



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item Nos.: 5-10	Date:	July 7, 2008
Ordinances re charter amendments:	Prepared by:	Rebecha Cusack Nick Wagner
2008-0358: Anti-discrimination		
2008-0359: Regional committees		
2008-0360: Qualifications of elected officials		
2008-0361: Charter amendment by citizen initiative		
2008-0362: Office of economic and financial analysis		
2008-0363: Budget timeline		

SUMMARY

As councilmembers are aware from previous briefings, the 2007-2008 King County Charter Review Commission ("CRC") has recommended 12 charter amendments for the Council's consideration.¹ The CRC has suggested that six of the amendments be placed on the ballot in 2008, three in 2009, and three in 2010.²

On the agenda of the Committee of the Whole are ordinances that would place five of the CRC-recommended charter amendments on the ballot in November of 2008 (listed below in numerical order):

- Anti-discrimination (Proposed Ordinance 2008-0358);
- Regional committees (Proposed Ordinance 2008-0359);
- Qualifications of elected officials (Proposed Ordinance 2008-0360);
- Charter amendment by citizen initiative (Proposed Ordinance 2008-0361); and
- Budget timeline (Proposed Ordinance 2008-0363).

Also on the agenda is an ordinance that would place on the ballot a proposed charter amendment originating with the Council and the Executive:

- Creation of a forecast council and an office of economic and financial analysis (Proposed Ordinance 2008-0362).

¹ The CRC's summary of the proposed amendments (from p. 6 of the CRC's Final Report and Recommendations) is included at p. 22 of these materials. At p. 23 is the CRC's summary of two additional recommendations, which do not entail charter amendments: (1) a proposal to form a task force to consider instant runoff voting and (2) suggested changes involving the King County Library System.

² See table at p. 24.

All six proposed ordinances are currently before the committee for discussion and possible action. It is expected that final action by the Council will be taken no later than July 28th. This schedule accommodates a request from the King County Elections Division that the Council act before the Council's August recess (well in advance of the charter deadline of September 19th) in order to avoid an administrative time crunch and the attendant risk that a separate voter pamphlet would need to be published.

BACKGROUND

The Committee of the Whole has received eight previous briefings on the 2007-2008 charter review process, beginning with a report on the CRC's public outreach process, continuing with reports on the CRC subcommittee deliberations and recommendations, and finally concluding with a series of reports on the full CRC's draft and final recommendations. The dates of the briefings and the Council briefing numbers are:

- June 18, 2007 (Briefing No. 2007-B0140)
- December 10, 2007 (Briefing No. 2007-B0224)
- February 4, 2008 (Briefing No. 2008-B0017)
- March 3, 2008 (Briefing No. 2008-B0042)
- March 31, 2008 (Briefing No. 2008-B0075)
- May 5, 2008 (Briefing No. 2008-B0114)
- June 2, 2008 (Briefing No. 2008-B0135)
- June 16, 2008 (Briefing No. 2008-B0154)

This staff report will not restate the information presented in previous briefings, which is available online at the Council's website.³ Instead, the report will focus on the ordinances that are currently before the committee.

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³ Go to: <http://mkcclegisearch.metrokc.gov/mattersearch/>. Then enter the briefing number in the search box.

A. PROPOSED ORDINANCE 2008-0358

“AN ORDINANCE proposing an amendment to Section 840 of the King County Charter, to prohibit discrimination on the basis of disability, sexual orientation or gender identity or expression in county employment and in county contracting with nongovernmental entities; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

The King County Code and the Revised Code of Washington contain provisions prohibiting discrimination based on several grounds, including sexual orientation, gender identity or expression, and disability.⁴ The anti-discrimination section of the King County Charter, however, does not include sexual orientation, gender identity or expression, or disability as prohibited grounds for discrimination.

2. Summary of the proposed amendment

The proposed Charter amendment would bring the Charter into line with existing code provisions by adding “sexual orientation,” “gender identity or expression,” and “disability” to the prohibited grounds for discrimination in employment, compensation, or contracting. The amendment would introduce an exception for contracting with governmental entities.⁵

3. Text of the proposed amendment

Section 840. ~~((Anti-Discrimination))~~ Antidiscrimination.

There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions(~~(;)~~), and the county shall not enter into any contract with any person, firm, organization, ~~((or))~~ corporation ~~((which))~~ or other nongovernmental entity that discriminates on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions.

⁴ See K.C.C. 12.16.010(O), 12.16.020; RCW 49.60.040(15), 49.60.030.

⁵ The exception for contracting with governmental entities is in recognition that the federal government does not follow a policy of non-discrimination based on sexual orientation or gender identity or expression and that, practically speaking, King County is not in a position to forego all contractual relationships with the federal government.

4. Options and supporting arguments

a. Approve for 2008 ballot.

- The amendment would bring the Charter into line with county policy, as expressed in the county code.
- The proposed amendment has been recommended unanimously by the Charter Review Commission.
- Equal Rights Washington (ERW), on behalf of 15 advocacy groups, strongly supports the amendment. ERW’s letter to the CRC, which is included at pages 30-32 of these materials, explains in detail the reasons for its support.
- The amendment would prohibit only conduct that is already prohibited by the county code, though the amendment would, in effect, prevent repeal of existing code prohibitions by ordinance.

b. Defer to 2009 or 2010 ballot.

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for re-election.

c. Disapprove.

- The conduct that the proposed new Charter language would prohibit is already prohibited by the county code.

5. Related materials

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B. PROPOSED ORDINANCE 2008-0359

“AN ORDINANCE proposing an amendment to Section 230.10 of the King County Charter, Section 270.20 of the King County Charter and Section 270.30 of the King County Charter, to reduce the number of county council members on regional committees, establish a vice chair position on regional committees, authorize the regional policy committee to adopt its own work program and add authority for regional committees to initiate legislation; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

The regional committees were created as part of the Metro merger in 1992. The current impetus for change comes from both the Council, six of whose members currently serve on each regional committee, and the city representatives on the committees.

Because of the downsizing of the Council from 13 to nine members in 2004 and the resulting additional workload that each councilmember has had to take on, councilmembers would like to reduce the number of county councilmembers on each regional committee from six to three, while maintaining the balance of voting power between county and city members on each committee.

The cities, for their part, support the following changes: (1) allow the Regional Policy Committee to develop its own work program without the need for Council approval, (2) allow all the regional committees to introduce legislation in the Council, and (3) allow the cities to designate a vice-chair of each committee to work with the committee chair, who is appointed by the Council chair.⁶

The proposed Charter amendment is the product of extensive discussion and negotiation between representatives of all the interested parties, which was facilitated by the CRC's Regional Governance Subcommittee.

2. Summary of the proposed amendment

The proposed amendment would:

- Reduce county council membership on each regional committee from six to three, while allocating two votes for each councilmember, thereby maintaining the balance of voting power between county members and city members;
- Allow the Regional Policy Committee to develop its own work plan, within its charter purview, without Council approval;
- Allow the regional committees to introduce legislation and require Council "action" on such legislation within a prescribed time limit;
- Provide for a vice-chair of each regional committee, to be selected by non-Council members, and require the chair to consult with the vice-chair on the development of the work program and the schedule for its implementation and on canceling or changing the date, time, or place of meetings (with any disagreements between the chair and vice-chair to be resolved by the full committee);

⁶ In addition, the City of Bellevue has sought its own seat, with one half-vote, on each of the three regional committees, on the basis of proportional representation. The City of Seattle supports Bellevue's request; however, the Suburban Cities Association is adamantly opposed. There is expected to be a motion to amend Proposed Ordinance No. 2008-0359 to grant Bellevue's request.

- Allow the Council to add, by ordinance, non-voting representation to the Regional Water Quality Committee for areas outside King County that are served by county sewage treatment services.

In addition to the proposed charter amendment, the CRC recommends amendments to Council Rule 7 (K.C.C. 1.24.065), which pertains to the operation of the regional committees. The proposed changes to Rule 7 are redlined at pages 42-51 of these materials in proposed ordinance format. If the proposed charter amendment were placed on the ballot and approved by the voters, the Council could enact the changes in Rule 7 by ordinance.

A council staff summary of the proposed changes, in both the charter and the code, is attached to these materials at pages 52-53. A table showing the path that legislation would take if the proposed changes were adopted is attached at page 54.

3. Text of the proposed amendment

Section 230.10. Introduction and Adoption.

Proposed ordinances shall be limited to one subject and may be introduced by any councilmember, by initiative petition, by proposal of a regional committee in accordance with Section 270.30 of this charter or by institutional initiative. At least seven days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption or enactment, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Except as otherwise provided in this charter, a minimum of five affirmative votes shall be required to adopt an ordinance.

Section 270.20. Composition of Regional Committees.

Each regional committee shall consist of ~~((twelve))~~ nine voting members. ~~((Six))~~ Three members shall be metropolitan county councilmembers appointed by the chair of the council, and shall include councilmembers from districts with unincorporated residents. Each county councilmember vote shall be weighted as two votes. The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (i) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two representatives for each allocated committee membership, each with fractional (1/2) voting rights.

The special purpose districts providing sewer service in the county shall

appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. The council may by ordinance authorize the appointment to the water quality committee of additional, nonvoting members representing entities outside of the county that receive sewerage treatment services from the county. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics.

In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas.

Members representing six and one-half votes constitute a quorum of a regional committee. In the absence of a quorum, the committee may perform all committee functions except for voting on legislation or a work program. Each committee shall have a chair and a vice-chair with authority as specified by ordinance. The chair shall be a county councilmember appointed by the chair of the county council. The vice-chair shall be appointed by majority vote of those committee members who are not county councilmembers, in accordance with voting rights that are apportioned as provided in this section.

270.30. Powers and Duties.

Each regional committee shall develop, propose, review and recommend action on ordinances and motions adopting, repealing, or amending ((county-wide)) transit, water quality or other regional countywide policies and plans ((relating to)) within the subject matter area ((for which a regional)) of the committee ((has been established)). The subject matter area of the regional policies committee ((may, by majority vote, request that the county council assign to the committee proposed policies and plans concerning other regional issues including but not limited to public health, human services, regional services financial policies, criminal justice and jails, and regional facilities siting)) shall consist of those countywide plans and policies included in the committee's work program by a majority of the members present and voting, with no fewer than three and one-half affirmative votes.

The((metropolitan)) county council shall ((assign)) refer each such proposed ordinance or motion, except those developed and proposed by a regional committee, to a regional committee for review. ((When a proposed policy or plan is referred to a))The regional committee ((for)) shall complete review((, a time-limit for such review shall be)) and recommend action within one hundred twenty

days or such other time as is jointly established by the ((metropolitan)) county council and the committee, which shall be confirmed in the form of a motion by the ((metropolitan)) county council. If the committee fails to act upon the proposed ((policy or plan)) ordinance or motion within the established time limit, the ((metropolitan)) county council may adopt the proposed ((policy or plan)) ordinance or motion upon six affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed ((~~policy or plan recommended~~)) ordinance or motion that has been reviewed and recommended or developed and proposed by a regional committee may be adopted, without amendment, by the ((metropolitan)) county council by five affirmative votes. If the ((metropolitan)) county council votes prior to final passage thereof to amend a proposed ((policy or plan)) ordinance or motion that has been reviewed or recommended or proposed by a regional committee, the proposed ((policy or plan)) ordinance or motion, as amended, shall be referred back to the appropriate committee for further review and recommendation. The committee may concur in, dissent from, or recommend additional amendments to the ((policy or plan)) ordinance or motion. After the regional committee has had the opportunity to review all ((metropolitan)) county council amendments, final action to adopt any proposed ((policy or plan)) ordinance or motion that differs from the committee recommendation shall require six affirmative votes of the ((metropolitan)) county council.

Each regional committee may develop and propose directly to the council an ordinance or motion adopting, amending or repealing a countywide policy or plan within the subject matter area of the committee. Such proposals must be approved by a majority of the members present and voting, with no fewer than three and one-half affirmative votes. Within one hundred twenty days of introduction or such other time as is jointly established by the county council and the committee, which shall be confirmed in the form of a motion by the county council, the council shall consider the proposed legislation and take such action thereon as it deems appropriate, as provided by ordinance.

The council shall not call a special election to authorize the performance of an additional metropolitan municipal function under state law unless such additional function is recommended by a regional policy committee, notwithstanding the provisions of Section 230.50.10 of this charter. Such recommendation shall require an affirmative vote of at least two-thirds of the membership of each of: (1) metropolitan councilmembers of the committee; (2) members from the city with the largest population in the county; and (3) other city or town members of the committee. Nothing in this section prohibits the metropolitan county council from calling a special election on the authorization of the performance of one or more additional metropolitan functions after receiving a valid resolution adopted by city councils as permitted by RCW 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by RCW 35.58.100(2).

4. Proposed ordinance amendment

There is expected to be a motion to amend the proposed ordinance. The current form of the proposed ordinance amendment is attached at pages 58-59 of these materials. One effect of the amendment would be to provide a dedicated seat and one half-vote on each regional committee for the City of Bellevue, on the basis that it has at least one eighth of the total population of incorporated King County, excluding Seattle.

5. Options and supporting arguments

a. Approve for 2008 ballot.

