



Legislation Text

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AN ORDINANCE establishing the King County commission on governance.

PREAMBLE:

King County has been a home rule county since the freeholders wrote and the voters approved the county charter in 1969.

Section 800 of the King County Charter requires that at least once every ten years, the executive appoint a charter review commission of at least fifteen citizens with at least one from each geographic council district to review the charter and make recommendations on charter changes. Since the voters approved the county charter in 1969, the county charter has been reviewed by a charter review commission four different times: 1970-71, 1976-77, 1987-88 and 1996-97.

Since King County was organized in 1852, the government has undergone numerous internal reorganizations to streamline departmental operations and create efficiencies in an effort to adapt to the public's need for services.

In 1992 the voters of King County and the city of Seattle voted to approve the merger of King County government and Metro. The merger involved a two-year transition and took effect on January 1, 1994.

State law and the county charter establish separate branches of county government. The legislative branch has a thirteen-member elected county council. The executive branch has an elected county executive. The County also has a separately elected assessor and sheriff. The prosecuting attorney is also a separately elected county official. In addition, under state law, the county supports the functions of the superior and district courts, each with elected judges.

The legislative branch is the policy making body and possesses powers to, among other things, adopt and enact ordinances, levy taxes authorized by the state, appropriate revenue, adopt budgets and adopt labor policies.

The council has adopted several labor policies providing general and specific direction to the executive for negotiating labor agreements and operating county government.

Any changes or additions to the county's labor policies must be approved by the council's labor policy committee.

The executive branch is responsible for, among other things, operating county government, delivering county services, establishing management policies and presenting an annual budget to the county council for review and approval.

Certain elements of county government are the responsibility of separately elected officials, including the assessor, fifty-one superior court judges, twenty-six district court judges, the prosecuting attorney and the sheriff.

King County's total 2002 budget of \$2.9 billion is supported by a variety of revenue sources including, but not limited to, property taxes, sales taxes and fees for service.

King County does not have the legal authority to assess a business and occupational tax or utility tax, as do municipalities such as the city of Seattle.

Most of the county's revenues - \$2.4 billion of the \$2.9 billion total - are expressly restricted by state law to the purposes for which they are collected.

The remaining revenues of approximately \$500 million, which constitute the county's current expense (CX) fund, are the only funds available to fund many additional county services.

Some of the services funded by the county's CX fund are required by the United States and Washington state constitutions, state law or the county charter, while others are not so required.

Services required by state law include, but are not limited to, law enforcement, courts, adult and

juvenile detention, prosecution and indigent defense, some services related to public health, elections, property tax assessment and collection. Additionally, the county charter requires that there be an elected executive and an elected council.

Sixty-eight percent of the 2002 CX budget is devoted to the criminal justice system, followed by eighteen percent for governmental services, seven percent for public health and health and human services, six percent for parks and recreation and one percent for capital projects.

Due to a severe and continuing fiscal shortfall, King County can no longer sustain its CX fund services at existing levels.

The fiscal shortfall has been brought about by several factors, including:

- A. Annexations and incorporations that have reduced the county's sales tax revenues from what it would have been without an equal reduction in its responsibilities;
- B. Increased demand for services;
- C. Increased cost of providing those services;
- D. Initiative-driven limits on taxes; and
- E. The current economic recession.

This fiscal crisis has required the county to reduce the CX fund budget by \$41 million in 2002 and will require the county to reduce the CX fund budget by \$52 million in 2003, with additional reductions of \$24 million in 2004 and another \$24 million in 2005, for a total of \$141 million over four years.

A deficit of this magnitude will require the county to resize CX-funded services and to make difficult choices among all of the services the county provides.

In response to the budget crisis, the executive has created the King County general government budget advisory task force. The work of this task force is to begin in October 2002 and conclude by June 2003. The mission of this task force is to examine the county's current expense fund,

programs, policies and budgets and to make recommendations regarding policy and operational changes that may provide appropriate revenues in support of CX programs.

The charter directs that the council adopt a balanced budget by December 1 of each year for the following fiscal year that begins on January 1.

The county is committed to ensuring democracy for all citizens, such that they are fairly and effectively represented on the council, and that the council performs its oversight functions as required by state law and county charter.

During these times of fiscal deficits, the council is leading by example such that in 2003, it will reduce its own expenditures by approximately \$2.2 million, or about fifteen percent.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Establishment - definition. The King County commission on governance is hereby established. For the purposes of this ordinance, "the commission" means the King County commission on governance.

SECTION 2. Purpose. The purpose of the commission is to study, identify options for change and make recommendations to the executive and the council addressing issues relating to the provision of current expense fund services, the funding of those services and the county's governance structure.

SECTION 3. Membership - appointment process, requirements and restrictions.

A. The commission shall consist of nine voting members. The members shall be appointed by the executive from nominations submitted by a selection committee consisting solely of the county executive, the chair of the council, the prosecuting attorney and the presiding judge of the superior court. The selection committee shall reach consensus on all nominations to the commission. The appointments shall be subject to confirmation by the council.

B. When making nominations to the commission, the selection committee shall appoint at least one member from academia and higher education, one member from organized labor and one member from

business and industry.

