



Charter Review Commission 2018-2019

Inaugural Meeting
Chinook Office Building
6:00pm – 8:00pm
July 24, 2018

Charter Review Commission

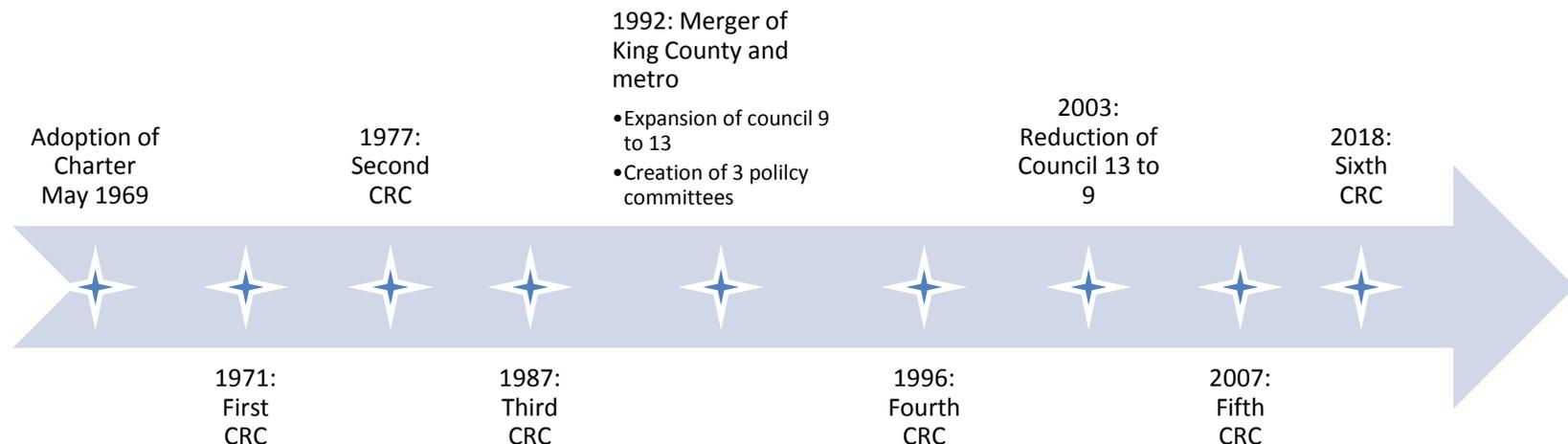
- Introduction to the Charter Review Process
 - What is the King County Charter?
 - What is the Charter Review Commission?
 - What is the Commission's Mission?
 - What is the Commission's end goal?
 - Organizing Charter Review work?
- Next Steps
 - Developing a game plan
 - Example work-plan and time line
 - Meeting Rules
 - Voting on issues
 - Roberts Rules of Order
- Staff List

Introduction to the Charter Review Process

- What is the King County Charter?
 - A charter for a home rule county is a basic blueprint for county government. Much like a constitution, it lays out the county's fundamental structure, powers and duties. Charter provisions are subject to laws of the United States and State of Washington.
 - The Charter provides the basic long-term structure reflecting core values, checks and balances, and accountability, to promote an effective, efficient, and responsive government.
 - Beyond the Charter, specific actions of government are spelled out through ordinances (council-adopted laws), motions (council directives without the force of law), and rules (agency regulations implementing or interpreting county laws). All county ordinances, motions, rules and other actions must be consistent with the basic guiding legal framework of the Charter.

Introduction to the Charter Review Process

- **What is the Charter Review Commission?**
 - A citizen commission of at least 15 members, appointed by the county executive and confirmed by the county council.
 - Must be composed of at least one representative from each of the county council districts.
- **Why have a Charter Review Commission?**
 - The original freeholders of the King County Charter included the charter review process in the charter itself so that a group of independent citizens have an opportunity to do a periodic check-up on the basic framework of county government.
 - The freeholders' charter proposal was placed on the November 1968 ballot and was approved by the voters. It took effect on May 1, 1969. The timeline below can give you a brief sense of charter milestones.



Introduction to the Charter Review Process

- What is the mission of the Charter Review Commission?

Section 800 Charter Review and Amendments.

