



## King County

### Charter Review Commission

#### Agenda

Wednesday, Dec. 19, 2018  
6:00-8:00 p.m.

King County Chinook Building  
1st Floor Conference Rooms 121/123  
401 5th Ave. Seattle, WA 98104

- |  |                           |            |
|--|---------------------------|------------|
| 1. Welcome                               | Co-Chairs                 | 5 minutes  |
| 2. Public Comment                        | Co-Chairs                 | As needed  |
| 3. Approve 11-28-18 Meeting Minutes      | Co-Chairs                 | 2 minutes  |
| 4. Staff Follow Up to Member Questions   | County Staff              | 10 minutes |
| 5. Formalize Process for Decision Making | Co Chairs<br>County Staff | 30 minutes |
| 6. Review Updated Tracker                | Co Chairs                 | 60 minutes |
| a. Draft categories                      | County Staff              |            |
| b. Continue concept discussions          |                           |            |
| 7. Other Business                        | Co Chairs                 | 10 minutes |
| 8. January Meeting                       | Co Chairs                 | 5 minutes  |
| 9. Adjourn                               |                           |            |

[Blank Page]



## King County

### Charter Review Commission

November 28, 2018

#### **In Attendance:**

Louise Miller (Co-Chair), Joe Fain, Elizabeth Ford, Ian Goodhew, David Heller, Michael Herschensohn, Sean Kelly, Linda Larson, Nat Morales, Jeff Natter, Toby Nixon, Nikkita Oliver, Rob Saka, Alejandra Tres (via telephone), Kinnon Williams and Sung Yang

#### **Excused:**

Tim Ceis, Clayton Lewis, Marcos Martinez, Brooks Salazar, Beth Sigall and Ron Sims

#### **Council and Executive Staff:**

Kelli Carroll, Director of Special Projects, Patrick Hamacher, Director of Legislative Analysis, Callie Knight, Executive Program Assistant, and Mac Nicholson, Director of Government Relations

#### **Also in Attendance:**

Susie Slonecker and Mike Sinsky, Senior Deputy Prosecuting Attorneys, King County Prosecuting Attorney's Office, and Rick Hayes, Senior Human Resources Policy Advisor, Department of Executive Services

#### **Call to Order**

Co-Chair Miller called the meeting to order at 6:06 p.m. She asked those on the telephone and at the table to introduce themselves.

#### **Approval of Minutes**

Commissioner Nixon moved approval of the minutes of the October 24, 2018 meeting. A typographical correction was made. The minutes were approved as amended.

## **Outreach Plan Status Update - Patrick Hamacher**

### Discussion/Comments/Questions:

- The online survey tool is now live; no formal responses have yet been received.
- Translation services will be provided for Tier 1 and Tier 2 languages.
- The first round of outreach will be the web tool – letters and emails have been sent.
- The online survey can be pushed out via social media when the timing is appropriate.
- Discussion ensued regarding the need for translation of responses.
- Kelli Carroll reviewed a draft timeline aiming for a May 2019 submission to the Council.
- The draft plan shows two different dates for submission of the final report to the County Council – May 22, 2019, and the end of April 2019.
- The last charter review spread amendments over a couple of general elections, so everything does not necessarily need to be put forth in 2019.
- It is ultimately the County Council's call what gets on the ballot and when it gets on the ballot.
- Does it need to be a single report or can it be a phased approach?
- Regarding the level of detail that is expected of the Commission, the consensus is that the Commission follows through end-to-end, to include proposed language and a redline version of the Charter.

### Follow-up:

- Outreach plan calls for three town halls by the end of March. Need to determine when and where they will be. Staff will put together proposals.
- Determine whether the Commission wants to aim for submission for a 2019 general election or look at a longer timeline and a 2020 general election.
- The Outreach Committee will likely be meeting again to review progress as far as the timeline. Any thoughts related to the process, outreach and timing should be submitted to them for consideration.

## **Potential Amendments - Patrick Hamacher**

The following questions, submitted subsequent to the spreadsheet's creation, were addressed:

- What are the hurdles to having a committee dedicated to the creation and preservation of affordable housing, and can they be addressed in the charter? County can't force the cities to do anything.
- Should affordable housing be under the jurisdiction of one of the regional committees? Would fall under the Regional Policy Committee. In order to qualify, it has to be a regional or countywide policy or plan and the Committee would have to put it on its work plan.
- Should the preamble of the charter be amended to include reference to affordable housing? This is a policy call.