- The proposed charter amendment has been recommended by the Charter Review Commission.
- The proposed amendment represents a negotiated compromise that balances the needs of the parties.
- The only participant in the negotiations that failed to achieve one of its major objectives is the City of Bellevue, which had sought its own seat on the regional committees. The Suburban Cities Association (“SCA”) took the position that if the proposed amendment gave Bellevue its own seat, SCA would oppose the amendment. *See* the attached letter from the City of Bellevue and the City of Seattle in support of a seat for Bellevue (pp. 56-57) and the attached letter from SCA in opposition (p. 55).
- Deferral of action on this proposed amendment until 2009 or 2010 might result in unraveling of the negotiated agreement.

b. Defer to 2009 or 2010.

- The proposed charter amendment does not provide the City of Bellevue with its own seat on the regional committees, which was one of Bellevue’s major objectives. Deferral to 2009 might allow time for negotiation of a compromise that would address Bellevue’s concerns.
- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for re-election.

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C. PROPOSED ORDINANCE 2008-0360

“AN ORDINANCE proposing an amendment to Section 630 of the King County Charter, to authorize the county council to establish additional qualifications for separately elected officials who head executive departments, including the sheriff, assessor, and the proposed director of elections; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

Charter section 630 currently states minimal qualifications for county elected officials: “at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each councilman shall be a resident of the district which he represents.” Section 630 provides that additional qualifications may be established by ordinance for the office of sheriff, but is silent about whether additional qualifications may be established by ordinance for other county elected officials, such as assessor (and, if Initiative 25 passes this November, elections director). The Prosecuting Attorney’s Office has advised that an argument could be made that the silence in Section 630 implies that additional qualifications may be established *only* for the office of sheriff, *not* for the separately elected heads of other executive departments.

2. Summary of the proposed amendment

The proposed amendment would explicitly permit additional qualifications to be established by ordinance for the offices of separately elected officials who head departments that are subject to the charter. This would include the sheriff, the assessor, and, if I-25 passes, the elections director. The amendment would thereby eliminate the risk of such an ordinance being successfully challenged as contrary to Charter section 630 in its current form.

3. Text of the proposed amendment

Section 630 Qualifications.

Each county officer holding an elective office shall be, at the time of his appointment or election and at all times while he holds office, at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each (~~councilman~~) councilmember shall be a resident of the district (~~which he~~) that the councilmember represents. Any change in the

boundaries of a ~~((councilman's))~~ councilmember's district ~~((which shall cause him))~~ that causes the councilmember to be no longer a resident of the district ~~((which he))~~ that the councilmember represents shall not disqualify ~~((him))~~ the councilmember from holding office during the remainder of the term for which ~~((he))~~ the councilmember was elected or appointed. Additional qualifications ~~((of the office of sheriff,))~~ for those separately elected officials who head executive departments may be established by ordinance.

4. Options and supporting arguments

a. Approve for 2008 ballot.

- The proposed amendment has been recommended unanimously by the Charter Review Commission.
- Establishment of additional qualifications could help prevent election of a candidate for assessor or elections director who lacked essential qualifications for the position.
- There is precedent for the proposed amendment in that, when the office of sheriff was made an elected office by charter amendment in 1996, the same amendment added the current provision allowing the Council to establish additional qualifications for the office of sheriff by ordinance.
- If Initiative 25 passes in November of 2008, an election will be held in February of 2009 to fill the office of elections director. In order for additional qualifications to be in place for that election, the proposed Charter amendment arguably would need to be on the ballot in November of 2008 (and an appropriate ordinance establishing additional qualifications for the position would need to be adopted).

b. Defer to 2009 or 2010.

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

c. Disapprove.

- The voters should be permitted to choose whomever they want. A department head can hire subordinates with the necessary technical skills and experience.

5. Related materials

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D. PROPOSED ORDINANCE 2008-0361

“AN ORDINANCE proposing to amend Section 800 of the King County Charter, to establish a process and signature threshold for citizen initiated amendments to the King County Charter; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

The Charter contains no explicit provision for amendment by citizen initiative. The Washington Supreme Court, however, has interpreted the Charter as allowing such amendments and as setting a signature threshold of 10 percent of the votes cast for the office of county executive in the last election for that office.⁷ In addition, two separate elections are currently needed for enactment of a charter amendment by citizen initiative. First, the proposed initiative ordinance that would place the charter amendment on the ballot must be approved by the voters at a special or general election unless the initiative ordinance is enacted by the county council. Second, the charter amendment itself must be approved by a majority of the voters at a general election.

Of the other five Washington charter counties⁸:

- Three counties have set the signature threshold for charter amendment by citizen initiative at 20 percent of the votes cast in that county for the office of governor in the last election for that office (as applied to King County, this would set the threshold at 175,234 signatures) (*see* tables at pp. 69-70);
- One county has set the threshold at 15 percent of the votes cast for governor (131,425 signatures, as applied to King County); and
- One county has set the threshold at 20 percent of the votes cast for county executive (105,633 signatures, as applied to King County).

Compared with the other charter counties, the current King County signature threshold (52,817 signatures) is:

- 30 percent of what it would be if King County adopted the formula used by Clallam, Snohomish, and Whatcom Counties (175,234 signatures);
- 40 percent of what it would be if King County adopted the formula used by San Juan County (131,425 signatures); and
- 50 percent of what it would be if King County adopted the formula used by Pierce County (105,633 signatures)—which is the formula that the proposed charter amendment would adopt.

There are two reasons for these disparities. First, the percentage threshold in King County currently is 10 percent, rather than the 20 percent found in four of the

⁷ *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003).

⁸ They are: Clallam, Pierce, San Juan, Snohomish, and Whatcom Counties.

other five charter counties. Second, the percentage threshold in King County is based on the votes cast for county executive, an office that is filled in an off-year election, whereas in four of the other five charter counties the threshold percentage is based on the votes cast for governor, an office that is filled in a Presidential election year, when turnout tends to be substantially greater.

The proposed charter amendment would change King County's signature threshold from 10 percent to 20 percent, but would continue to base the calculation on the votes cast for county executive in the most recent election for that office. Thus, it would reduce, but not entirely eliminate, the disparity with the other Washington charter counties.

2. Summary of the proposed amendment

The proposed amendment would explicitly allow charter amendment by citizen initiative, with a signature requirement of 20% of the votes cast for the office of county executive in the most recent election for that office.⁹ In addition, the amendment would eliminate the current need for a separate election on the issue of whether the initiative should be placed on the ballot.

3. Text of the proposed amendment

800.20. Citizen Initiated Charter Amendments. [NEW SECTION]

Citizens of the county may propose an amendment to the charter by filing petitions with the county council bearing a number of signatures of registered voters of the county equal to or greater than twenty percent of the votes cast for the office of county executive at the last preceding election for county executive. The petitions shall contain the full text of the proposed charter amendment. Publication of a proposed amendment and notice of its submission to the voters shall be made in accordance with the state constitution and general law. Submittal to the voters shall occur at the next general election occurring more than one hundred thirty-five days after the petitions are filed. Within ninety days after the petitions are filed, the county council may enact an ordinance to submit a substitute charter amendment concerning the same subject matter on the same ballot with the proposed amendment; and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for either, then the version receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither version approved regardless of the vote on the second issue. Any amendment that is approved by a majority of the voters voting on the issue becomes effective ten days after the results of the election are certified unless a later date is specified in the amendment.

⁹ The existing signature threshold for citizen initiatives to adopt, modify, or repeal an ordinance is 10 percent.

4. Options and supporting arguments

a. Approve for 2008 ballot.

- The proposed amendment has been recommended by the Charter Review Commission.
- The proposed amendment would raise the current signature threshold from 10% to 20%, in recognition that the Charter has served King County well for almost 40 years, has been amended only 19 times (interpreting each ordinance amending the Charter as one amendment), and should not lightly be amended.
- Of the other five Washington charter counties, four have set a signature threshold for charter amendments that is substantially higher than the proposed amendment would set for King County, and the fifth county has set a threshold that is the same as what the proposed amendment would set. *See* the tables at pp. 69-70.
- The proposed amendment would eliminate the need for two votes for each initiative (as was required for I-25 and I-26).
- If the amendment were deferred, there might be a rush to put amendments on the ballot by citizen initiative in anticipation that the threshold may be raised to 20 percent. This could result in poorly-conceived initiatives.

b. Approve for 2008 ballot, but decrease the signature threshold to 10%.

- A signature threshold of 20 percent creates a higher threshold for amendment by citizen initiative.

c. Defer to 2009 or 2010.

- The CRC has suggested deferring this amendment to 2009.
- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

5. Related materials

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E. PROPOSED ORDINANCE 2008-0362

“AN ORDINANCE proposing an amendment to Section 310 of the King County Charter, Section 430 of the King County Charter and Section 550 of the King County Charter and

addition of a new Section 425 to the King County Charter, requiring the establishment of the forecast council and the office of economic and financial analysis; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

In order to address Council concerns about the economic and revenue forecasts provided to it by the Executive during the 2007 budget adoption process, the consulting firm FCS Group was retained to (1) assess alternative approaches to financial forecasting and economic analysis, (2) research how other, comparable counties carry out these functions, and (3) make recommendations to the Council. The main recommendation of FCS Group was to form a forecast council and an office of economic and financial analysis.

2. Summary of the proposed amendment

The proposed amendment, which is the result of collaboration between the Council and the Executive and is supported by the Executive, would create a forecast council and an office of economic and financial analysis. This is intended to provide accountability to the public through the advancement of sound financial policies based on objective and transparent financial analysis and reporting, with a new process for producing official economic and revenue forecasts for King County to be used as the basis for the Executive’s proposed budget.

The forecast council would consist of the County Executive, two county councilmembers appointed by the Council chair, and a county employee, appointed by the Executive, with knowledge of the county’s budgeting and financial management practices. The office of economic and financial analysis would be administered by the chief county economist, who would be appointed by unanimous vote of the forecast council following an open and competitive selection process. The chief economist could be removed by a vote of three of the four members of the forecast council.

By April 1 and August 1 of each year, the chief economist would be required to prepare and submit to the forecast council, respectively, proposed preliminary and updated official economic and revenue forecasts for county government. A forecast would be deemed adopted by the forecast council unless the council revised it by majority vote within 15 days after submittal.

The amendment would require the preliminary forecast to be used as the basis for the Executive’s preliminary budget preparation and the updated forecast to be used as the basis for the Executive’s proposed budget.

The chief economist and the staff of the office of economic and financial analysis would not be career service positions.

3. Text of the proposed amendment

Section 310. Composition and Powers.

The executive branch shall be composed of the county executive, the county administrative officer, the county assessor, the officers and employees of administrative offices and executive departments established by this charter or created by the county council and the members of the boards and commissions, except the forecast council and office of economic and financial analysis, the board of appeals and the personnel board. The executive branch shall have all executive powers of the county under this charter.

Section 425. Economic and Financial Analysis. [NEW SECTION]

425.10. Forecast Council and Office of Economic and Financial Analysis.

The county council shall by ordinance establish the forecast council, which shall adopt official county economic and revenue forecasts that must be used as the basis for the executive's annual budget proposal. The county council shall by ordinance establish the office of economic and financial analysis.

425.20. Oversight of Office of Economic and Financial Analysis.

The forecast council shall by unanimous vote appoint the chief county economist who shall administer the office of economic and financial analysis. The forecast council shall conduct an open and competitive process to select the chief economist. The chief economist may be removed by a vote of three members of the forecast council. The chief economist shall be responsible for the employment and supervision of those employees whom he or she deems necessary to assist in the performance of the duties of the office.

The forecast council shall approve an annual work program for the office of economic and financial analysis and also may assign additional economic and financial studies to the office.

425.30. Forecast Council Composition.

The forecast council shall be composed of the executive, two county council members and a county employee with knowledge of the budgeting and financial management practices of the county to be appointed by the executive. County council members shall be appointed annually by the chair of the county council. Appointments to the forecast council shall not be subject to confirmation.

425.40. Revenue Forecasts.

By April 1 and August 1 of each year, the chief economist shall prepare, respectively, proposed preliminary and updated official economic and revenue

forecasts for county government and submit these to the forecast council. Forecasts may be adopted or revised by a vote of the majority of the forecast council within thirty days of their submittal by the chief economist, or the forecast shall be deemed adopted. The preliminary forecast shall be used as the basis for the executive's preliminary budget preparation including preparation of the status quo budget, budget instructions to departments, and preliminary review of departmental submittals to the executive. The updated forecast shall be used as the basis for the executive's proposed budget.

Section 430. Contents of Budget.

The budget shall include all funds, revenues and reserves; shall be divided into programs, projects and objects of expense and shall include supporting data deemed advisable by the county executive or required by ordinance; shall indicate as to each program, project or object of expense the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year; and shall include the proposed capital improvement program for the next six fiscal years. The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues as forecast under Section 425.40 of this charter.

Section 550. Career Service Positions.

All county employees and officers shall be members of the career service except those in the following positions: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the county executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the county executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified ((herein)) in this section; all employees of those officers who are exempted from the provisions of this charter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Part-time Employees. All part-time employees shall be exempted from career service membership except, effective January 1, 1989, all part-time employees employed at least half-time or more, as defined by ordinance, shall be members of the career service.

4. Amendment to the proposed ordinance

The prime sponsor of the proposed ordinance is working with the Executive on a possible technical amendment that would change the April 1 and August 1 deadlines to allow the Executive additional time, following receipt of the economic and revenue forecasts, to prepare the proposed budget for transmittal to the Council. The new deadlines would be defined in reference to the Executive’s deadlines for transmitting the proposed budget to the Council.¹⁰

5. Options and supporting arguments

a. Approve for 2008 ballot.