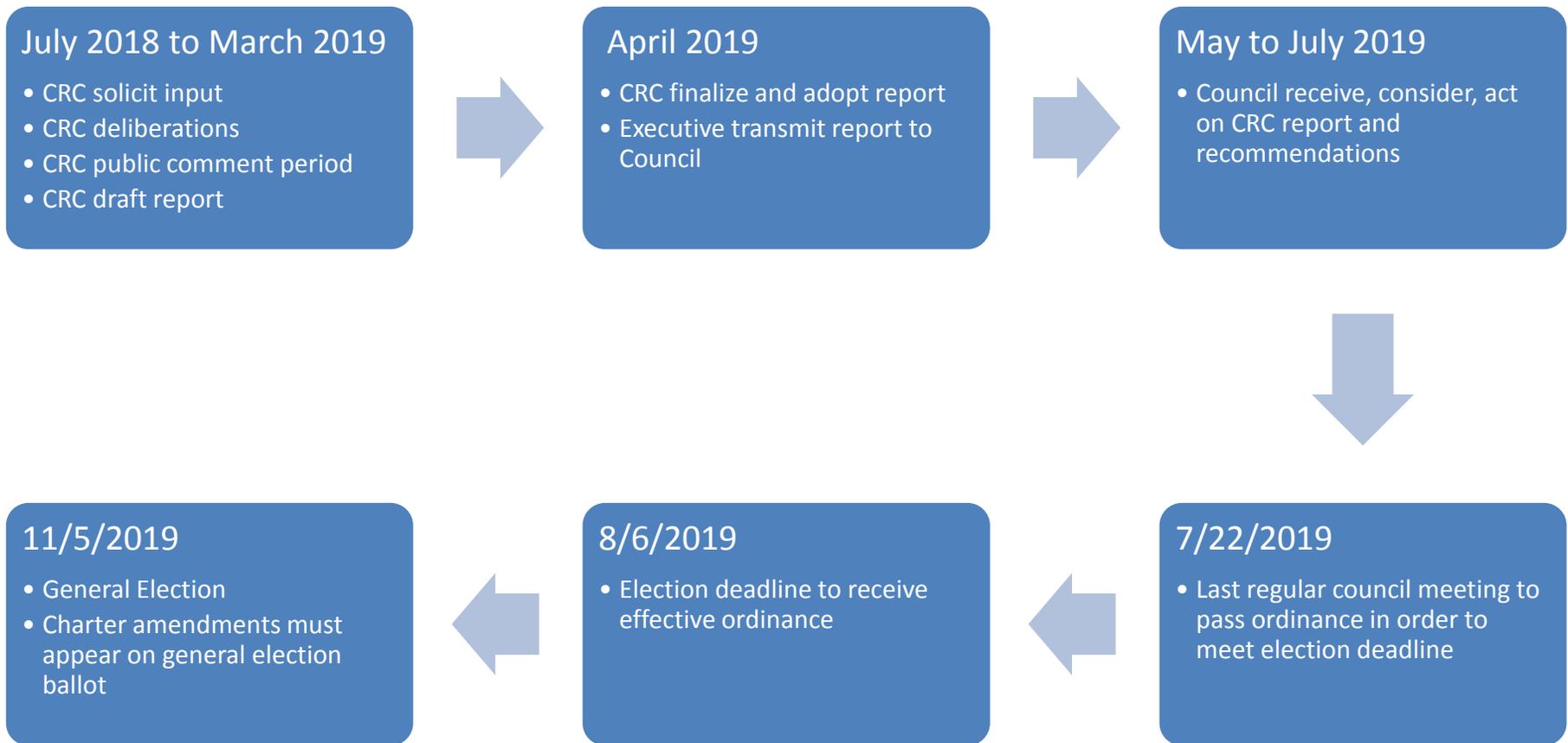
At least every ten years after the adoption of this charter, the county executive shall appoint a citizen commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the county council. This citizen commission shall be composed of at least one representative from each of the county council districts. 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, as provided by ordinance.

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 after the enactment of the ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment. (Ord. 16599 § 1, 2009; Ord. 8647 § 1, 1988).

Introduction to the Charter Review Process

- What is the Commission's end goal?
 - A written report recommending amendments, if any, that should be made to the charter.
 - The report is presented to the County Council.
- Then what?
 - 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.
 - The Council determines which amendments will appear on a general election ballot.

