair Governor Mike Lowry at 5:35 p.m.

**Commission members in attendance:**

Mike Lowry, Co-chair  
Lois North, Co-chair  
Jim English  
Dan Gandara  
Bryan Glynn  
Darcy Goodman  
John Groen  
Kirstin Haugen  
Gregg Hirakawa  
John Jensen  
Terry Lavender  
Gary Long  
Sharon Maeda  
Allan Munro  
Sarah Rindlaub  
Mike Wilkins

**Absent:**

Trisha Bennett  
Juan Bocanegra  
Doreen Cato  
Tara Jo Heinecke  
James Williams

**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  
Nick Wagner, Council Co-Liaison to the Commission

**Guest Speakers:**

Randy Revelle, former King County Executive  
Rod Brandon, Director, Environmental Sustainability (King County Executive Office)  
Gene Duvernoy, President, Cascade Land Conservancy  
Bob Burns, Deputy Director, DNRP, King County

**1. Opening Remarks**

Governor Mike Lowry asked for approval of minutes from the September 25, 2007 meeting. Sharon Maeda noted that on page 3, the minutes should read "employee" rather than "employer." The minutes were approved as revised.

**2. Guest speaker presentation**

**Randy Revelle**

Mr. Revelle served as chairperson of the King County Sheriff's Blue Ribbon Panel, which was formed to address issues surrounding discipline, transparency, and public accountability in the Sheriff's Office. On September 11, 2006, the panel released its report, which included findings, recommendations, and implementing actions.

Mr. Revelle has observed that since the report was issued, the key impediment to implementing many of the panel's recommendations has been the charter provision that prohibits the Sheriff from negotiating collective bargaining agreements directly with the police guild and unions. These agreements control wages and benefits, as well as the rights and ability of the Sheriff to manage her workforce, limiting the Sheriff's ability to establish greater accountability, professionalism, and transparency in her office.

Mr. Revelle stated that the Sheriff 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. Under the current charter provisions, Sheriff Rahr cannot execute the following management functions:

- Establish employee performance standards;
- Conduct employee performance evaluations;
- Improve discipline policies and procedures;
- Create and implement an early intervention system to help prevent employee performance problems before they occur;
- Institute a new, modern Field Training Officer Program for new deputies;
- Improve systems for intake and tracking of public complaints against employees; and
- Establish independent civilian oversight of the discipline process.

Mr. Revelle's prepared written remarks are attached to these minutes.

### Questions and Answers (paraphrased)

Mr. English: Are there other obstacles besides the charter?

Mr. Revelle: No. When the Sheriff's position became elected, authority was not transferred to the Sheriff.

Mr. Gandara: Did the Blue Ribbon Commission have any recommendations about the Civil Service Commission?

Mr. Revelle: No, the panel did not address that.

Mr. Glynn: What did the panel say about collective bargaining?

Mr. Revelle: Our recommendations pertained to what needed to be done, not what should be negotiated. There are many things that are negotiable that shouldn't be.

Ms. Maede: Does it make a difference that the position is appointed versus elected?

Mr. Revelle: The fact that the office is an elected position makes it an issue. When the sheriff is appointed, the county executive is accountable for performance, not the sheriff.

Mr. Gandara: Do you think that the sheriff should be elected or appointed?

Mr. Revelle: I come right down the middle on the issue. Politically, if it ain't broke, don't fix it.

Mr. Long: We've seen problems with getting silos in the county to work with each other. This might be the case in the King County judicial system. Getting the Sheriff's Office, the jails and the judges to interact might be difficult. My biggest fear is that the more autonomy we create through the charter will make things worse rather than better.

Mr. Revelle: My recommendation would be to not change it. But don't elect the elections director.

Mr. Hirakawa: Labor agreements are multi-year agreements. Would it have any impact on the budgeting process if the sheriff negotiated her own agreements?

Mr. Revelle: Yes, but the Council is the final authority through the agreement or the budget. If it's working right, they should be working together.

Mr. Glynn: Why is this not an issue for the assessor?

