



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.: 6	Date:	8 Apr 2009
Briefing No.: 2009-B0095	Prepared by:	Nick Wagner

SUMMARY

The 2007-2008 King County Charter Review Commission (CRC) has recommended that the Council place on the ballot an amendment to Charter section 800 that would (1) make clear that the County Executive's appointments to the CRC are subject to Council confirmation and (2) require the Council, after receiving the Charter Review Commission's report and recommendations, to "consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments."

The CRC's vote was 19-0 in favor of the amendment, with two members absent.

BACKGROUND

The proposed charter amendment has two parts, both of which are related to the charter review process established by Charter section 800:

Council Confirmation of Appointments to CRC

In the process of appointing the members of the 2007-2008 CRC, the County Executive at one point took the position that his appointments to the CRC were not subject to Council confirmation. The Executive later changed his position and agreed that his CRC appointments were subject to Council confirmation. Both the Council and the CRC agreed with this interpretation. The proposed charter amendment, which Executive staff told the CRC the Executive supported, would make clear that this is the intended meaning of Charter section 800.

Requirement of public Council decision on each charter amendment recommended by CRC

Several of the 2007-2008 CRC members expressed the view that after receiving the recommendations of the 1997 CRC, the Council at that time did not give the recommendations serious consideration. Council staff's review of the archived records of the 1997 charter review process did not support this interpretation, and this information was provided to the CRC. Nevertheless, in order to reduce the likelihood that members of future CRCs might draw similar conclusions, the CRC has recommended a charter amendment that would require the Council to

consider the CRC’s report and recommendations and “decide at an open public meeting how to proceed on each of the commission’s recommended charter amendments.”

THE PROPOSED LEGISLATION

Legislation that would implement the CRC’s recommendation has been drafted by the Prosecuting Attorney’s Office and is included as Attachment 1 to this staff report (pp. 3-4 of these materials); however, it has not yet been introduced.

The legislation would add two sentences to Charter section 800:

1. “Appointees shall be subject to confirmation by a majority of the county council.”
2. “The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission’s recommended charter amendments.”

The second sentence was based in part on a similar requirement regarding Council action on recommendations of the county’s regional committees, which the CRC agreed would be satisfied by “approval, rejection, amendment and rereferral, postponement or any other action of record during a council or standing committee meeting”¹ and which the Council approved in Ordinance 16301.

INVITEES

1. Charter Review Commission members

ATTACHMENTS

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¹ The analogous requirement regarding regional committees is stated in Ordinance 16301 (lines 210-215): “Within one hundred twenty days of introduction by the committee, the council or a standing committee shall consider the proposed legislation and take such action on the proposed legislation as the council or standing committee deems appropriate, including approval, rejection, amendment and rereferral, postponement or any other action of record during a council or standing committee meeting.” The language was negotiated by a Regional Committees Work Group, which was facilitated by CRC members as part of the charter review process and included councilmembers (acting as individuals, not as authorized representatives of the Council) as well as representatives of King County’s cities.

..Title

AN ORDINANCE proposing an amendment to Section 800 of the King County Charter, to provide for council confirmation of charter review commission members and to require council consideration of charter review commission recommended charter amendments; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.

...Body

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Section 800 Charter Review and Amendments.

At least every ten years after the adoption of this charter, the county executive shall appoint a citizen commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the county council. This citizen commission shall be composed of at least one representative from each of the county council districts. The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the

commission's recommended charter amendments.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

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 provide for council confirmation of charter review commission members and to require council consideration of the charter review commission's recommended charter amendments?



**2007-2008 King County
Charter Review Commission**

Final Report and Recommendations



*Recognizing Forty Years of
Good Governance*

King County, Washington

May 2008
COW Materials, Page 5

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.

Final vote: | Yes – 17 | No – 1 | Abstain – 0 | Absent – 3 |

Commission Procedures

Charter Section – Section 800

Subcommittee – Governmental Structure

Amendment Language – See page 30

The Commission recommends an amendment requiring the County Council to review all charter review commission recommendations and decide at an open public meeting how to proceed on each recommendation. This amendment is in response to the concerns of previous commissions that their recommendations were not fully and publicly considered. This proposed amendment would require Council to undertake public review of any proposed amendments that the Charter Review Commission brings forth. The Commission rejected an alternate amendment to recommend the election of Commissioners, whose recommendations would be sent directly to the ballot.

The Commission also recommends that the Charter be amended to clarify the charter review commission’s appointment and confirmation process. While the Charter generally requires that the Council confirm Executive appointments, there was uncertainty regarding whether Council confirmation was required for charter review commission members.