- The financial challenges currently facing the county make it essential for the county to have reliable economic and revenue forecasts in preparing the county’s budget.
- The proposed amendment is the result of collaboration between the Council and the Executive, both of which support the amendment.

b. Defer to 2009 or 2010.

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

6. Related materials

Page

- Proposed Ordinance No. 2008-0362.....71

F. PROPOSED ORDINANCE 2008-0363

“AN ORDINANCE proposing an amendment to Section 410 of the King County Charter and Section 420 of the King County Charter, to impose deadlines that are twenty days earlier than existing deadlines for county agencies to submit budget information to the county executive and for the county executive to present a proposed budget to the county council; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

1. Background

Section 410 of the Charter currently requires the Executive to transmit the proposed annual budget to the Council at least 75 days before the end of the fiscal year (December 31) and requires the Council to adopt appropriation, tax, and

¹⁰ When this report was prepared, the proposed technical amendment was not yet in final form. It is expected to be available for the Committee of the Whole meeting on July 7th.

revenue ordinances at least 30 days before the end of the fiscal year. This leaves the Council with 45 calendar days to review the budget.

The time for review specified in Section 410 has remained unchanged since 1971, when the total King County budget was \$112 million. Since then, the county budget has grown to \$4.892 billion—a 43-fold increase. During that same period, the CX budget has increased by a factor of 22. Besides increasing in size, the county budget has become much more complex than it was in 1971, including migration to a biennial budget.

Compared with certain other counties in which the county executive is popularly elected,¹¹ the time that the King County Charter allows for Council review of the Executive's proposed budget, relative to the size of the budget, is disproportionately short. *See* attached chart at p. 80.

In light of the foregoing, the Council asked the 2007-2008 Charter Review Commission to recommend extension of the time for Council budget review from 45 days to 70 days by moving the Executive's charter deadline for transmitting the budget to 100 days before the end of the fiscal year. In response, the Executive asked the CRC to recommend moving his budget transmittal deadline to 90 days before the end of the fiscal year, rather than the 100 days requested by the Council, so that he would have the benefit of more current budget data (more current by 10 days) on which to base his proposed budget.

The CRC split the difference: recommending that the Executive's budget transmittal deadline be moved to 95 days before the end of the fiscal year, thereby allowing the Council 65 days for review of the budget, instead of the current 45 days.

2. Summary of the proposed amendment

The proposed amendment would change the deadline for Executive transmittal of the proposed budget to the Council from 75 days to 95 days before the end of the fiscal year, increasing the time allowed for Council review of the budget from 45 days to 65 days, with a corresponding change in executive agencies' deadline for submitting budget data to the Executive.

3. Text of the proposed amendment

Section 410. Presentation and Adoption of the Budget.

At least ~~((seventy-five days))~~ ninety-five days prior to the end of each fiscal year, the county executive shall present to the county Council a complete budget and budget message, proposed current expense and capital budget

¹¹ The other counties are ones that the consulting firm FCS Group, in a report to the Council entitled "Assessment of Organizational Alternatives for a King County Office of Economic and Financial Analysis," cited as being comparable to King County: Allegheny, PA; Miami-Dade, FL; St. Louis, MO; Suffolk, NY; Wayne, MI.

appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at least thirty days prior to the end of the fiscal year, the county Council shall adopt appropriation, tax and revenue ordinances for the next fiscal year.

Section 420. Budget Information

At least (~~one hundred thirty five days~~) one hundred fifty-five days prior to the end of the fiscal year, all agencies of county government shall submit to the county executive information necessary to prepare the budget.

4. Options and supporting arguments

a. Approve for 2008 ballot.

- The proposed amendment is recommended by the Charter Review Commission and, according to the CRC summary, by the Executive.
- Since 1971, the Charter has provided 45 days for Council review of proposed budget; during that time, the total county budget has grown from \$112 million to \$4.892 billion, a 43-fold increase (the CX fund has seen a 22-fold increase), and the complexity of the budget has also increased dramatically.
- The proposed amendment would give the Council 20 of the 25 additional days for review that the Council has asked for.
- If this amendment is not placed on the 2008 ballot, the Council will have to go through at least two more budget cycles before the amendment can take effect.

b. Approve for 2008 ballot, but increase time for review to 70 days, as councilmembers originally proposed.

- Sixty-five days for reviewing a five billion dollar budget is well below the trend line for comparable jurisdictions (see chart attached at p. 80 of these materials).
- The CRC concedes that it arrived at its recommendation of 65 days for Council review of the budget by splitting the difference between the positions of the Council and the Executive, not on the basis of policy considerations.

c. Defer to 2009 or 2010.

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

5. Related materials

- Proposed Ordinance No. 2008-036376
- CRC summary.....79
- Budget size vs. time for review in comparable
counties: chart and table.....80
- Council letter to CRC, Dec. 17, 200782

APPENDIX

Page

- 1. CRC Summary of Proposed Amendments22
- 2. Table of Proposed Charter Amendments.....24

PROPOSED AMENDMENTS

- **Anti-Discrimination:** Prohibit discrimination based on disability, sexual orientation, and gender identity or expression in county employment and contracting.
- **Budget Timeline:** Provide the County Council with an additional 20 days to review the Executive's proposed budget, providing a total of 65 days for review.
- **Charter Amendment by Citizen Initiative:** Clarify the process by which citizens may amend the charter through initiative, and increase the signature threshold to 20 percent.
- **Commission Procedures:** Clarify the Commission appointment and confirmation process, and require the County Council to review all charter review commission recommendations and decide at an open public meeting how to proceed on each recommendation.
- **Elections Deadlines:** Authorize the county to establish deadlines by ordinance for submitting local ballot measures to the Elections Division.
- **Elected Officials and Collective Bargaining:** Require the Executive to provide for increased involvement of separately elected county officials, including the Sheriff, in collective bargaining.
- **Open Space Protection:** Establish additional protection for over 100,000 acres of open space properties in which the county owns an interest.
- **Qualifications:** Permit the council to establish additional qualifications for separately elected officials who head charter-based departments.
- **Regional Committees:** Reduce the number of County Councilmembers on regional committees, establish a vice-chair position to be filled by a non-Council member; and increase the authority of committees to initiate legislation and, in the case of the Regional Policy Committee, to adopt its own work program, including new subject matter which involves regional policies or plans.
- **Unincorporated Areas Representation:** Designate a high-level position within the Office of the Executive to represent the interests of rural and urban unincorporated area residents, and amend the Charter Preamble to reflect the county's commitment to unincorporated areas.

The Commission also recommended two non-substantive, technical amendments:

- **Budget Allotments:** Remove the outdated requirement that county agencies submit estimates of spending to the Executive.
- **Transitory Provisions:** Remove obsolete charter language pertaining to the county's transition to a home rule charter government and consolidation with Metro.

In addition, the Commission recommended non-charter action on two significant issues of great concern to the public:

- Instant Runoff Voting: Recommend that the Council convene a citizen commission no later than January 2010 to examine Instant Runoff Voting and report its findings to the Council by January 2011 (see page 48).
- King County Library System: Recommend that the Council, Executive and King County Board of Trustees take specific actions to improve the library system's management and operation (see page 45).

Proposed Charter Amendments and Related Ordinances

Proposed Amendment	Proposed Ordinance	CRC suggested action date		
		2008	2009	2010
CRC recommendations				
<i>Anti-discrimination</i>	2008-0358	X		
<i>Budget timeline</i>	2008-0363	X		
<i>Qualifications of elected officials</i>	2008-0360	X		
<i>Regional committees</i>	2008-0359	X		
Charter amendment by citizen initiative	2008-0361		X	
Elected officials and collective bargaining (CRC version)		X		
Open space protection		X		
Election deadlines			X	
Unincorporated areas representation			X	
Budget allotments				X
Commission procedures (confirmation of appointments to CRC; requirement of public Council action on CRC recommendations)				X
Transitional provisions				X
Council proposal				
Office of Economic & Financial Analysis	2008-0362			



Signature Report

July 1, 2008

Ordinance

Proposed No. 2008-0358.1

Sponsors Gossett, Constantine and Phillips

1 AN ORDINANCE proposing an amendment to Section 840
2 of the King County Charter, to prohibit discrimination on the
3 basis of disability, sexual orientation or gender identity or
4 expression in county employment and in county contracting
5 with nongovernmental entities; and submitting the same to
6 the voters of the county for their ratification or rejection at
7 the November 2008 general election.

8
9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. There shall be submitted to the voters of King County for their
11 approval and ratification or rejection, at the next general election to be held in this county
12 occurring more than forty-five days after the enactment of this ordinance, an amendment
13 to Section 840 of the King County Charter as set forth herein:

14 **Section 840. ((Anti-Discrimination)) Antidiscrimination.**

15 There shall be no discrimination in employment or compensation of county
16 officers or employees on account of sex, race, color, national origin, religious affiliation,
17 disability, sexual orientation, gender identity or expression or age except by minimum

Ordinance

18 age and retirement provisions(~~(;)~~), and the county shall not enter into any contract with
19 any person, firm, organization, (~~(or)~~) corporation (~~(which)~~) or other nongovernmental
20 entity that discriminates on the basis of sex, race, color, national origin, religious
21 affiliation, disability, sexual orientation, gender identity or expression or age except by
22 minimum age and retirement provisions.

23 SECTION 2. The clerk of the council shall certify the proposition to the manager
24 of the elections division, in substantially the following form, with such additions,
25 deletions or modifications as may be required by the prosecuting attorney:

26 Shall Section 840 of the King County Charter be amended to prohibit
27 discrimination on the basis of disability, sexual orientation or gender

Ordinance

28 identity or expression in county employment and in county contracting
29 with nongovernmental entities?

30

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

CRC Summary

Anti-discrimination

“The Commission recommends adding disability, sexual orientation, and gender identity and expression to the list of protected classes identified in Section 840 of the Charter (Anti-Discrimination). The proposed amendment would also clarify contract-related portions of Section 840 to avoid risk that the provision could be misinterpreted to prohibit contracts with the federal government.

“Though discrimination on the basis of sexual orientation is already prohibited in county code and state law, it is not included as a protected class in the Charter. County code and state law include gender identity and expression in their definitions of sexual orientation. However, Commissioners heard extensive testimony during the public comment period regarding the need to provide explicit protection based on gender identity and expression. In response to this testimony, the Commission unanimously voted to add gender identity and expression to the protected classes in the anti-discrimination section of the Charter.”

CRC Final Report and Recommendations, p. 15.

K.C.C. 12.16.010(O)

“Sexual orientation” means male or female heterosexuality, bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex.

K.C.C. 12.16.020

Nondiscrimination - General. No contractor, subcontractor, or union doing business with the county or a county contractor, who furnishes workers or services in connection therewith, shall discriminate against any person on the basis of race, color, creed, religion, sex, age, nationality, marital status, sexual orientation, or the presence of any sensory, mental or physical disability in an otherwise qualified disabled person in employment, and no such contractor, subcontractor, or union shall violate any of the terms of RCW Chapter 49.60, Title VII of the Civil Rights Act of 1964, or any other applicable federal, state or local law or regulation regarding nondiscrimination in employment. These provisions shall apply to all contractors, subcontractors, or unions doing business with or furnishing workers or services to the county, except other governments. (Ord. 11992 § 3, 1995).

RCW 49.60.040(15)

(15) “Sexual orientation” means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, “gender expression or identity” means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

RCW 49.60.030

Freedom from discrimination — Declaration of civil rights.

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. . . .



April 18, 2008

Charter Review Commission
Executive Office
Columbia Center
701 Fifth Ave., Suite 3210
Seattle, WA 98104

Dear Members of the Charter Review Commission:

Thank you all again for time and attention at the public hearing held on April 8, 2008 regarding the proposed amendments to the King County Charter. We certainly appreciated having the forum to share with you our concerns and proposal regarding the language to be used with regard to sexual orientation in the County Charter.

As we indicated during our remarks, it is the recommendation to the Commission from various legal and community organizations that the Commission propose that the language to be used be as follows:

“sexual orientation, gender identity or expression”

The charter change would therefore read:

Section 840. Anti-Discrimination. There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, sexual orientation, gender identity or expression, or age except by minimum age and retirement provisions; and the county shall not enter into any contract with any person, firm, organization, corporation, or other non-governmental entity which discriminates on the basis of sex, race, color, national origin, religious affiliation, sexual orientation, gender identity or expression, or age except by minimum age and retirement provisions.

The addition of the phrase, “gender identity or expression,” to the prohibition of sexual orientation discrimination in county employment and contracting is an important one. The inclusion of the phrase “gender identity or expression” would make it clear that transgender people are covered in King County.

While the term sexual orientation has sometimes been interpreted as including transgender people, that interpretation is not a foregone conclusion. In some instances, e.g. some King County ordinances and some Washington state statutes, the term sexual orientation has been explicitly defined to include gender identity or expression. However, in today’s commonly understood

language, sexual orientation means whether someone identifies as gay, lesbian, bisexual or heterosexual. It does not mean that someone identifies as transgender.

Using the language of "sexual orientation" to describe an individual, who has a gender identity or expression that is different from that traditionally associated with the sex assigned to that person at birth, is at a minimum confusing and potentially non-inclusive of transgender people.