Mr. Revelle: The responsibilities of the sheriff are potentially controversial, and employees of the Sheriff's office have the potential to wrongfully injure or kill someone. In addition, there is a high level of media interest, complexity, and importance attached to the Sheriff's Office.

Ms. North: As a councilmember, we didn't have oversight for labor negotiations.

Mr. Revelle: The Seattle City Council used to play a significant role in negotiations and had a special committee and staff in the 1970s to handle those negotiations. The county could do this.

### **3. Open Space Initiative**

Rod Brandon, Gene Duvernoy, and Bob Burns presented a proposal to protect existing King County open space lands in perpetuity. They described the list of specific properties that is included with the proposal as a "work in progress." They said the list of criteria for inclusion of

properties on the list is also in draft form. A discussion ensued. The Rural/Local committee is considering this issue, and will return to the full CRC with its recommendations.

Ms. Lavender: Protects against a change of use that protects the conservation value of the land. You have to go back to the funding source to claim protection, which can be difficult.

Mr. Groen: If there's a use of the property that is contrary to its funding then there's a problem in the management. This locks in that current use.

Ms. Lavender: I think it would preclude some problems and protect against them.

Mr. Jensen: What if Newcastle were to decide it wanted to have a mountain biking park on Cougar Mountain? That's not something now that would be allowed to be done in that space. In the future with this protection, we wouldn't be able to do that without a vote of the people. Is that a higher level of protection?

Mr. Burns: Mountain biking is an activity that we have to balance with other recreational uses.

Mr. Jensen: The point is there may be all sorts of pressures to make changes, but this gives the county ownership.

Mr. Burns: It's all about public access and uses that are compatible with a conservation state. At this time, if we wanted to change a property use, we would have to go through the Council or back to the original funding source, depending under what program the property was acquired.

Mr. Duvernoy: The properties that fall under this program would be the best of the best.

Mr. Long: Isn't this an issue for the rural/local subcommittee. We were told that all these properties lie outside the urban boundary line.

Mr. Burns: Yes, the vast majority of these properties lie outside the urban growth boundary line. King County owns a small amount of property inside the urban growth boundary. Draft list is a work in progress—we need to do more stakeholder consultation to refine that list [of properties].

Gov. Lowry: Terry and Corrie thought it would be appropriate to bring this to the full commission. In the future, for land to be added to this program, how would that happen?

Mr. Burns: We would develop criteria for the initial list and they would guide us in the future. Then the council would have a final decision to revisit the list periodically (maybe every year).

Gov. Lowry: Gene and I are very familiar with the state process with the Wildlife Recreation Program. That's an application process that goes through what used to be called the AIC and is now called something else. They rank on merit and send to the legislature. The legislature can remove properties if there is local opposition, but it can't add to them. That is a mechanism that allows for public participation and involvement in the selection of properties.

Mr. Duvernoy: That process needs to be developed and can mirror the state process. The intent is to set a high benchmark in terms of criteria, and allow the Council to pull some of those properties off if there is public sentiment to do so, but not to add any.

Ms. Rindlaub: In order for lands to be taken off, people have to vote, but for lands to be put on there will be another process? What if a local government wants to do something other than what the county is looking to do in terms of conservation? Why can't the people be allowed to vote on that? Why is the County Council able to make that decision?

Mr. Groen echoed this point, asking why the proposal would allow properties to be added to the list by ordinance, but removed from the list only by the voters.

Mr. Duvernoy: That would be a very unlikely situation. That kind of land is not under county ownership. And if it were, I'd be that much more surprised that it would fall under open space status. We want to be sure that the public gets to comment on such a thing before the council votes on it.

Mr. Groen raised a general question as to whether the proposal addresses a problem that needs fixing.

#### **4. Rebecha Cusack, Report by Council Staff**

The Council Committee of the Whole was briefed by Council staff on the CRC in an October 15, 2007 work session. Staff informed the members on the CRC's process going forward.