## Discussion/Comments/Questions

### *Overall*

- Delete the word “metropolitan” in reference to the County Council.
- Prioritize and improve transparency so the public is aware of the processes, how they can get involved and how they can be informed.
- Several grammatical, technical and typographical corrections.

### *Sections*

- Ensure the county retains economic vitality and all individuals have economic opportunities across a variety of industries particularly in light of growth and equity.
- Section 230.5 – needs work on its consistency.
- Section 230.50.10 – What is the definition of “take action”?
- Section 230.6 – Should this be in the Charter or Code? Make it explicit in the Charter what the process to amend the Charter would be. Consider the thresholds and process of a charter amendment and whether it should be synonymous with the standards for passing a simple ordinance.
- 230.7 – discussion about what needs to be done within the specified 45 days – provide clarification.
- 230.75 – consider changing “citizen of the county” to “aggrieved person”. Possibly include title of Ombuds office.
- Section 320.2 – Item 3 was withdrawn by the Executive's Office.
- Section 540 – Are there parallel processes at work? Is there any change to the Personnel Board structure that could be helpful?
- New Section 648 – look at pros and cons and other potential options.
- Section 895 – add qualifications as to what representation would look like.

### Follow-up:

- Staff will break the list down into natural categories and recirculate it.
- The Executive items related to personnel and compensation will be addressed as a group.
- Patrick will follow-up with Councilmember Lambert regarding her proposal for Article 6, Section 645.

### **Next Steps**

- The next meeting will be on December 19, 2018.
- Commissioners should continue to send input to Patrick Hamacher.

### **Other Business**

- Commissioner Will Ibershof has resigned due to having moved out of the county.
- Public Comment will be at the beginning of the agenda for future meetings.

## Public Comment

Rory O'Sullivan expressed support for the proposed rank-choice voting and also public financing of campaigns under section 660. Proposed revision of section 800 – making this a citizen jury process, with people from each of the council districts. Suggest under 650.1 to have multi-member districts for county council, and also switch elections to even numbered years to have a larger voting pool on the county offices.

The meeting was adjourned at 7:55 p.m.

DRAFT

**Budget & Finance Proposals**

Charter Section:	Recommended By:	Comments/Additional Information
410	Councilmembers Kohl-Welles & Lambert	1. The budget message should be a "budget address at a county council meeting"
460	Councilmember Kohl-Welles (1) Councilmember Lambert (2, 3)	1. Eliminate the prohibition on the County Council originating or changing the capital budget without a request from the Executive. 2. Require consultation prior to the Executive transmittal of appropriations ordinances allocating unspent funds. 3. Allow the Council to originate non-emergency appropriations ordinances.
470.1	Executive Constantine	1. Allow leases of more than a year in operating budgets, not just capital budgets
470.2	Executive Constantine	1. General clean-up and revision of budget related items and references: replace term "current expense" with "operating"; objects of expense; contingency appropriations
470.3	Executive Constantine	Delete
480	Executive Constantine	Update language
490	Executive Constantine	Delete

**BLANK PAGE**

**County Council, Regional Committees & The Charter Review Commission**

Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
270.1	Comissioner Nixon (1,2) Councilmembers Kohl-Welles (3) Upthegrove (4)	1. Could we add a regional committee that would review and, by supermajority vote, have the ability to veto proposals for new countywide levies? The creation of new county taxes has a significant impact on the ability of cities to raise their revenue for their own purposes. There should be a way to ensure regional consensus on countywide levies. A committee made up of a few county council members, a representative of the county executive, representatives of cities over a certain population, and SCA representatives of the rest of the cities, should be able to veto new levy proposals by a supermajority vote. 2. Could we add a regional committee focused on affordable housing, or is that assumed to be within the scope of RPC? 3. Consider giving cities a greater voice by merging the regional committees into one. 4. Regional committee process is inefficient and ineffective. Look for strategies to improve coordination and communication.
270.2	Commissioner Nixon	1. Does this mean that at least two of the three must be councilmembers that have unincorporated areas in their district? What does this mean for SCA filling the "other cities and towns" positions? Does SCA have to also consider appointing from cities outside King County?
270.3	Commissioner Nixon	1. Is there a time limit for this second review? Should there be?
<b>Article 6</b>		
650.1	Commissioners Nixon (1), and Saka (2)	1. Look at increasing the size of the County Council. 2. Add at large seat(s).
650.2	Commissioner Heller (1) Councilmember Lambert (2)	1. Look at "preferential" or "ranked choice" voting for Council districts (Commissioner Tres stressed that pro and con would need to be discussed equally) 2. Establish process for filling councilmember vacancies in the charter.
650.30.10	Commissioner Nixon	1. It would be great if this also said that the Districting Committee shall not consider voting history, the residence of any person including incumbents council members, nor any data regarding characteristics for which discrimination is prohibited under Section 840.
<b>NEW SECTION 660</b>	Councilmember McDermott	1. Establish a public process for funding campaigns for office.
<b>Article 8</b>		
800	Commissioner Nixon (1) Councilmember Lambert (2, 3)	1. 45 days is no longer long enough to get this done. Check with Elections to insert the right timeline. 2. Allow each councilmember the opportunity to directly appoint a CRC member. 3. Require a resident of Unincorporated King County to be on the CRC.