The King County Charter prohibits discrimination on the basis of a variety of classes that have historically faced discrimination. The addition of the term, "sexual orientation," is not sufficient to make clear to the reader that King County prohibits discrimination on the bases of gender identity or expression. While one may need to go to an ordinance to see precisely how sexual orientation, or gender identity or expression are defined, it is not reasonable to require people to go to an ordinance to see if the Charter prohibits discrimination on the basis of gender identity or expression. This is what would be required with the proposed Charter change.

While certainly the argument could be made that the term sexual orientation is inclusive of transgender people, we suggest that rather than leaving the question for judicial interpretation, that the County Charter adopt language that is clear and concise in its statement of prohibiting discrimination.

The question should not be "what would the legal interpretation of the courts if a case was brought" but rather, "in practice, will sexual orientation be read by the county, by contractors, by supervisors, and covered employees to cover gender identity?" We suggest that is the question that matters. As such, we urge you to recommend that the Charter language be amended to prohibit discrimination based on sexual orientation, gender identity or expression.

The argument that the term sexual orientation in the Charter is inclusive of gender identity because the definition of sexual orientation in ordinance includes gender identity or expression is not sound. This argument would result in the natural conclusion that gender identity or expression could be removed from the classes protected in the Charter by amending the definition sexual orientation in King County's ordinances.

Simply saying that "The law is inclusive!" is not necessarily helpful or useful in the real world. The audience that uses the Charter to instruct them on their duties or rights may not be in a position to interpret a legal term of art. A transgender person may not see themselves in the definition of sexual orientation and incorrectly conclude that they are not covered under the charter. An employer may not realize that transgender workers are protected and may therefore open themselves to lawsuits. Moreover as our understanding of sexual orientation and gender identity or expression evolves the trend to use the two terms rather than one term is increasing. Hence, even if many people today understand sexual orientation to be inclusive of gender identity or expression this is likely not to be the case in the future.

Lastly there is the question of basic dignity. A transgender person or a person facing discrimination on the basis of gender identity or expression should not have to claim that they are facing discrimination on the basis of their sexual orientation. In the use of language in the Charter

we should not render transgender people invisible, nor force them to claim discrimination on the basis of a characteristic with which they may not identify simply to secure their rights.

In closing, we again wish to thank the Commission for its work. We agree with the Commission that it is necessary to increase the classes recognized in Section 840, anti-discrimination, but conclude that the term “sexual orientation” alone will not meet the goal of the Commission.

This letter is submitted on behalf of the following groups: Equal Rights Washington, Gender Odyssey, Gender Spectrum, Human Rights Campaign, National Center for Lesbian Rights (NGLR), National Lesbian and Gay Task Force, Northwest Women’s Law Center, Pride Foundation, Ingersoll Gender Center, Transgender Law and Policy Institute, and Washington Transgender Equality Project.

Respectfully Submitted,

Marsha Botzer, Chair
Washington Transgender Equality Project

Joshua Friedes, Advocacy Director
Equal Rights Washington



Signature Report

July 1, 2008

Ordinance

Proposed No. 2008-0359.1

Sponsors Phillips, Hague and Lambert

1 AN ORDINANCE proposing an amendment to Section
2 230.10 of the King County Charter, Section 270.20 of the
3 King County Charter and Section 270.30 of the King County
4 Charter, to reduce the number of county council members
5 on regional committees, establish a vice chair position on
6 regional committees, authorize the regional policy
7 committee to adopt its own work program and add
8 authority for regional committees to initiate legislation; and
9 submitting the same to the voters of the county for their
10 ratification or rejection at the November 2008 general
11 election.

12

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. There shall be submitted to the voters of King County for their
15 approval and ratification or rejection, at the next general election to be held in this county
16 occurring more than forty-five days after the enactment of this ordinance, an amendment
17 to Sections 230.10, 270.20 and 270.30 of the King County Charter as set forth herein:

18 **Section 230.10. Introduction and Adoption.**

19 Proposed ordinances shall be limited to one subject and may be introduced by any
20 councilmember, by initiative petition, by proposal of a regional committee in accordance
21 with Section 270.30 of this charter or by institutional initiative. At least seven days after
22 the introduction of a proposed ordinance, except an emergency ordinance, and prior to its
23 adoption or enactment, the county council shall hold a public hearing after due notice to
24 consider the proposed ordinance. Except as otherwise provided in this charter, a
25 minimum of five affirmative votes shall be required to adopt an ordinance.

26 **Section 270.20. Composition of Regional Committees.**

27 Each regional committee shall consist of ~~((twelve))~~ nine voting members. ~~((Six))~~
28 Three members shall be metropolitan county councilmembers appointed by the chair of
29 the council, and shall include councilmembers from districts with unincorporated
30 residents. Each county councilmember vote shall be weighted as two votes. The
31 remaining six members of each committee except the water quality committee shall be
32 local elected city officials appointed from and in proportion to the relative populations of:
33 (i) the city with the largest population in the county and (ii) the other cities and towns in
34 the county. Committee members from the city with the largest population in the county
35 shall be appointed by the legislative authority of that city. Committee members from the
36 other cities and towns in the county shall be appointed in a manner agreed to by and
37 among those cities and towns representing a majority of the populations of such cities and
38 towns, provided, however, that such cities and towns may appoint two representatives for
39 each allocated committee membership, each with fractional (1/2) voting rights.

40 The special purpose districts providing sewer service in the county shall appoint

Ordinance

41 two members to serve on the water quality committee in a manner agreed to by districts
42 representing a majority of the population within the county served by such districts. The
43 remaining four local government members of the water quality committee shall be
44 appointed in the manner set forth above for other regional committees. The council may
45 by ordinance authorize the appointment to the water quality committee of additional,
46 nonvoting members representing entities outside of the county that receive sewerage
47 treatment services from the county. Allocation of membership of each committee's
48 members who are city and town representatives shall be adjusted January 1 of each even-
49 numbered year beginning in 1996 based upon current census information or, if more
50 recent, official state office of financial management population statistics.

51 In the event any areas are annexed pursuant to powers granted to metropolitan
52 municipal corporations under state law, the populations of any cities and towns in such
53 annexed areas shall be considered as if they were within the county for purposes in this
54 section with regard to regional committee participation on policies and plans which
55 would be effective in such annexed areas.

56 Members representing six and one-half votes constitute a quorum of a regional
57 committee. In the absence of a quorum, the committee may perform all committee
58 functions except for voting on legislation or a work program. Each committee shall have
59 a chair and a vice-chair with authority as specified by ordinance. The chair shall be a
60 county councilmember appointed by the chair of the county council. The vice-chair shall
61 be appointed by majority vote of those committee members who are not county
62 councilmembers, in accordance with voting rights that are apportioned as provided in this
63 section.

64 **270.30. Powers and Duties.**

65 Each regional committee shall develop, propose, review and recommend action
66 on ordinances and motions adopting, repealing, or amending ~~((county-wide))~~ transit,
67 water quality or other regional countywide policies and plans ~~((relating to))~~ within the
68 subject matter area ~~((for which a regional))~~ of the committee ~~((has been established))~~.
69 The subject matter area of the regional policies committee ~~((may, by majority vote,~~
70 ~~request that the county council assign to the committee proposed policies and plans~~
71 ~~concerning other regional issues including but not limited to public health, human~~
72 ~~services, regional services financial policies, criminal justice and jails, and regional~~
73 ~~facilities siting))~~ shall consist of those countywide plans and policies included in the
74 committee's work program by a majority of the members present and voting, with no
75 fewer than three and one-half affirmative votes.

76 The~~((metropolitan))~~ county council shall ~~((assign))~~ refer each such proposed
77 ordinance or motion, except those developed and proposed by a regional committee, to a
78 regional committee for review. ~~((When a proposed policy or plan is referred to a))~~ The
79 regional committee ~~((for))~~ shall complete review~~((, a time limit for such review shall be))~~
80 and recommend action within one hundred twenty days or such other time as is jointly
81 established by the ~~((metropolitan))~~ county council and the committee, which shall be
82 confirmed in the form of a motion by the ~~((metropolitan))~~ county council. If the
83 committee fails to act upon the proposed ~~((policy or plan))~~ ordinance or motion within
84 the established time limit, the ~~((metropolitan))~~ county council may adopt the proposed
85 ~~((policy or plan))~~ ordinance or motion upon six affirmative votes. The committee may
86 request, by motion to the county council, additional time for review.

Ordinance

87 A proposed ~~((policy or plan recommended))~~ ordinance or motion that has been
88 reviewed and recommended or developed and proposed by a regional committee may be
89 adopted, without amendment, by the ~~((metropolitan))~~ county council by five affirmative
90 votes. If the ~~((metropolitan))~~ county council votes prior to final passage thereof to amend
91 a proposed ~~((policy or plan))~~ ordinance or motion that has been reviewed or
92 recommended or proposed by a regional committee, the proposed ~~((policy or plan))~~
93 ordinance or motion, as amended, shall be referred back to the appropriate committee for
94 further review and recommendation. The committee may concur in, dissent from, or
95 recommend additional amendments to the ~~((policy or plan))~~ ordinance or motion. After
96 the regional committee has had the opportunity to review all ~~((metropolitan))~~ county
97 council amendments, final action to adopt any proposed ~~((policy or plan))~~ ordinance or
98 motion that differs from the committee recommendation shall require six affirmative
99 votes of the ~~((metropolitan))~~ county council.

100 Each regional committee may develop and propose directly to the council an
101 ordinance or motion adopting, amending or repealing a countywide policy or plan within
102 the subject matter area of the committee. Such proposals must be approved by a majority
103 of the members present and voting, with no fewer than three and one-half affirmative
104 votes. Within one hundred twenty days of introduction or such other time as is jointly
105 established by the county council and the committee, which shall be confirmed in the
106 form of a motion by the county council, the council shall consider the proposed
107 legislation and take such action thereon as it deems appropriate, as provided by
108 ordinance.

109 The council shall not call a special election to authorize the performance of an

110 additional metropolitan municipal function under state law unless such additional
111 function is recommended by a regional policy committee, notwithstanding the provisions
112 of Section 230.50.10 of this charter. Such recommendation shall require an affirmative
113 vote of at least two-thirds of the membership of each of: (1) metropolitan
114 councilmembers of the committee; (2) members from the city with the largest population
115 in the county; and (3) other city or town members of the committee. Nothing in this
116 section prohibits the metropolitan county council from calling a special election on the
117 authorization of the performance of one or more additional metropolitan functions after
118 receiving a valid resolution adopted by city councils as permitted by RCW
119 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by
120 RCW 35.58.100(2).

121 SECTION 2. The clerk of the council shall certify the proposition to the manager
122 of the elections division, in substantially the following form, with such additions,
123 deletions or modifications as may be required by the prosecuting attorney:

124 Shall Sections 230.10, 270.20 and 270.30 of the King County Charter be
125 amended to reduce the number of county council members on regional
126 committees, establish a vice chair position on regional committees,

Ordinance

127 authorize the regional policy committee to adopt its own work program
128 and add authority for regional committees to initiate legislation?
129

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

CRC Summary

Regional Committees

“The Commission recommends amendments to increase the authority and effectiveness of the county’s three regional committees: the Regional Policy Committee, the Regional Transit Committee and the Regional Water Quality Committee. The amendments were negotiated by a work group composed of representatives of the County Council, the cities of Seattle and Bellevue, the Suburban Cities Association, and the sewer and water districts. The Regional Committees Work Group discussed concerns regarding the composition and operation of the Regional Committees. Members on this work group included the following representatives:

- Deputy Mayor Tim Ceis, City of Seattle
- Deputy Mayor John Chelminiak, City of Bellevue
- Councilmember Richard Conlin, Seattle City Council Chair
- Karen Goroski, Executive Director and Sonny Putter, Suburban Cities Association
- Councilmember Kathy Lambert, District 3, King County Council
- Gary Long and Mike Wilkins, Commissioners, 2007-2008 Charter Review Commission
- Tom Peardon, Coal Creek Utility District and Vicky Henderson, Representative of KC Special Districts of the Washington State Association of Sewer and Water Districts
- Councilmember Larry Phillips, District 4, King County Council

“Based on the work of the Regional Committees Work Group, the Regional Governance Subcommittee recommended charter amendments that would accomplish the following:

1. Reduce the number of County Council members who serve on committees from six to three without affecting the 50/50 balance in voting power between the Councilmembers and the non-county members, by giving each County Councilmember two votes and leaving the non-county fractional voting formula the same. This change was proposed to reflect the reduction in the size of the Council from thirteen to nine members.
2. For each of the three regional committees, provide for a chair to be selected by the County Council, and for a vice-chair to be selected by the non-County members. These changes were proposed by the cities to increase the relative authority of non-county members on regional committees and to reduce the number of meetings cancelled due to the absence of the chair.
3. Allow the Regional Policy Committee to adopt its work program by a majority vote with a quorum of 6½ votes. The work program may include new subject matter which involves regional policies or plans. This change is proposed to provide the committee with greater authority over its agenda.
4. Allow regional committees to initiate motions and ordinances, including ones not assigned by the Council, which would be introduced without the usual sponsorship of a County Council member. This change is proposed to offer

regional committees better access to legislative consideration of their recommendations.

