



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.: 7	Date: 8 Apr 2009
Briefing No.: 2009-B0096	Prepared by: Nick Wagner

SUMMARY

The 2007-2008 King County Charter Review Commission has recommended that the Council place on the ballot a charter amendment that would repeal Charter section 475 (Work Programs and Allotments).

The CRC's vote was 18-0 in favor of the amendment, with three members absent.

BACKGROUND

Charter section 475 currently requires the Executive to provide estimates ("allotments") of what each county agency will spend each quarter. The King County Financial Policies Advisory Task Force recommended in its August 2007 report (at pp. 7-8) that the allotment requirement be deleted from the Charter:

The Task Force also discussed the allotments provision of the Charter. An allotment is an estimate of what an agency will spend each quarter of the year, and the Executive is required to provide allotments of all agency budgets to the Council. It appears from the Task Force's discussion that the allotment system takes significant time and serves no useful purpose. Council staff noted that they pay little attention to the allotment reports. The Director of the Office of Management and Budget felt the system serves no useful purpose for his office.

The Task Force therefore recommended, "Deletion of the portion of Section 475 of the Charter related to allotments should be considered." (Task Force report, p. 4.) Although the Task Force's recommendation extended only to "the portion of Section 475 related to allotments," the CRC recommended repeal of Section 475 in its entirety.

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 draft legislation would repeal Charter section 475 in its entirety.

Council staff are exploring further with budget staff and legal counsel whether part of Charter section 475 should be retained.

INVITEES

1. Charter Review Commission members

ATTACHMENTS

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..Title

AN ORDINANCE proposing to repeal Section 475 of the King County Charter pertaining to allotments, 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 the King County Charter repealing Section 475, "Work Programs and Allotments," as set forth herein:

Section 475 repealed. Section 475 of the King County Charter, "Work Programs and Allotments," is hereby repealed.

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 repeal Section 475, "Work Programs and Allotments"?

III. Charter Review Issues and Recommendations

The Charter Review Commission recommends the following amendments to the King County Charter. The full text of the amendments can be found in Appendix A.

A. PROPOSED CHARTER AMENDMENTS

Anti-Discrimination

Charter Section – Section 840

Subcommittee – Regional Governance

Amendment Language – See page 30

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.

Final vote: | Yes – 18 | No – 0 | Abstain – 0 | Absent – 3 |

Budget Allotments

Charter Section – Section 475

Subcommittee – Regional Governance

Amendment Language – See page 30

The Commission recommends striking budget allotment requirements in Section 475. Budget allotment requirements in the Charter provide little or no practical value to the county’s current budgeting process. Prior the advent of computerized bookkeeping and automated reports, the County Council and the Executive used the budget allotment process to keep control and oversight of expenditures throughout the year. However, modern bookkeeping practices allow for more frequent reports to the Council from the budget office. The Council and Executive agree that the allotment system is no longer required.

Final vote: | Yes – 18 | No – 0 | Abstain – 0 | Absent – 3 |

Budget Timeline

Charter Section – Sections 410 and 420

Subcommittee – Regional Governance

Amendment Language – See page 30

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

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-

2007-2008 CHARTER ISSUE SUMMARY

Work Programs and Allotments

Issue subject: Should Section 475, containing allotment requirements that call for quarterly estimates of agency spending be deleted?

Issue raised by: County Council to CRC (October 17, 2007) and in a letter to the CRC (September 28, 2007)

Description of issue: The Council's Financial Policies Advisory Task Force, Council staff, and the Executive's Office of Management and Budget have found quarterly estimates of agency spending to provide little value. The allotment process takes significant time and serves no useful purpose. The Task Force recommends that the Charter Review Commission eliminate the allotment requirements contained in Section 475 of the Charter.

Section 475. Work Programs and Allotments.

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Summary of arguments for and against:

Pro: The Task Force, Council staff, and the Office of Management and Budget have found these quarterly estimates of agency spending to provide little value. According to the Task Force, this deletion would also serve the purpose of signaling the need for changes to sections of the code related to allotments.

Con: unknown

Recommendation: Delete Section 475 in its entirety.

Reference documents: In their September 28, 2007 letter to the CRC co-chairs, King County Councilmembers cited recommendations of the Financial Policies Advisory Task Force related to the county annual budget. Among the Task Force's recommendations was the recommendation that the CRC review the allotment system and possibly delete Section 475, since it services no significant purpose.