**BLANK PAGE**

Law Enforcement		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
<b>265</b>	Commissioner Nixon (1) Councilmember Kohl-Welles (2, 3)	<ol style="list-style-type: none"> <li>1. Some of the records that they may review or copy might be exempt from or prohibited from public disclosure. Should the office of law enforcement oversight be required to protect such files from disclosure to the same extent as the law enforcement agency? Or does the office have the power to override the wishes of the Sheriff and release records to the public that the Sheriff would have not disclosed?</li> <li>2. Strengthen OLEO powers around independent investigations and access to information and ability to communicate with the public.</li> <li>3. Change director term to 5 years.</li> </ol>
<b>Article 8</b>		
<b>895</b>	Commissioner Saka	<ol style="list-style-type: none"> <li>1. Explicitly provide for representation for the family of the deceased.</li> </ol>

**BLANK PAGE**

**Referendum and Initiative**

<b>Charter Section:</b>	<b>Recommended By:</b>	<b>Comments/Additional Information</b>
Article 2		
<b>230.4</b>	Commissioner Nixon; Councilmembers Balducci and McDermott	1. This is inconsistent with 230.70. This section says that the actual signed petitions have to be filed before the effective date of the ordinance, which is impossible to do with the default effective date being 10 days after enactment. 230.70 says that only the INTENT to file a referendum must be submitted to the clerk of the council, upon which the effective date is delayed until at least 45 days after enactment. Should this section be clarified or refer to 230.70? Countywide special elections are rare and expensive. Should this be only primary or general elections to avoid the cost of a countywide special election? Or would it really be desirable to have a referendum vote at a February or April special election even if it costs millions of dollars, in order to avoid delaying the effective date of the ordinance? Note that statewide referendums are always at a general election. We should check to be sure this is consistent with state law. Election timelines have changed, and 45 days is likely not enough time to get an item onto the ballot because ballots have to be printed in advance of them going out to military and overseas voters 45 days before the election. Also, this definitely does NOT allow enough time for signature verification – the timeline should provide a time limit for signature verification, and make the election date based on that. This could be simplified to just “an emergency ordinance”.
<b>230.5</b>	Commissioner Nixon	1. Countywide special elections are rare and expensive. Should this be only primary or general elections to avoid the cost of a countywide special election? Also, under state law there is no “regular” election; should specify “primary or general”. 135 days is probably enough time for both signature verification and to get printed on ballots, but we should verify against the election timeline. There should be a time limit for signature verification, and specify how this interacts with council consideration of the initiative. What if it is enacted after ballots are already printed? What if the people vote it down after the council enacts it? Is the election moot? This should be clarified to avoid the situation that occurred in the state legislature with I-940. The council should not be allowed to adopt the proposed initiative and then immediately amend it in order to avoid putting the original and substitute on the ballot together.
<b>230.50.10</b>	Commissioner Nixon (1,2)	1. Eliminate metropolitan. 2. What does “take action” mean in this context? Does it mean “a vote of the full council to enact or reject the initiative”? Or can ANY action count, such as referring to committee?
<b>230.6</b>	Commissioner Nixon	1. Should there be a time limit for signature collection? Under the current process, once the form of a petition is approved by the clerk, there’s no limit to how long signatures can be collected. For state initiatives to the people, the time limit is about six months; for initiatives to the legislature, about nine months. People’s opinions change over time, people die, people move away, so long the longer signatures can be gathered the more risk there is that signatures are stale or voters want to withdraw their signature. We should allow petitions to be on 8.5x11 paper so that individuals can easily print their own. We should allow “one line” petitions that can be signed by one person and returned to the initiative committee by mail.
<b>230.7</b>	Commissioner Nixon	1. What does this mean “if an ordinance is subjected to referendum”? I think it means that sufficient valid signatures are submitted prior to the effective date of the ordinance. By default this would mean the signatures must be submitted within 45 days of enactment. But what if signature verification is not complete by the time the effective date is reached? Does the effective date slide until the director of elections declared that the number of valid signatures is sufficient or not? What if the director of elections says there are insufficient valid signatures (because of bad ones), and the referendum proponents challenge it in court? Does the effective date continue to slide until the challenge is resolved? At what point does the decision on whether or not there’s going to be a referendum vote become final, so that the ordinance can either go into effect or it can go on the ballot?
<b>230.75</b>	Commissioner Nixon	1. This should also apply to ordinance proposed by initiative that are adopted by the council without going to the people for a vote. This would avoid the I-940 problem. I think this means that a previous initiative can be amended at any time by another initiative. I think it also means that the county council can put an amendment to an initiative on the ballot for the people to vote on, and the two-year period does not apply.