5. Require County Council and standing committees to take an action of record on each proposed motion and ordinance initiated by regional committees.
6. Empower the County Council to add, by ordinance, non-voting representation to the Water Quality Committee for areas outside of King County served under contract by King County sewerage treatment services. This change is proposed in light of increasing presence of King County sewage facilities and services in areas beyond the boundaries of the county.

“The Regional Governance subcommittee also recommended ordinance language for adoption by the Council (see Appendix C).”

Date Created:	
Drafted by:	
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE relating to council rules and order of
3 business for Regional Committees; and amending
4 Ordinance 11683, Section 7, as amended, and K.C.C.
5 1.24.065.

6 ..Body

7 SECTION 1. Ordinance 11683, Section 7, as amended, and K.C.C.
8 1.24.065 are each hereby amended to read as follows:

9 **Rule 7: Regional committees.**

10 A. Establishment. Three regional, standing committees are established as
11 provided under the King County Charter to develop, recommend and review regional
12 policies and plans for consideration by the council: the regional transit committee, the
13 regional water quality committee and the regional policies committee.

14 B. Membership.

15 1. Composition of committees.

16 a. The regional policies committee and regional transit committee are to each
17 have ~~((twelve))~~ nine voting members. ~~((Six))~~ Three members of each committee, including
18 the chair of each, must be county councilmembers appointed by the chair of the council and
19 must include councilmembers from districts with unincorporated residents. Each county
20 councilmember shall have two votes. The chair of the county council shall also appoint the
21 chair of each committee. The remaining members of each committee must be local elected

22 city officials appointed from and in proportion to the relative populations of the city of
23 Seattle and the other cities and towns in the county. Cities and towns other than the city of
24 Seattle may appoint two persons for each of their allocated memberships in each
25 committee, each person with one-half vote. A vice-chair of each committee shall be elected
26 by majority vote of the committee members who are not county councilmembers.

27 b. The regional water quality committee is to have ~~((twelve))~~ nine voting
28 members. ~~((Six))~~ Three members of the committee, including the chair, must be county
29 councilmembers appointed by the chair of the council, and must include councilmembers
30 from districts with unincorporated residents. The chair of the county council shall also
31 appoint the chair of the committee. Each county councilmember shall have two votes. The
32 remaining members of the committee must be local elected city officials appointed from
33 and in proportion to the relative populations of the city of Seattle and the other cities and
34 towns in the county, and two members from special purpose districts providing sewer
35 service in King County. Cities and towns other than the city of Seattle may appoint two
36 persons for each of their allocated memberships, each person with one-half vote. Special
37 purpose districts located outside of the county that receive sewerage treatment services
38 from the county may jointly designate one non-voting representative to serve on the
39 committee. A vice-chair of the committee shall be elected by majority vote of the
40 committee members who are not county councilmembers.

41 2. Alternating memberships. Each appointing authority may alternate members
42 in accordance with the procedures established by the authority. The appointments must be
43 announced at the beginning of each regional committee meeting to the committee chair or
44 vice-chair and committee secretary by a person authorized by the appointing authority.

45 Each appointing authority shall identify those members to receive mailings and notices of
46 meetings.

47 3. Powers and duties of the chair. The chair of the committee has the following
48 powers and duties:

49 a. The chair shall:

50 (1) Call the committee to order at the hour appointed for meeting and, if a
51 quorum is present, shall cause the minutes of the previous meeting to be approved;

52 (2) Proceed with the order of business; and

53 (3) Adjourn the committee upon a motion to adjourn approved by a majority
54 of members present;

55 b. The chair shall preserve order and decorum and in the interest of efficiency
56 may impose time and subject matter limits for testimony and comment given by the public
57 and members of the committee;

58 c. The chair shall promote efficient operation of the committee. The chair's act
59 of adding to, removing from or taking out of order an item on a distributed and posted
60 agenda may be appealed to the full body by members whose cumulative voting power is at
61 least two votes. The chair shall discourage activities that are dilatory or disruptive. The
62 chair shall endeavor to facilitate the will of the majority of members present at all times;

63 d. The chair may speak to points of order, inquiry or information in preference
64 to other members. Upon a ruling of the chair on a point of order, the chair shall allow any
65 members whose cumulative voting power is at least two votes to immediately request that
66 the decision be placed before the body. If a majority of votes present agree to the ruling of
67 the chair, the business of the committee must proceed without further debate. If a majority

68 of the votes present do not support the ruling of the chair, the chair shall immediately allow
69 a procedural motion to dispense with the issue in question, proceeding until a decision of
70 the committee is secured and the business of the committee is allowed to proceed;

71 e. The chair shall provide copies to all committee members of all official
72 communications and requests for committee action addressed to the chair.

73 4. Powers and duties of the vice-chair.

74 a. There shall be one vice-chair of each committee.

75 b. At committee meetings, the vice-chair shall exercise the duties, powers, and
76 prerogatives of the committee chair in the chair's absence.

77 5. Chair actions, vice-chair consultation. The chair shall consult with the vice-
78 chair in: (a) developing a draft work program for consideration by the full committee; (b)
79 setting a schedule for carrying out the committee's work program; and (c) cancelling or
80 changing the date, time or place of committee meeting. If the vice-chair disagrees with a
81 chair's proposed decision regarding such matters, the chair shall not take unilateral action
82 and shall refer such matters to the full committee.

83 C. Quorum, notice and voting. Members representing six and one-half votes
84 constitute a quorum of a regional committee. In the absence of a quorum, the committee
85 may perform all committee functions except for voting on legislation or a work program.
86 Notice of all regular and special meetings must be provided as specified in the Open Public
87 Meetings Act of 1971, chapter 42.30 RCW, and notice must be given to members of the
88 committees, including members who at any time during the calendar year have served on
89 the committee or have been designated by their appointing authority to receive notice. All
90 recommendations of a regional committee on council referred ordinances or motions must

91 be approved by a majority of the members present and voting and must consist of at least
92 three and one-half affirmative votes. All recommendations must be signed only by
93 members who were present and voting on the matter and be made on a committee report
94 form supplied by the council. There may not be voting by proxy.

95 D.1.a. Referral to the regional transit committee. The chair of the council shall
96 refer to the regional transit committee countywide policies and plans related to the transit
97 services formerly provided by the municipality of metropolitan Seattle. If a standing
98 committee of the council is considering an issue that, upon the standing committee's
99 subsequent review, the standing committee believes should be considered as a countywide
100 policy or plan related to transit, then the standing committee shall so inform the chair of the
101 council. The chair of the council may then determine whether the policy or plan is to be
102 referred to a regional committee.

103 b. Referral to the regional water quality committee. The chair of the council
104 shall refer to the regional water quality committee countywide policies and plans related to
105 the water quality services formerly provided by the municipality of metropolitan Seattle. If
106 a standing committee of the council is considering an issue that, upon the standing
107 committee's subsequent review, the standing committee believes should be considered as a
108 countywide policy or plan related to water quality, then the standing committee shall so
109 inform the chair of the council. The chair of the council may then determine whether the
110 policy or plan is to be referred to a regional committee.

111 2. Regional policies committee work program. The regional policies committee
112 shall establish its subject matter through a work program adopted by ~~((ordinance by the~~
113 ~~council))~~ a majority of those committee members present and voting, with no fewer than

114 three and one-half affirmative votes, provided that the work program shall be limited as
115 provided by charter or ordinance, including but not limited to section K of this rule, K.C.C.
116 1.24.065.K. Once the work program is adopted, all regional policies and plans related to
117 the subject matter must be referred to the committee by the council.

118 3. Provisions applicable to referrals by council chair and rereferrals. Referrals
119 by the council chair or rereferrals are subject to the procedures, rights and constraints of
120 Rules 13, 17 and 26, K.C.C. 1.24.125, 1.24.165 and 1.24.255.

121 ~~((4. Proposals and recommendations. If a regional committee develops a~~
122 ~~proposed countywide policy or plan, or amendment or repeal of a policy or plan, and~~
123 ~~adopts a recommendation with respect to the policy, plan, amendment or repeal, a county~~
124 ~~councilmember may introduce the appropriate legislation to adopt the recommended policy~~
125 ~~or plan.))~~

126 E. Time for review -- committees. A regional committee shall review legislation
127 referred to it by the county council within one hundred twenty days of the legislation's
128 referral or such other time as is jointly established by the council and the committee, which
129 shall be confirmed in the form of a motion adopted by the council. However, the
130 committee may request, and the county council may grant by motion, additional time for
131 review. If the committee fails to act upon the proposed policy or plan within the
132 established time limit, the county council may adopt the proposed policy or plan upon six
133 affirmative votes.

134 F. Time for review – council. The council shall amend, adopt or defeat the
135 legislation referred to a regional committee within ninety days after receipt of an initial
136 regional committee recommendation. However, upon receipt of the council chair's written

137 request for an extension of the time limit, the committee may approve the request in writing
138 by a majority vote at a special meeting or the next regular meeting of the committee.

139 G. Adoption.

140 1. A proposed policy or plan recommended by a regional committee may be
141 adopted, without amendment, by the county council by five affirmative votes.

142 2. A proposed policy or plan that differs from the policy or plan recommended
143 by a regional committee may be adopted by the county council by six affirmative votes
144 after the regional committee has had the opportunity to review all county council
145 amendments.

146 H. Amendments and rereferral.

147 1. If the county council votes before the final passage to amend a proposed policy
148 or plan that has been reviewed or recommended by a regional committee, the proposed
149 policy or plan, as amended, must be referred to the appropriate regional committee for
150 further review and recommendation.

151 2. The timeline for the committee's review after rereferral may not be greater
152 than sixty days. However, the committee may request, and the county council may grant
153 by motion, additional time for review. The committee may concur in, dissent from or
154 recommend additional amendments to the policy or plan.

155 3. The council shall amend, adopt or defeat the legislation within sixty days after
156 receipt of a regional committee recommendation following rereferral by the council.

157 I. Regional committee consideration of other regional issues. The chair of the
158 council may request that one or more regional committees examine and comment upon
159 other pending issues that are not countywide policies or plans but would benefit from

160 interjurisdictional discussion. The issues may include, but are not limited to, operational,
161 organizational or implementation measures for countywide plans and policies. This type of
162 regional committee analysis and comment is not subject to the mandatory procedural
163 requirements of Section 270.30 of the King County Charter and the county council may
164 need to act on such issues before comment from the regional committee.

165 J. The regional committee is governed by the King County Charter, the King
166 County Code and, except to the extent expressly provided otherwise, the rules and
167 procedures established for standing and special committees in this chapter.

168 K. Role of regional committees.

169 1. A regional committee shall focus on planning and policy setting in program
170 areas where it has been determined that regional service or facility planning is required and
171 in area where it is agreed the opportunity and need for the planning exist. A regional
172 committee is not responsible for routine review and recommendation on operational and
173 administrative matters such as contracts, budgets, appropriations, and fares and rates,
174 formerly performed by the council of metropolitan Seattle. A regional committee may,
175 however, deal with policies to develop fares and rates within the committee's subject matter
176 area.

177 2. The regional transit committee shall develop, review and recommend
178 countywide policies and plans related to the transportation services formerly provided by
179 the municipality of metropolitan Seattle. Plans and policies that must be assigned to the
180 committee include, but are not limited to, the long-range transit system and capital
181 improvement plans, service design, development and allocation policies, financial policies,

182 fare policies, facility siting policy and major facilities siting process, and review and
183 comment upon Regional Transit Authority plans.

184 3. The regional water quality committee shall develop, review and recommend
185 countywide policies and plans related to the water pollution control functions formerly
186 provided by the municipality of metropolitan Seattle. Plans and policies that must be
187 assigned to the committee include, but are not limited to, water quality comprehensive and
188 long-range capital improvement plans, service area and extension policies, rate policies,
189 and the facility siting policy and major facilities siting process.

190 4. The regional policies committee shall review and recommend regional policies
191 and plans, other than transit and water quality plans, that are within the subject matter area
192 for the committee. Also, the committee may develop proposed policies and plans on issues
193 of countywide significance but, unless referred to the committee by the county council, the
194 policies and plans are not subject to the procedural requirements of Section 270.30 of the
195 King County Charter. Issues that may be referred to the committee or be the subject of the
196 committee's policy development include, but are not limited to, public health, human
197 services, open space, housing, solid waste management, regional services financial policies,
198 criminal justice, jails and district court services, and regional facilities siting. In addition,
199 the regional policies committee may consider major regional governance transition and
200 consolidation issues, particularly those involving potential changes in organization and
201 responsibilities with other county, city or regional organizations.

202 L. Policies or plans proposed by regional committees.

203 A regional committee may develop and propose directly to the council, an
204 ordinance or motion adopting, amending, or repealing a county-wide policy or plan

205 regarding regional transit, water quality or other county-wide policies and plans within the
206 subject matter area of the committee. Such proposals must be approved by a majority of
207 the committee members present and voting, with no fewer than three and one-half
208 affirmative votes. For purposes of this section, the subject matter of the regional policies
209 committee shall include matters set forth in the committee's adopted work program. Within
210 120 days of introduction by the committee, the council or a standing committee shall
211 consider the proposed legislation and take such action thereon as it deems appropriate,
212 including approval, rejection, amendment and re-referral, postponement, or any other
213 action of record during a council or standing committee meeting. Within five calendar
214 days following council or standing committee action, the clerk of the council or the
215 standing committee shall notify the vice-chair of the committee of the action taken. If the
216 council amends the proposed legislation, the procedures described in Section H shall be
217 followed, except that the council's duty to act on such legislation under Section H.3 shall
218 be satisfied by approval, rejection, amendment and re-referral, postponement, or any
219 other action of record taken during a council or standing committee meeting within sixty
220 days following receipt of the legislation from the regional committee.