Ms. Cusack informed the Council of the top issues that the CRC has chosen to take up. Ms. Cusack conveyed to the commissioners the councilmembers' thanks for the work the CRC is doing and the councilmembers' appreciation of the commissioners' efforts to distill the large number of charter amendment proposals the CRC has received into a limited number of charter amendment proposals. At a macro level, the Council wants this body to look into the following critical issues:

- Right-sizing the Regional Committees: Council is pleased that the CRC is taking this up;
- Water Quality Committee: Council commends the Executive for bringing this issue forward in terms of alerting the CRC and the Council to the possibility that some rate payers are not adequately represented;
- Implement initiative process in a way that recognizes the Supreme Court decision;
- Budget timeline—Council is very concerned given a \$4.8 billion dollar budget and only 45 days to get a budget done;
- Nonpartisanship: Council is not at this time going to take up the pending motion that relates to nonpartisanship and instead will wait for the CRC's recommendations to the Council on this issue;
- Open-space initiative: Council commended the Executive on bringing this forward, but the Council would like to see a surgical approach to this issue, and is concerned about the legal ramifications in terms of rights of way, future liabilities in terms of the need for revenue streams for maintenance, etc., and wants the proposal vetted carefully to avoid unintended consequences. The Council also wants to make sure this amendment would not take off the table the option of using existing parcels to leverage better properties that enhance open space more effectively; and
- Sheriff's issues regarding labor negotiations and reinstating of the Civil Service Commission: Council came to no consensus on these issues except that the Blue Ribbon Panel's recommendations need to be implemented and there is concern about how reforms will

happen, whether they occur within existing county government (HR department) or as a result of reinstating the Civil Service Commission. The majority of Council seems to favor fixing the existing system rather than establishing another silo.

Council staff is looking at the charter to determine what issues to bring forward to councilmembers; for example:

- Succession planning: staff has been asked to look at 680.10, which does not address succession on the Council, and Council wants to know how this issue should be addressed, whether through charter amendment or otherwise; and
- Regional Board of Health: there have been concerns about how they can have a voice in county governance, in terms of having input into the Executive's budget planning process, for instance, and some of the members of the board have suggested that maybe there should be a mechanism similar to a regional committee that would have input back into the Council in some way.

#### Questions and Answers (paraphrased)

Mr. English: Can you provide more clarification on the Board of Health?

Ms. Cusack: It is a regional governing board with members from Council, Seattle and regional partners, without direct authority to recommend, for example, that a certain amount of money be set aside for a certain type of planning, or at least they don't feel they have that authority. The board thinks that if it were treated like a regional committee with a work program that would enhance the visibility of the board to Council and create a mechanism for board input to the Council. There is not a lot of clarity of thought at this point on what the solution should be, but it is an emergent issue.

Mr. Wilkins: Does the Board of Health have direct regulatory authority to adopt public health regulations?

Ms. Cusack: Yes, and it also levies fees.

Mrs. North: Is this the same as the County Board of Health?

Ms. Cusack: Yes. It's now called the Seattle/King County Board of Health.

#### **5. Ad Hoc Committee Working Session (Ms. Watterson)**

The committee considered every issue and placed each into one of three categories:

1. Issue is assigned to a subcommittee
2. Issue is not assigned but is significant and should be considered at some point (Orphan issues)
3. Issue is off the table—tracker indicates reasons why an issue has been pulled from further consideration

Further assignments:

- Budget issues submitted by Council—going to Regional Governance;
- Delete Article 9 and all of section 350.20, metropolitan services transitory provisions—under review by PAO;

- Enable intergovernmental or reverse contracting, which we think is currently prohibited by the charter—under review by the PAO;
- Special purpose districts elections—can these be combined with regular elections to increase access—under review by PAO;
- Succession issues—executive staff is consulting with the Executive;
- Personnel issues (Lambert)—hold until later;
- Sheriff’s proposal—we need to find a home for them;
- Appointment authority for the CRC is ambiguous and it appears that two charter provisions conflict, recommending that it go to Governmental Structures—under review by PAO; and
- Update anti-discrimination language to include sexual orientation—staff will draft language for PAO review before bringing to full commission.