**BLANK PAGE**

Typographical and Grammatical Changes		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
<b>220.3</b>	Commissioner Nixon	1. add comma
<b>Article 3</b>		
<b>350.20.50</b>	Commissioner Nixon (1,2)	1. Typo – this colon is superfluous and should be removed. 2. Add “primary”. This is obsolete and should be removed.
<b>Article 7</b>		
<b>710</b>	Commissioner Nixon	1. Typo--should be hypen in "four year"
<b>Article 8</b>		
<b>820</b>	Commissioner Nixon	1. Should be “with the county”. Should be a colon.
<b>Article 9</b>		
<b>Revisers note</b>	Commissioner Nixon	1. Is it necessary to keep this note forever, or can it be removed?
<b>Revisers note</b>	Commissioner Nixon	1. Is it necessary to keep this note forever, or can it be removed?

**BLANK PAGE**

Technical Changes		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Encompassing Changes:</b>	Commissioner Nixon	1. Delete "metropolitan" throughout
	Councilmember Balducci	1. High Priority placed on items that increase transparency
<b>Article 1</b>		
<b>140</b>	Commissioner Nixon	1. This would be a good place to declare who the county is named after (which is currently in state law), that the boundaries are as defined in state law, and that the county seat is Seattle.
<b>Article 2</b>		
<b>260</b>	Commissioner Nixon	1. Does mean that complaints can't be filed by non-citizens? How do we define "citizen of the county"? If it means "resident of the county", should we change it to that? What if it's someone who owns a business in the county but lives in another county? Why is this limited to citizens at all?
<b>Article 3</b>		
<b>330</b>	Commissioner Ceis	Is this section regarding CAO necessary. It is unclear and adds confusion.
<b>350</b>	Executive Constantine	1. Retitle "Sheriff's Department" from "Department of Public Safety"
<b>350.2</b>	Commissioner Nixon	1. Shouldn't the Department of Public Safety be listed here, since it is one of the subsections of 350.20?
<b>310</b>	Commissioner Nixon (1) Executive Constantine	1. Since the Assessor is explicitly listed here, should it also list the other countywide elected officials? 2. Update to add full list of elected officials.
<b>320.2</b>	Commissioner Nixon (1), Executive Constantine (2, 3)	1. Typo – this "a" should be deleted. 2. Delete obsolete Executive duty to serve on boards/commissions from county commissioner era. 3. Add Elections and Sheriff to the composition of the Executive Branch
<b>340.1</b>	Commissioner Nixon, Executive Constantine	Should the County Sheriff, Superior Court Clerk, and Director of Elections be included here, since they are heads of executive departments who are not appointed by the county executive?
<b>Article 6</b>		
<b>610</b>	Commissioner Nixon	1. Why aren't the Sheriff and Director of Elections included in this list? Wouldn't it be easier to just say ALL elected officials?
<b>650.4</b>	Commissioner Nixon	1. Do these transitional provisions, and others elsewhere in the charter, need to be retained? Or should this be moved to Article 9?

<b>680.1</b>	Commissioner Nixon	1. Isn't this redundant with the paragraph two above this one?
<b>Article 8</b>		
<b>898</b>	Commissioner Nixon (1) Executive Constantine (2)	1. Could this be 891 to keep it together with 890? Or maybe 890.10? Typo. Should be "result of negotiations".  2. Retitle "Sheriff's Office" from "Department of Public Safety"
<b>899</b>	Commissioner Nixon ☐	1. Could this be 892 to keep it together with 890 and 891? Or maybe 890.20?
<b>Resolution</b>	Commissioner Nixon	1. Does this need to continue to be part of the charter? Does it have any continuing operational effect, or is it just of historical interest?