221 ((L))M. To assist each regional committee in evaluating countywide policies and
222 plans, the committee may conduct public meetings and hearings and request briefings and
223 other information from citizens, county, state and local agencies, business entities and other
224 organizations.

225

Staff Summary of Charter Review issues involving the Regional Committees

- **COUNCIL¹**: Reduce the number of County Council members who serve on committees from six to three without affecting the 50/50 balance in voting power (This is achieved by giving each K.C. Council member 2 votes and leaving the suburban city fractional voting formula the same.) [charter § 270.20]
- **CITIES**: Provide for committees to **set their own work programs** to address issues **within the charter purview of the committees.** [charter § 270.30]
- **CITIES**: Allow committees to **initiate motions and ordinances within the charter purview of the committees.** [charter § 230.10]
- **CITIES: Simple, not absolute, majority vote of regional committees required for taking action on work programs and proposed legislation.** [charter § 270.30]
 - **COUNCIL: Quorum requirement (6.5 votes) applies to votes on both proposed legislation and work programs.** [charter § 270.20; Council Rule 7.C]
- **CITIES: Require County Council to act within 120 days on all proposed motions and ordinances sent by committees.** [charter § 270.30]
 - **COUNCIL: “Action” defined by ordinance to “includ[e] approval, rejection, amendment and re-referral, postponement, or any other action of record during a council meeting.” [Council Rule 7.L]**
 - **COUNCIL: Action may be taken by either the full Council or a standing committee.** [Council Rule 7.L]
 - **COUNCIL: Council and Regional Committee can agree to modify 120-day time limit.** [charter § 270.30]
- **CITIES: Chair and vice-chair**: Provide for a chair appointed by County Council and a vice-chair selected by the non-County-Council members of the committee. [charter § 270.20]
 - **CITIES: Draft implementing ordinance (revision of Council Rule 7) provides for chair to consult with vice-chair on the decisions listed below. Disagreements are to be resolved by the full committee [new Rule 7.B.5]:**
 - a. Developing a draft work program for consideration by the full committee;
 - b. Setting a schedule for carrying out the committee’s work program;

¹ The all-caps entry at the beginning of each bullet point indicates which party initiated the proposed change.

- c. Cancelling or changing the date, time, or place of a committee meeting.

Note: The net effect as to **point (c)** (cancellation, etc., of meetings) is that the vice-chair has the power to **veto** the chair's cancellation or re-scheduling of a committee meeting, since the meeting must occur as originally scheduled in order for the committee to resolve any disagreement between the chair and the vice-chair.

- New language for **resolution of challenges to the chair's rulings** [new Rule 7.B.3] has been imported from existing Council Rules 2 and 3 for standing committees. [Follows from existing Rule 7.J.]
- **EXECUTIVE:** Empower the county council to add, by ordinance, **non-voting representation** to the **Regional Water Quality Committee** for areas served by King County sewage treatment services under contracts but outside of King County's boundaries. [charter § 270.20]

Council-initiated legislation	Authority	RC-initiated legislation	Authority
Mandatory referral to RC	Charter § 270.30	RC introduction of legislation	Proposed amendment to charter § 230.10
RC action within 120 days ¹	Charter § 270.30	Council action ² within 120 days ³	Proposed amendment to charter § 270.30; proposed new Council Rule 7.L
Council adopt/defeat/amend within 90 days ⁴	Council Rule 7.F		
If amend, then re-refer to RC	Council Rule 7.H.1	If amend, then re-refer to RC	Council Rule 7.H.1
RC action within 60 days ⁵	Council Rule 7.H.2	RC action within 60 days	Council Rule 7.H.2
Council adopt/defeat/amend within 60 days	Council Rule 7.H.3	Council action ⁶ within 60 days	Council Rule 7.H.3; proposed new Council Rule 7.L

¹ Or such other time limit as agreed between Council and RC. If RC fails to act, Council may adopt proposed legislation by six affirmative votes.
² Includes “approval, rejection, amendment and re-referral, postponement, or any other action of record during a council or standing committee meeting.”
³ Or such other time limit as agreed between Council and RC.
⁴ Or such other time limit as agreed between Council and RC.
⁵ Or such other time limit as agreed between Council and RC.
⁶ Proposed new Council Rule 7.L would clear that “action” required is “approval, rejection, amendment and re-referral, postponement, or any other action of record during a council or standing committee meeting,” not “adopt, defeat, or amend.”

February 20, 2008



Suburban Cities Association
6300 Southcenter Blvd Suite 206
Tukwila Washington 98188
Phone 206 433 7168
Fax 206 242 8031
Email sca@suburbandities.org

Charter Review Commission
Chairs Lowry and North
701 Fifth Ave Suite 3210
Seattle, WA 98104

Dear Co-Chairs Lowry and North;

We are writing to you on behalf of the Board of Directors of the Suburban Cities Association (SCA) regarding the request by the city of Bellevue to acquire its own seat on each of the King County Regional Committees.

Historically the SCA has been the appointing authority for all King County cities other than Seattle to the King County Regional Committees in a manner agreed to by and among those cities and towns representing a majority of the population of such cities and towns.

We strive for a thoroughly transparent appointment process. To accomplish this we have a multi-phase process. SCA begins its process by performing a county-wide "call for nominations" in October of each year. The City of Bellevue is invited to participate in the call for nominations. The Nominating Committee of the SCA Public Issues Committees reviews the nominations and recommends a slate of nominees for 26 regional boards and committees including the King County Regional Committees to the Public Issues Committee. The Public Issues Committee then forwards its recommendations to the SCA Board of Directors for approval and appointment in December of each year.

Of the four members and two alternate positions for suburban cities on the Regional Water Quality Committee, a councilmember of Bellevue is appointed to a voting member seat. Of the eight members and four alternate positions for suburban cities on the Regional Transit Committee, a councilmember from the City of Bellevue is appointed to a voting member seat.

Both Bellevue Councilmembers are invited to attend the meetings of the SCA Public Issues Committee and are encouraged to attend when issues relative to the committees on which they serve are being discussed. Further, they are invited to speak to the issues as a member of the audience.

At its meeting today, the Board of Directors of SCA reaffirmed its commitment to honor the procedures outlined in the King County Charter. In doing so, the Board of Directors also reaffirmed its commitment to continuing to include the City of Bellevue in its appointment process to the King County Regional Committees. SCA does not support an independent seat for the City of Bellevue.

Please contact us if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ava Frisinger". The signature is written in black ink on a white background.

Ava Frisinger, President SCA Board of Directors
Mayor, City of Issaquah

A handwritten signature in cursive script that reads "Karen L. Goroski". The signature is written in black ink on a white background.

Karen L. Goroski
Executive Director

104



City of Bellevue



City Of Seattle

February 25, 2008

Bryan Glynn and Doreen Cato
Co-Chairs, Regional Governance Committee
Charter Review Commission
Attn: Mark Yango, Office of Executive Sims
701 5th Ave, Suite 3210
Seattle WA 98104

Dear Co-Chairs Glynn and Cato:

We are writing to thank you for the opportunity to participate in discussions at the Regional Committees Workgroup meetings and to follow-up on our proposed changes to the King County Charter for consideration by the Regional Governance Committee and the Charter Review Commission. The regional committees serve a valuable function in bringing the cities and County together to discuss areas of mutual interest and participate jointly in regional policy and planning decisions. We would like to see the Charter clarified and strengthened to ensure a meaningful voice for all cities on the regional committees.

Proportionality was the reason for the Metro merger. Judge Dwyer found that the federated system violated one-person, one-vote. The current method of appointment does not guarantee proportionality. For a number of years, Bellevue was denied a seat on all regional committees because it was not a member of the Suburban Cities Association (SCA). While Bellevue has been granted seats recently on the Regional Water Quality Committee and Regional Transit Committee, it has not been provided a seat on the Regional Policy Committee since prior to 2000. Since Bellevue is not a member of SCA, it does not have a vote in the decision to allocate the seats. In addition, as currently written, the charter language would allow five non-Seattle cities to take over the appointment process and potentially shut out all the other cities.

Seattle and Bellevue, cities that represent 47% of the incorporated population, urge the committee to adopt an allocation standard that is fair, equitable, and proportional. Our proposal below would meet the spirit and the law of one-person, one-vote.

Both Seattle and Bellevue support the County Council's request to reduce the number of County seats to 3 on each committee. We also understand the County's desire to retain a 50/50 balance in voting power between the County and the cities, including the Workgroup's recommendation to allow 2 votes per County seat if necessary.

Charter language should be amended to allow the following: Seattle should retain its two seats on the committees based on its proportionality. The allocation of the remaining eight seats should also be proportional. When a city other than Seattle meets the one-eighth threshold of non-Seattle incorporated population, it would receive a seat and its proportional share of the vote.

- over -

102

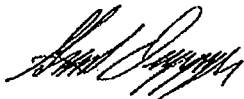
The allocation should be tied to the previous years population estimate provided by the State Office of Financial Management.

As we have discussed, the implementation of the Growth Management Act has changed the landscape of King County since the merger of Metro and King County. The increase in the number of cities, annexation of unincorporated areas, growth of the incorporated population, and the role of metropolitan growth centers were not anticipated at the time of the merger. The structure of the regional committees should be modified to recognize the shift in population to cities and the critical role of urban growth centers.

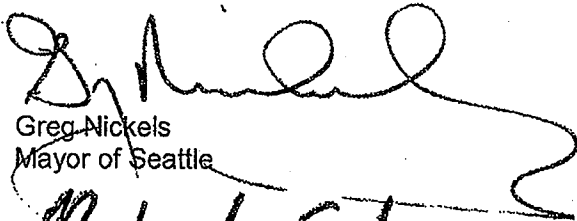
Given the significant changes since the Charter's first inception, we do not believe the current system can be justified nor is it equitable. The Charter review process provides an opportunity to bring fairness to the regional committees and provide a strong voice for all cities.

Thank you for taking the time to consider our comments regarding the regional committees. If you have any questions, please feel free to call us or our staff - Diane Carlson, Intergovernmental Relations Director for Bellevue, at 425-452-4225, and Mian Rice, Regional Government Liaison for Seattle, at 206-684-5784.

Sincerely,



Grant S. Degginger
Mayor of Bellevue



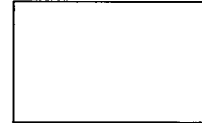
Greg Nickels
Mayor of Seattle



Richard Conlin
Seattle Council President

cc: Mike Lowry, Co-Chair, Charter Review Commission
Lois North, Co-Chair, Charter Review Commission
Honorable Members of the Bellevue City Council
Honorable Members of the Seattle City Council
Steve Sarkozy, Bellevue City Manager

<Date>



<Drafters Initials>

Sponsor: _____

Proposed No.: 2008-0359

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-0359, VERSION 1**

2 On page 2, line 33, after "population in the county" delete "and (ii)" and insert "((and)),
3 (ii) other cities that have at least one-eighth of the county's total incorporated population,
4 excluding the population of the largest city in the county, and (iii)"

5 On page 2, line 35, after "legislative authority of that city." insert "Committee members
6 from cities that have at least one-eighth of the county's total incorporated population,
7 excluding the population of the largest city in the county, shall be appointed by the
8 legislative authority of each such city."

9 On page 2, line 38, after "a majority of the populations of such cities and towns" delete "
10 provided, however, that such cities and towns may appoint two representatives for each
11 allocated committee membership, each with fractional (1/2) voting rights." and insert "((
12 provided, however, that such e))Cities and towns except the largest city in the county may
13 appoint two representatives for each allocated committee membership, each with
14 fractional (1/2) voting rights."

15

16 **EFFECT: Adds allocation of committee membership and fractional (1/2) voting**
17 **rights for those cities with populations of at least 1/8 of the total incorporated**
18 **population of the county, excluding the population of the largest city in the county.**
19

DRAFT



Signature Report

July 1, 2008

Ordinance

Proposed No. 2008-0360.1

Sponsors Constantine and Phillips

1 AN ORDINANCE proposing an amendment to Section 630
2 of the King County Charter, to authorize the county council
3 to establish additional qualifications for separately elected
4 officials who head executive departments, including the
5 sheriff, assessor, and the proposed director of elections; and
6 submitting the same to the voters of the county for their
7 ratification or rejection at the November 2008 general
8 election.

9
10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the voters of King County for their
12 approval and ratification or rejection, at the next general election to be held in this county
13 occurring more than forty-five days after the enactment of this ordinance, an amendment
14 to Section 630 of the King County Charter, as set forth herein:

15 **Section 630. Qualifications.**

16 Each county officer holding an elective office shall be, at the time of his
17 appointment or election and at all times while he holds office, at least twenty-one years of

18 age, a citizen of the United States and a resident and registered voter of King County; and
19 each ~~((councilman))~~ councilmember shall be a resident of the district ~~((which he))~~ that
20 the councilmember represents. Any change in the boundaries of a ~~((councilman's))~~
21 councilmember's district ~~((which shall cause him))~~ that causes the councilmember to be
22 no longer a resident of the district ~~((which he))~~ that the councilmember represents shall
23 not disqualify ~~((him))~~ the councilmember from holding office during the remainder of the
24 term for which ~~((he))~~ the councilmember was elected or appointed. Additional
25 qualifications ~~((of the office of sheriff,))~~ for those separately elected officials who head
26 executive departments may be established by ordinance.