Final vote: | Yes – 19 | No – 0 | Abstain – 0 | Absent – 2 |

Elected Officials and Collective Bargaining

Charter Section – Section 890

Subcommittee – Regional Governance

Amendment Language – See page 31

The Commission recommends an amendment to the Charter that would require the Council to enact an ordinance providing for collective bargaining and the “effective participation in [collective] bargaining by those separately elected officials who head departments that are subject to this charter” (currently the Assessor and Sheriff). The amendment would preserve a single bargaining agent—the Executive—who is empowered to negotiate county labor contracts. The amendment requires, however, that prior to the Executive negotiating language specific to working conditions, he or she must garner the consent of the separately elected official. In addition, if the Executive and a separately elected official are unable to

V. APPENDICES

APPENDIX A: Proposed Charter Amendment Language

Amendments proposed for addition to the Charter are underlined. Amendments proposed for removal from the Charter are shown in strikeout.

Anti-Discrimination

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, 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, or other non-governmental entity which 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.

Budget Allotments

Section 475. Work Programs and Allotments.

Within thirty days after the adoption of the appropriation ordinances, each agency of county government except the county Council shall present to the county executive work programs and requested allotments by program, project, object of expense or period of time to properly control expenditures and prevent deficits; and the county executive may allot and withhold appropriations. At any time during the fiscal year, the county executive may transfer current expense appropriations between general classifications of expenditures within the same executive department, administrative office, board or Commission.

Budget Timeline

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 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.

Charter Amendment by Citizen Initiative

800.20 Amendments by the Public.

The public may propose amendments to the charter by filing petitions with the county council bearing a number of signatures 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 shall be approved regardless of the vote on the second issue. Any amendment that is approved by a majority of the voters voting on the issue shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

Commission Procedures

Section 800 Charter Review and Amendments.

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

ed, to the county council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the county council. This citizen commission shall be composed of at least one representative from each of the county council districts. The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments.

Elected Officials and Collective Bargaining

Section 890 Employee Representation.

The county council (~~(may)~~) shall enact an ordinance providing for collective bargaining by the county with county employees covered by the personnel system. If an ordinance providing for collective bargaining is enacted, it shall not be subject to the veto power of the county executive; and it shall designate the county executive as the bargaining agent of the county. Any such ordinance shall provide for the effective participation in bargaining by those separately elected officials who head departments that are subject to this charter. Language controlling working conditions (including work rules, shift schedules, discipline and termination) in any collective bargaining agreement covering employees of such a separately elected county official must be consented to by that official prior to the bargaining agent agreeing to such language, proposing its inclusion in a bargaining agreement or sending the bargaining agreement to the county council for ratification. If the executive and separately elected official are unable to resolve a conflict that arises regarding such language, they shall report this in writing to the council, which shall provide guidance on how to proceed in further negotiations concerning the matter in conflict. Any agreement reached as a result of negotiations by the county bargaining agent with county employees shall not have the force of law unless enacted by ordinance.

Elections Deadlines

230.40 Referendum

... After the petitions are filed, the ordinance to be referred shall be placed on the ballot at the next special or general election occurring more than forty-five days after the petitions are filed after the minimum time established by ordinance for presentation of referendum measures to the county officer responsible for conducting elections, provided that in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county. ...

230.50 Initiative

... If the proposed ordinance is not enacted within ninety days after the petitions are ~~presented~~ filed, it shall be placed on the ballot at the next ~~regular~~ general or special election occurring after the minimum time established by ordinance for presentation of initiative measures to the county officer responsible for conducting elections, occurring more than one hundred thirty-five days after the petitions are filed or at an earlier election designated by the county council. ...

800 Charter Review Commission

... The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election ~~occurring more than forty-five days after the enactment of the ordinance~~ occurring after the minimum time established by ordinance for presentation of proposed charter amendments to the county officer responsible for conducting elections. ...

Open Space Protection

New Section 897. High Conservation Value Properties.

The clerk of the council shall maintain the list of inventoried high conservation value properties set forth as Appendix A to this charter. The inventory may include only properties in which the county owns a fee simple interest or a lesser interest. No inventoried county property interest shall ever be conveyed, relinquished, or converted to a different use than was authorized at the time of acquisition, as evidenced by deed, easement, covenant, contract or funding source requirements, except that this section shall not prevent: the conveyance of an inventoried property interest to another government, the conveyance of an inventoried property interest under the lawful threat or exercise of eminent domain; the grant of an easement, license, franchise or use agreement for utilities or other activities compatible with use restrictions in place at the time of acquisition; or the use of an inventoried property interest for habitat restoration, flood control, low-impact public amenities or regionally significant public facilities developed for purposes related to the conservation values of the property, road or utility projects, or emergency projects necessary to protect public health, welfare or safety. This section shall not affect any contractual obligations entered into as part of the county's acquisition of an inventoried property interest.

See page 53 for the proposed inventory of high conservation value properties, Appendix A to the Charter.