Example Timeline Based on 2019 General Election



Charter Review Process

- **Developing a game plan:**
 - Solicit input
 - Public meetings and town halls
 - Direct outreach to targeted groups
 - Online/web based tools
 - Organize and analyze
 - Subcommittees
 - Technical/structural/regional
- **Deliberate**
 - Voting Procedures
 - In past commissions, voting on issues was conducted by a simple majority.
 - Roberts Rule of Order
 - In the past, Roberts Rules of Order were used to provide common rules and procedures for commission deliberation and debate.
- **Draft and approve the report**

Next Steps:

Issue Scoping Process:

- How would this commission like to proceed with their outreach process?
 - How would you like to engage the public?
 - What other groups should be contacted?
- Subcommittees? Would this commission find it useful to divide into subcommittees, and if so, what should those subcommittees look like?
 - Technical Issues
 - Structural Issues
 - Regional Issues
 - Public Involvement
 - Unincorporated Area
- Website: <https://www.kingcounty.gov/charter>

Charter Review Commission Staff

- Executive Staff:
 - Calli Knight
 - Kelli Carroll
- Prosecuting Attorney Staff:
 - Mike Sinsky
- Council Staff:
 - Mac Nicholson
 - Sharon Daly
 - Simon Farretta
 - Pat Hamacher

PUBLIC RECORDS ACT

Chapter 42.56 RCW (“the PRA”)

Key Points:

- (1) Records prepared or received as part of your Commission work are subject to disclosure under the PRA
- (2) Involve staff ASAP - PRA response times short and consequential
- (3) Use your County email for Commission work

PRA Intent

PRA is a strongly worded mandate for broad disclosure of public records.

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy. RCW 42.56.030.

PRA Core Requirements

Within five business days after receiving a **PRA request**, the agency must promptly respond to request for disclosure of identifiable **public records** by (1) providing the records or link to records; (2) denying the request on grounds that disclosure is **exempt** or prohibited; or (3) acknowledging the request and providing a reasonable estimate of the time it will take to respond – and subsequently providing nonexempt responsive documents.

PRA Request – Demand for public records

- Typically in writing, but not always.
- Commonly reference: PRA, FOIA, Formal request, but not always

Public Record –broadly construed

- any writing (paper or electronic, recordings, videos, emails, draft and final)
- relating to the conduct/performance of government
- prepared, owned, used, or retained by agency

Exemptions – narrowly construed

- Assume what you write/say will be read/heard by general public.
 - Inconvenience or embarrassment is not a basis for withholding
- Must specify an exemption basis for withholding or redacting records
 - Examples: (1) Attorney legal advice (2) some personal information - member residential addresses, personal email addresses, SSNs, personal phone numbers
 - Redact only exempt portion of record.
- AVOID USING PERSONAL EMAIL/TEXT FOR CRC BUSINESS

If You Receive a Request for Records

Immediately let staff know, as PRA requires prompt responses.

You may be asked to assist in gathering responsive records.

RECORDS RETENTION

Chapter 40.14 RCW

KEY POINTS:

1. Retain email and other records that document Commission business.
2. Retain all records that are the subject of a public records request.

REQUIREMENT:

State law/county retention schedules restrict whether/when records can be destroyed.

Retention not required for:

- certain transitory records (e.g. interim drafts, non-substantive communications)
- records that are beyond their scheduled retention period.
- staff generated material provided by staff to all members (staff retains)

MAY NOT DESTROY RECORD IF IT IS SUBJECT TO A PENDING PRA REQUEST

Contact staff if questions

OPEN PUBLIC MEETINGS ACT

Chapter 42.30 RCW (“OPMA”)

KEY POINTS:

1. CRC conducts review in accordance with OPMA
2. Meetings must be publically noticed and open to the public
3. Avoid discussing commission business with quorum except at open meeting

REQUIREMENTS: All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

- Regular meetings must be scheduled
- Special meetings require special notice
- **Meetings** are open to the public
 - Gathering to transact official business: e.g., receive public testimony, deliberate, discuss, consider, review, evaluate or take final action.
 - Potential meeting via email or phone deliberations
 - Not merely passive receipt of information
 - Not without quorum or if no business is transacted

MEETING MINUTES: Meetings of all regular and special meetings shall be promptly recorded and made available for public inspection.

REMEDIES: Member subject to \$500 civil penalty for first knowing violation and \$1000 penalty for further violations. Fees and costs may be assessed against the agency