Changes to Comply with State Law		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
<b>220.4</b>	Commissioner Nixon	1. This language does not properly account for executive sessions under RCW 42.30.110, nor meetings that are not required to be open under RCW 42.30.140. This language should be amended, unless we actually don't want the council to be able to hold closed meetings allowed under these sections. Does "verbatim" in this context refer to an audio or video recording? This doesn't require a full written transcript of each meeting, correct? Does the council actually record closed meetings under 42.30.110 or 42.30.140? If not, then this language is incorrect. The minimum retention period is specified by the local government records retention schedule developed under RCW 40.14. We should verify that the ordinance is consistent with the schedule.
<b>230.10.10</b>	Commissioner Nixon	.1. Omit, spell out, or capitalize "ch.". State law does allow interfund loans, for terms of three years or less, from utility or enterprise funds. Is the intent of the charter to disallow such interfund loans? If not, should this section explicitly allow interfund loans in compliance with
<b>Article 6</b>		
<b>690</b>	Commissioner Nixon	1. Why is this in the county charter? Why not just depend on RCW 42.17A and PDC?
<b>690.1</b>	Commissioner Nixon	1. Is this now defined in state law, and no longer needed?
<b>Article 8</b>		
<b>830</b>	Commissioner Nixon	1. This language is inconsistent with the Public Records Act, RCW 42.56, in a number of ways, particularly in that it specifies only a couple of exemptions and ignores the hundreds of others in state law. This should be removed and just reference the PRA.

**BLANK PAGE**

Elected Official		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 6</b>		
<b>NEW SECTION 620</b>	Commissioner Ceis	1. Censure or Removal of Elected Officials for misconduct
<b>645</b>	Commissioners Ceis, Heller and others (1) Councilmember Lambert (2)	1. Consider an Appointed Sheriff 2. Consider an appropriate list of qualifications for the office holder.
<b>NEW SECTION 648</b>	Commissioners Saka and Oliver	1. Elected Public Defender
<b>NEW SECTION 660</b>	Councilmember McDermott	1. Establish a public process for funding campaigns for office.

**BLANK PAGE**

Personnel		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
220.2	Executive Constantine	1. Clarify Charter's reference to Council's power to set compensation includes all pay items, including medical and leave benefits including Prosecutor's Office and Courts.
<b>Article 3</b>		
340.4	Executive Constantine	1. Require Council confirmation only for department heads and chief administrative officer only
350.20.40	Executive Constantine	1. Clarify what employees are classified as career service.
350.20.60	Executive Constantine	1. Uniform language to clarify which departments are Executive branch departments and subject to career service rules (Sheriff and Department of Public Defense)
<b>Article 5</b>		
530	Executive Constantine	1. Clarify personnel rules apply to Executive branch employees
550	Executive Constantine	1. Expand classifications exempt from career to include division and section heads. 2. Allow Council to designate additional career service exemptions.
<b>Article 8</b>		
<b>NEW SECTION 890.1</b>	Councilmember Lambert	1. Prior to commencing of negotiations with represented employees, the Executive shall work with the Council on more specific and timely general paramets and goals

**BLANK PAGE**

Other Items of Interest		
Charter Section:	Recommended By:	Comments/Additional Information
<b>Article 2</b>		
<b>NEW SECTION in Article 2</b>	Councilmember Lambert	1. Establish a process for rating and reporting on county services provided in unincorporated king county.
<b>NEW SECTION in Article 2</b>	Commissioner Saka	1. Add new office or committee on the Council to ensure sustained economic growth and vitality in the county (e.g. "Office of Economic Development, Empowerment & Vitality")
<b>NEW SECITON 220.51</b>	Councilmember Lambert	1. Create a process for Councilmembers to register unhappiness about the job performance of executive branch employees and appointees.
<b>230.10.10</b>	Executive Constantine	Allow enterprise funded surplus property to be sold for less than fair market value if being used for affordable housing if authorized by the state and any contracts related to the property
<b>Article 8</b>		
<b>NEW SECTION 816</b>	Council Chair McDermott	1. Require project labor agreements for county capital projects.
<b>840</b>	Commissioners Nixon (1) & Saka (2) Councilmember Kohl-Welles (3)	1. This says that the county shall not enter into any contract with a person who discriminates, but it doesn't say the county itself shall not discriminate in who it contracts with. The county shouldn't be allowed to discriminate in contracting any more than it discriminates on employment. 2. Should the non-discrimination language be expanded? 3. Prohibit the County from contracting with any entity convicted of a trafficking offense.
<b>843</b>	Commissioner Nixon (1) Councilmember Lambert (2)	1. add or contracting 2. Modify to allow more opportunities for faith-based organizations to contract with the County