27 SECTION 2. The clerk of the council shall certify the proposition to the manager
28 of the elections division, in substantially the following form, with such additions,
29 deletions or modifications as may be required by the prosecuting attorney:

30 Shall Section 630 of the King County Charter be amended to authorize the

31 county council to establish additional qualifications for separately elected
32 officials who head executive departments?
33

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

CRC Summary

Qualifications of elected officials

“The Commission recommends a charter amendment that would allow the Council to establish by ordinance additional qualifications for separately elected officials who head charter-based departments. Currently, Section 630 identifies general qualifications for elective offices and includes a provision whereby the County Council can create by ordinance additional qualifications for the Office of Sheriff.

“During subcommittee deliberations, Commissioners raised the issue of providing additional qualifications for the offices of the Assessor and/or Elections Director. Their intent was to ensure that an unqualified person would not be elected or appointed to these positions. Currently, Sections 340.50 and 630 of the Charter provide language that the County Administrative Officer and the chief officers appointed by the Executive shall be appointed based on abilities, qualifications, integrity, and prior experience. Similarly, the Commission’s intent in proposing this amendment is to ensure that an unqualified person is not elected to head charter-based departments.”

CRC Final Report and Recommendations, pp. 20-21.



Signature Report

July 1, 2008

Ordinance

Proposed No. 2008-0361.1

Sponsors Constantine, Gossett and Phillips

1 AN ORDINANCE proposing to amend Section 800 of the
2 King County Charter, to establish a process and signature
3 threshold for citizen initiated amendments to the King
4 County Charter; and submitting the same to the voters of the
5 county for their ratification or rejection at the November
6 2008 general election.

7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. There shall be submitted to the voters of King County for their
10 approval and ratification or rejection, at the next general election to be held in this county
11 occurring more than forty-five days after the enactment of this ordinance, an amendment
12 to Section 800 of the King County Charter as set forth herein:

13 **Section 800. Charter Review and Amendments.**

14 **800.10. Charter Review and Amendment.**

15 At least every ten years after the adoption of this charter, the county executive
16 shall appoint a citizen commission of not less than fifteen members whose mandate shall
17 be to review the charter and present, or cause to be presented, to the county council a

18 written report recommending those amendments, if any, which should be made to the
19 charter. This citizen commission shall be composed of at least one representative from
20 each of the county council districts. The county council may propose amendments to this
21 charter by enacting an ordinance to submit a proposed amendment to the voters of the
22 county at the next general election occurring more than forty-five days after the
23 enactment of the ordinance. An ordinance proposing an amendment to the charter shall
24 not be subject to the veto power of the county executive. Publication of a proposed
25 amendment and notice of its submission to the voters of the county shall be made in
26 accordance with the state constitution and general law. If the proposed amendment is
27 approved by a majority of the voters voting on the issue, it shall become effective ten
28 days after the results of the election are certified unless a later date is specified in the
29 amendment.

30 **800.20. Citizen Initiated Charter Amendments.**

31 Citizens of the county may propose an amendment to the charter by filing
32 petitions with the county council bearing a number of signatures of registered voters of
33 the county equal to or greater than twenty percent of the votes cast for the office of
34 county executive at the last preceding election for county executive. The petitions shall
35 contain the full text of the proposed charter amendment. Publication of a proposed
36 amendment and notice of its submission to the voters shall be made in accordance with
37 the state constitution and general law. Submittal to the voters shall occur at the next
38 general election occurring more than one hundred thirty-five days after the petitions are
39 filed. Within ninety days after the petitions are filed, the county council may enact an
40 ordinance to submit a substitute charter amendment concerning the same subject matter

41 on the same ballot with the proposed amendment; and the voters shall first be given the
42 choice of accepting either or rejecting both and shall then be given the choice of
43 accepting one and rejecting the other. If a majority of the voters voting on the first issue
44 is for either, then the version receiving the majority of the votes cast on the second issue
45 shall be deemed approved. If a majority of those voting on the first issue is for rejecting
46 both, then neither version approved regardless of the vote on the second issue. Any
47 amendment that is approved by a majority of the voters voting on the issue becomes
48 effective ten days after the results of the election are certified unless a later date is
49 specified in the amendment.

50 SECTION 3. The clerk of the council shall certify the proposition to the manager
51 of the elections division, in substantially the following form, with such additions,
52 deletions or modifications as may be required by the prosecuting attorney:

53 Shall the King County Charter Section 800 be amended to establish a

54 process and signature threshold for citizen initiated amendments to the
55 King County Charter?
56

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

CRC Summary

Charter amendment by citizen initiative

“The Commission recommends an amendment to Section 800 of the Charter to establish and clarify the process by which citizens can amend the charter by initiative. The Washington Supreme Court recently ruled that citizens have the right to propose such charter amendments. Existing charter language does not, however, have clear procedures for considering such proposals.

“During the course of the public hearing process, several citizens, organizations and elected officials commented on the charter initiative process including King County Executive Ron Sims, King County Councilmember Larry Phillips, the King County Democrats and Republicans, the Suburban Cities Association, and the Municipal League of King County. Some individuals favored the initiative process, and others opposed it, while still others approved of the initiative process but with a different signature threshold than the current 10 percent. After extensive research and discussion, the subcommittee decided to propose a charter amendment adopting new language that will clarify the process by which citizens may amend the charter by initiative.

“The Commission recommends that a clear signature threshold for charter initiatives be set at 20 percent of the votes cast for the office of King County Executive in the most recent election. The Commission further recommends that the charter initiative process eliminate the need for multiple votes on a single charter amendment proposal, and that the process for considering alternative charter amendments be specified in a clear and common sense manner. These recommended changes are intended to strike an appropriate balance between the goal of retaining a stable charter framework for county governance and the goal of affording citizens meaningful opportunities to initiate charter amendments.”

CRC Final Report and Recommendations, pp. 16-17.

Comparison of Signature Thresholds for Citizen Initiatives to Amend the Charter in Home Rule Counties in Washington

County ¹	Signature Threshold	Based on votes cast in last election for . . .	Signatures required, as applied to King County ²
King (currently)	10%³	County Executive	52,817
King (as proposed)	20%⁴	County Executive	105,633
Pierce	20% ⁵	County Executive	105,633
San Juan	15% ⁶	Governor	131,425
Clallam	20% ⁷	Governor	175,234
Snohomish	20% ⁸	Governor	175,234
Whatcom	20% ⁹	Governor	175,234

¹ These are the only home rule counties in Washington.

² This the number of signatures that would be required if the indicated signature threshold percentage were applied to King County's recent election turnout data.

³ Based on *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003).

⁴ King County Charter § 800.20 (proposed new section).

⁵ Pierce County Charter § 8.65(4).

⁶ San Juan County Charter § 8.33(a).

⁷ Clallam County Charter § 11.20.30.

⁸ Snohomish County Charter § 8.70.

⁹ Whatcom County Charter § 8.22 ("twenty (20) percent of the number of votes cast in the county in the last gubernatorial election").

**King County Election Turnout Data
Related to Charter Amendment by Citizen Initiative**

Office	Most Recent Election	Votes Cast*	10%	20%	30%
County Executive	2005	528,167	52,817	105,633	158,450
Governor	2004	876,168	87,617	175,234	262,850

*Votes cast by King County voters for all candidates for the office indicated.

Source: King County Elections Division website



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

July 1, 2008

Ordinance

Proposed No. 2008-0362.1

Sponsors Ferguson, Phillips and Lambert

1 AN ORDINANCE proposing an amendment to Section 310
2 of the King County Charter, Section 430 of the King County
3 Charter and Section 550 of the King County Charter and
4 addition of a new Section 425 to the King County Charter,
5 requiring the establishment of the forecast council and the
6 office of economic and financial analysis; and submitting the
7 same to the voters of the county for their ratification or
8 rejection at the November 2008 general election.
9

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the voters of King County for their
12 approval and ratification or rejection, at the next general election to be held in this county
13 occurring more than forty-five days after the enactment of this ordinance, an amendment
14 to Sections 310, 430 and 550 of the King County Charter and addition of a new Section
15 425 to the King County Charter, as set forth herein:

16 **Section 310. Composition and Powers.**

17 The executive branch shall be composed of the county executive, the county

18 administrative officer, the county assessor, the officers and employees of administrative
19 offices and executive departments established by this charter or created by the county
20 council and the members of the boards and commissions, except the forecast council and
21 office of economic and financial analysis, the board of appeals and the personnel board.

22 The executive branch shall have all executive powers of the county under this charter.

23 **Section 425. Economic and Financial Analysis.**

24 **425.10. Forecast Council and Office of Economic and Financial Analysis.**

25 The county council shall by ordinance establish the forecast council, which shall
26 adopt official county economic and revenue forecasts that must be used as the basis for
27 the executive's annual budget proposal. The county council shall by ordinance establish
28 the office of economic and financial analysis.

29 **425.20. Oversight of Office of Economic and Financial Analysis.**

30 The forecast council shall by unanimous vote appoint the chief county economist
31 who shall administer the office of economic and financial analysis. The forecast council
32 shall conduct an open and competitive process to select the chief economist. The chief
33 economist may be removed by a vote of three members of the forecast council. The chief
34 economist shall be responsible for the employment and supervision of those employees
35 whom he or she deems necessary to assist in the performance of the duties of the office.

36 The forecast council shall approve an annual work program for the office of
37 economic and financial analysis and also may assign additional economic and financial
38 studies to the office.

39 **425.30. Forecast Council Composition.**

40 The forecast council shall be composed of the executive, two county council

41 members and a county employee with knowledge of the budgeting and financial
42 management practices of the county to be appointed by the executive. County council
43 members shall be appointed annually by the chair of the county council. Appointments
44 to the forecast council shall not be subject to confirmation.

45 **425.40. Revenue Forecasts.**

46 By April 1 and August 1 of each year, the chief economist shall prepare,
47 respectively, proposed preliminary and updated official economic and revenue forecasts
48 for county government and submit these to the forecast council. Forecasts may be
49 adopted or revised by a vote of the majority of the forecast council within thirty days of
50 their submittal by the chief economist, or the forecast shall be deemed adopted. The
51 preliminary forecast shall be used as the basis for the executive's preliminary budget
52 preparation including preparation of the status quo budget, budget instructions to
53 departments, and preliminary review of departmental submittals to the executive. The
54 updated forecast shall be used as the basis for the executive's proposed budget.

55 **Section 430. Contents of Budget.**

56 The budget shall include all funds, revenues and reserves; shall be divided into
57 programs, projects and objects of expense and shall include supporting data deemed
58 advisable by the county executive or required by ordinance; shall indicate as to each
59 program, project or object of expense the actual expenditures of the preceding fiscal year,
60 the estimated expenditures for the current fiscal year and requested appropriations for the
61 next fiscal year; and shall include the proposed capital improvement program for the next
62 six fiscal years. The expenditures included in the budget for the ensuing fiscal year shall
63 not exceed the estimated revenues as forecast under Section 425.40 of this charter.

64 **Section 550. Career Service Positions.**

65 All county employees and officers shall be members of the career service except
66 those in the following positions: all elected officers; the county auditor, the clerk and all
67 other employees of the county council; the county administrative officer; the chief officer
68 of each executive department and administrative office; the members of all boards and
69 commissions; the chief economist and other employees of the office of economic and
70 financial analysis; administrative assistants for the county executive and one administrative
71 assistant each for the county administrative officer, the county auditor, the county assessor,
72 the chief officer of each executive department and administrative office and for each board
73 and commission; a chief deputy for the county assessor; one confidential secretary each for
74 the county executive, the chief officer of each executive department and administrative
75 office, and for each administrative assistant specified ~~((herein))~~ in this section; all
76 employees of those officers who are exempted from the provisions of this charter by the
77 state constitution; persons employed in a professional or scientific capacity to conduct a
78 special inquiry, investigation or examination; part-time and temporary employees;
79 administrative interns; election precinct officials; all persons serving the county without
80 compensation; physicians; surgeons; dentists; medical interns; and student nurses and
81 inmates employed by county hospitals, tuberculosis sanitariums and health departments of
82 the county.

83 Part-time Employees. All part-time employees shall be exempted from career
84 service membership except, effective January 1, 1989, all part-time employees employed at
85 least half-time or more, as defined by ordinance, shall be members of the career service.

86
87
88
89
90
91

SECTION 2. The clerk of the council shall certify the proposition to the manager of the elections division, in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall the King County Charter be amended to require the establishment of the forecast council and the office of economic and financial analysis?

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this _____ day of _____, _____.

Attachments None



Signature Report

July 1, 2008

Ordinance

Proposed No. 2008-0363.1

Sponsors Phillips, Ferguson, Hague and Lambert

1 AN ORDINANCE proposing an amendment to Section 410
2 of the King County Charter and Section 420 of the King
3 County Charter, to impose deadlines that are twenty days
4 earlier than existing deadlines for county agencies to
5 submit budget information to the county executive and for
6 the county executive to present a proposed budget to the
7 county council; and submitting the same to the voters of the
8 county for their ratification or rejection at the November
9 2008 general election.