Gov. Lowry asked why the anti-discrimination issue is not assigned to a subcommittee. Mr. Glynn said that either you want to do it or you don’t and it doesn’t require deliberation. Ms. Spithill recommended that it be put on the agenda for the next full commission to decide on.

Regarding the Sheriff’s issues, co-chairs recommended that these issues go to Governmental Structure Subcommittee. Mr. Yango said that his only concern is that the subcommittee has a full plate.

Mr. Long said that reverse contracting is an urban transition issue and should it be coupled up with annexation in the Rural/Local Subcommittee. Ms. Watterson said that other orphan issues about which staff is awaiting PAO review will be brought before the full commission over time.

Mr. Yango asked for clarification. Budget timeline and allotment process go to Regional Governance Subcommittee and the Sheriff’s issues will go to Governmental Structure Subcommittee.

Mr. Jensen informed the commissioners that at the Ad Hoc Subcommittee meeting, Mr. Glynn agreed to develop questions for the Executive and the Sheriff’s Office in order to better understand their positions on the issues. Mr. Glynn will present that to the commissioners for their review. In addition, staff will track the results of the Blue Ribbon Panel’s deliberations when it reconvenes.

Mr. Wilkin said that the allotment process is a consent issue that should just be brought to the full commission for a vote. Similarly, transitory provisions require little or no deliberation.

Ms. North expressed special thanks to the commissioners who worked on the Ad Hoc Committee.

## **6. Status of Subcommittees**

### Governmental Structure Subcommittee (Mr. Yango)

- Elect or appoint assessor, Sheriff, and elections official—hold off until after the election, but we are exploring qualifications for these positions and whether they should be in the charter;
- Signature threshold for initiatives
- Partisanship
- Instant runoff voting (IRV)

- CRC recommendations going straight to the ballot

Staff is working to line up speakers for these issues. On November 19, the subcommittee will hear from the chairs of the Democratic and Republican parties. In addition, Pat McCarthy of Pierce County will be speaking on IRV at the full commission meeting on November 27, and we are trying to line up Ralph Munro to speak on the elections process, generally.

Ms. Rindlaub praised Mr. Yango's research. Staff looked at counties nationally and statewide for elections versus appointed officials. Staff also examined the output of three committees that investigated elections issues and looked closely at the public comments.

Gov. Lowry expressed concern about the workload for Governmental Structures Subcommittee. Mr. Gandara stated that all Sheriff's issues should be within the same subcommittee. Mr. Long recommended that the Sheriff's issues go to the Regional Governance Subcommittee, despite the fact that there are ramifications to government structure relative to how the Sheriff's issues are resolved. Mr. Wilkins and Mr. Glynn concurred. The elected/appointed issue will need to be acted upon first and Mr. Glynn recommended that the Governmental Structure Subcommittee expedite its action on that issue.

#### Regional Governance Subcommittee (Ms. Spithill)

- King County Library System
- Budget timeline and allotment requirement
- Regional Committees

Previous evening's meeting was very productive. Mr. Glynn talked about KCLS discussions and briefing from PAO about latitude in appointments to the board. The subcommittee is aware of significant concerns and will make recommendations to the Executive and Council about tightening up the appointment process and will send a letter to the KCLS Board of Trustees about how it might address public concerns.

The subcommittee has addressed one of its original three issues, and will continue to look at the Regional Committees and the budget issues, in addition to the Sheriff's issues. Ms. Spithill identified the speakers for the next meeting.

#### Rural/Local Subcommittee (Ms. Watterson)

Next meeting on November 8 will include Stephanie Warden (DDES), speaking on customer service improvements. Meeting will include an overview of options for improvements of rural representation and governance. Ms. Rindlaub asked about PAA annexation and Mr. Long indicated that this would be in the Rural/Local Subcommittee.

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The meeting adjourned.

Next meeting of the full CRC: Tuesday, November 27, 2007 in the Chinook Building, R-121

Respectfully submitted by Becky Spithill