10
11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. There shall be submitted to the voters of King County for their
13 approval and ratification or rejection, at the next general election to be held in this county
14 occurring more than forty-five days after the enactment of this ordinance, an amendment
15 to Sections 410 and 420 of the King County Charter as set forth herein:

16 **Section 410. Presentation and Adoption of the Budget.**

17 At least ~~((seventy-five days))~~ ninety-five days prior to the end of each fiscal year,

18 the county executive shall present to the county Council a complete budget and budget
19 message, proposed current expense and capital budget appropriation ordinances, and
20 proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the
21 budget; and at least thirty days prior to the end of the fiscal year, the county Council shall
22 adopt appropriation, tax and revenue ordinances for the next fiscal year.

23 **Section 420. Budget Information**

24 At least ~~((one hundred thirty five days))~~ one hundred fifty-five days prior to the
25 end of the fiscal year, all agencies of county government shall submit to the county
26 executive information necessary to prepare the budget.

27 SECTION 3. The clerk of the council shall certify the proposition to the manager
28 of the elections division, in substantially the following form, with such additions,
29 deletions or modifications as may be required by the prosecuting attorney:

30 Shall Sections 410 and 420 of the King County Charter be amended to
31 impose deadlines that are twenty days earlier than existing deadlines for
32 county agencies to submit budget information to the county executive and

33 for the county executive to present a proposed budget to the county
34 council?
35

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

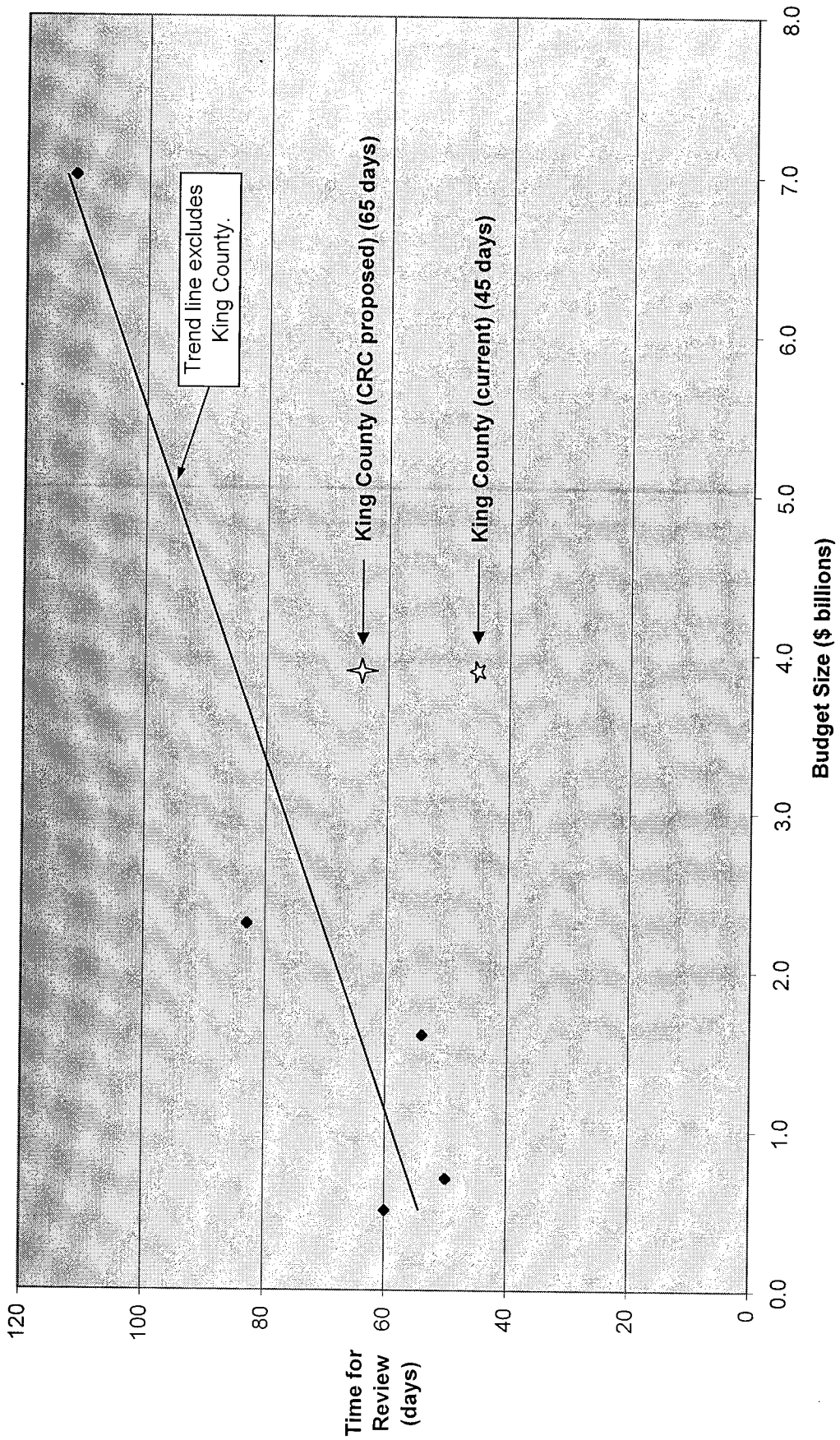
CRC Summary

Budget Timeline

“The Commission recommends a charter amendment to provide the Council with 65 days instead of 45 days to review the Executive’s annual budget. Since 1992, the county budget has more than quadrupled and become increasingly complex, yet the current budget timeline allows the Council no more than 45 days for review of the budget. Councilmembers believed that the existing timeframe for Council deliberation was insufficient. The Executive agreed that the current budget review period was inadequate, and supports this amendment.”

CRC Final Report and Recommendations, pp. 15-16.

Budget Size vs. Time for Legislative Review for Selected Counties with Elected Executives



**Budget Timelines for King County and Selected Other Counties with Elected Executives
(listed in order of days for legislative review)**

Jurisdiction	Includes	2000 Census Population (millions)	2006-2007 Budget Size (\$ billions)	Date Proposed	Date Adopted	Days for Legislative Review
King County, WA ¹	Seattle	1.7	3.9	17 Oct 2006 ²	1 Dec 2006	45
Allegheny County, PA ³	Pittsburg	1.3	0.7	17 Oct 2006 ⁴	6 Dec 2006	50
Suffolk County, NY ⁵	Brentwood	1.4	1.6	15 Sep 2006	8 Nov 2006	54
St. Louis County, MO ⁶	Florissant	1.0	0.5	1 Nov 2006 ⁷	31 Dec 2006	60
Wayne County, MI ⁸	Detroit	2.1	2.3	9 June 2006	31 Aug 2006	83
Miami-Dade County, FL ⁹	Miami	2.3	7.0	31 May 2006	20 Sep 2006	112

¹ Budget size excludes effect of biennial budget.

² Charter deadlines.

³ Identified as "comparable" to King County by FCS Group.

⁴ Statutory deadlines.

⁵ Identified as "comparable" to King County by FCS Group.

⁶ Identified as "comparable" to King County by FCS Group.

⁷ Statutory deadlines. St. Louis County is adjacent to, but does not include, the City of St. Louis.

⁸ Identified as "comparable" to King County by FCS Group.

⁹ Identified as "comparable" to King County by FCS Group. Mayor is elected and appoints a county manager, who is confirmed by the county commissioners.



King County

Metropolitan King County Council

King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104-3272

206-296-1000 TTY/TDD 206-296-1024
Toll Free: 1-800-325-6165
www.metrokc.gov/council

December 17, 2007

Mr. Mike Lowry, Co-Chair
Mrs. Lois North, Co-Chair
Charter Review Commission
Executive Office
Columbia Center
701 Fifth Avenue, Suite 3210
Seattle, WA 98104

Dear Co-Chair Lowry and Co-Chair North:

We have previously corresponded with you regarding budget timelines. As we noted, the Financial Policies Advisory Task Force (FPATF), established by the King County Council, recommended that the King County Charter be amended to allow more time for the Council to conduct its budget review. The recommendation was: "The Task Force recommends that budget timing be reviewed by the Charter Review Commission. The Council, in the opinion of the Task Force members, may need more than forty-five days for their due diligence on the budget, especially if it is a biennial budget."

As you know, the Executive must transmit the proposed budget to the Council at least seventy-five days before the end of the year, and the Council must adopt the budget at least thirty days before the end of the year. This gives the Council forty-five days to review what is becoming a bigger and more complex budget.

The Council agrees that the Charter provision requiring budget adoption at least thirty days before the end of the year is a reasonable provision and should be retained. The Council also supports moving toward a biennial budget as opposed to an annual budget. With these points in mind, the council has reviewed this past budget process and those of previous years. For a budget that exceeds \$4 billion on an annual basis and over \$4.7 billion for 2008, (with a 2009 appropriation for Transit), a six-week period does not allow sufficient review time for the Council. The staff and Council members must put aside nearly all of their other work and concentrate almost entirely on the budget in order to have enough understanding of the major issues addressed so that a responsive and fiscally prudent budget can be adopted.

We understand the Executive's position that budget submittal prior to October 2 (adding two weeks for the Council's process) with the argument that an earlier date would complicate the Executive's ability to incorporate timely financial projections into the Executive's proposed budget. The Executive argued further that an extended timeline for budget consideration could entail increased downtime for other Council committees, leading to an extended standstill for consideration of other important legislative matters.

With regard to the financial projections issue, we would argue that in the case of biennial budgets, projections will extend over two years rather than one. A four to six week extension to the time allowed for Council review would be less significant given this longer projection period. Also, capital projects are already projected over a six-year period. As such, they are less reliant on year to year financial projections.

With regard to the issue of other legislation being stalled for a longer period of time, we see the exact opposite being true. With more time to review the budget, other committees would be able to conduct their meetings even after the proposed budget has been received due to less intense pressure to complete the budget review.

To address this issue, the Council respectfully submits the following suggested changes to the Charter:

Section 410 Presentation and Adoption of Budgets.

At least one-hundred ~~seventy-five~~ days prior to the end of each fiscal year, the county executive shall present to the county council a complete budget and budget message, proposed current expense and capital budget appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at least thirty days prior to the end of the fiscal year, the county council shall adopt appropriation, tax and revenue ordinances for the next fiscal year. (Ord. 981 § 1, 1971).

Section 420 Budget Information.

At least one hundred sixty ~~thirty-five~~ days prior to the end of the fiscal year, all agencies of county government shall submit to the county executive information necessary to prepare the budget.

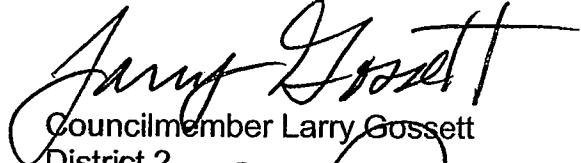
The above changes would provide the Council with ten weeks to review the budget. The Executive would have an equivalent ten weeks for his process.

Thank you for your consideration of this important matter. Councilmembers take very seriously their role in the budget review process and believe this change is critical to the Council's ability to fulfill its Charter obligations as the policy determining body of the County. The budget is the single most important policy document that the Council adopts.

Respectfully,



Councilmember Bob Ferguson
District 1



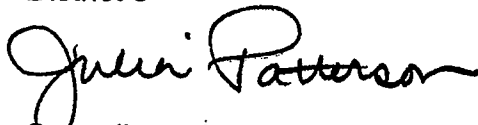
Councilmember Larry Gossett
District 2



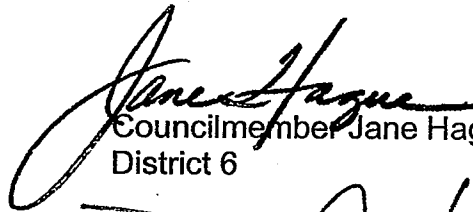
Councilmember Kathy Lambert
District 3



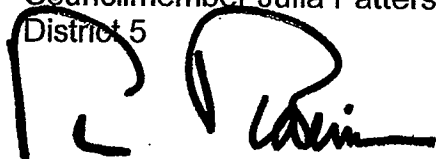
Councilmember Larry Phillips
District 4



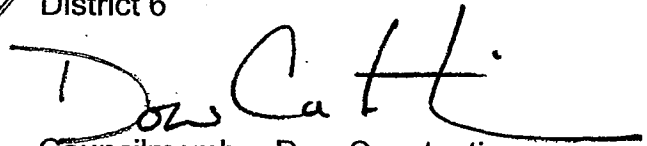
Councilmember Julia Patterson
District 5



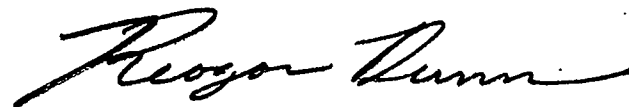
Councilmember Jane Hague
District 6



Councilmember Pete von Reichbauer
District 7



Councilmember Dow Constantine
District 8



Councilmember Reagan Dunn
District 9

cc: Ross Baker, chief of Staff
Saroja Reddy, Policy Staff Director
Rebecha Cusack, Director of Strategic Policy Initiatives
William Nogle, Lead Staff, Operating Budget Committee
Mark Melroy, Lead Staff, Capital Budget Committee
Nick Wagner, Lead Staff, Committee of the Whole
Mark Yango, Charter Review Commission Coordinator