C. When making the remaining nominations to the commission, the selection committee should consider candidates representing the following categories of professional experience: accounting and finance; law, criminal justice and law enforcement; academia and higher education; municipal government; public transportation; roads and freight mobility; organized labor; the clergy; business and industry; real estate and land use; social and human services; and environmental conservation. The selection committee should also consider candidates representing different geographic areas within the county, racial and ethnic backgrounds and gender.

D. All appointees should have:

1. Either or both a working knowledge of local government operations and financing, or significant experience in one or more of the professional categories listed in subsections B and C of this section;
2. A strong commitment to responsible, effective and efficient government in King County;
3. An ability to work with differing viewpoints to find solutions to complex problems; and
4. A willingness to commit the time necessary to attend commission meetings and activities.

E. No appointee shall hold or be a candidate for elected office while serving on the commission.

F. The selection committee shall submit all nominations to the executive and the executive shall transmit to the council the appointments to the commission, including names and contact information of the nine commission members, by December 6, 2002.

SECTION 4. Recommendations - referral to the committee-of-the-whole. Any policy recommendations issued by the commission that require council approval shall be referred to the committee of the whole for review and consideration.

SECTION 5. Responsibilities.

A. Before undertaking its other responsibilities identified in this ordinance, the commission shall elect officers and adopt administrative procedures.

B. The commission shall study and advise the executive and the council on the items listed in this subsection. The commission shall consider the items listed in this section in sequential order as follows:

1. Whether or not the services and service areas historically funded by the current expense fund should be provided to the public by King County and, of those current expense fund services determined by the commission as not being appropriate for King County to provide, whether or not those services should be provided by another entity, be it public, nonprofit or private. The commission is not charged with identifying what other specific governmental jurisdictions or other entities should be responsible for providing specific services. The services to be considered are those funded by the current expense fund and include services in the following appropriation units, programs or departments: county council, council administration, hearing examiner, council auditor, ombudsman/tax advisor, King County Civic Television, board of appeals, county executive, office of the executive, budget office, finance, sheriff, drug enforcement forfeits, parks and recreation, office of emergency management, licensing and regulatory services, executive services-administration, human resources management, cable communication, property services, facilities management, records and elections, prosecuting attorney, prosecuting attorney-antiprofitteering, superior court, district court, judicial administration, state auditor, boundary review board, salary and wage contingency, executive contingency, internal support, assessments, current expense transfers, adult and juvenile detention, community services and public defense;

2. How each of the services and service areas identified in subsection B.1 of this section should be provided to ensure long-term efficiency and accountability on the part of King County, including:

- a. Recommendations, if any, to change or improve service delivery systems; and
- b. Recommendations, if any, regarding current employment policies;

3. How each of the services and service areas identified in subsection B.1 of this section should be paid for by King County to ensure adequate long-term funding, including:

- a. The need, if any, and recommendations, if any, for changes to the current expense fund revenue

structure and actions necessary for implementing or securing those changes identified by the commission; and

b. The need, if any, and recommendations, if any, for a dedicated revenue source to fund specific services or broad service areas;

4. How the county's governance structure and governance policies should be changed, if at all, for the following items:

a. The need, if any, and recommendations, if any, to change the designation of any elected county office as a partisan or nonpartisan office;

b. The need, if any, and recommendations, if any, to change the designation of any elected county office from elected office to appointed office;

c. The need, if any, and recommendations, if any, to change the size and structure of King County government, including all elective county offices; and

d. The need, if any, and recommendations, if any, to change the size and structure of the council, including number of councilmembers, staffing and salaries.

C. The commission shall issue progress reports to the council at the end of each calendar quarter, with the first report due on March 31, 2003. Once the commission finalizes a recommendation for any given responsibility identified in subsection B of this section, the commission shall include the recommendation and related work product associated with that responsibility in the next quarterly progress report to the council. The commission shall issue a final report to the council by March 31, 2004, including a needs assessment and recommendations for action on the issues identified in subsection B of this section.

D. It is the intent of the council that the commission shall operate under the premise of consensus. For purposes of the commission, the consensus process shall be one in which all commission members aim to reach agreement on actions and outcomes that resolve or advance issues related to the responsibilities of the commission. In the consensus process, participants shall work together to design a process that maximizes their ability to resolve their differences.

E. All commission meetings shall be open to the public. The commission shall hold a minimum of two public hearings to solicit testimony from the public prior to submitting the final report to the council.

F. It is the intent of the council that the commission and the general government budget advisory task force created by the executive shall work together and share information when appropriate.

SECTION 6. Staffing and operations.

A.1. The commission shall identify an independent contractor or contractors to support the commission and shall request that the chair of the council enter into contracts to provide such services. The chair may enter into such contracts, subject to the limitations on consultant contracts provided in the council's organizational motion. The contractor or contractors selected shall assist the commission in two areas as follows:

a. a technical consultant to conduct independent research and analysis; and

b. a facilitator to assist with the deliberations of the commission members and to prepare the final report of the commission's findings.

2. Two separate contracts shall be entered into for technical consulting and facilitation.

B. The commission may select one contractor to fulfill both sets of duties or two contractors to separately fulfill the duties described in subsection A of this section. The contractor or contractors selected shall have the appropriate level of expertise and relevant experience necessary to support the commission. If two different contractors are selected, then those two contractors shall work together where appropriate to support the commission.

C. The council's chief of staff or other staff person designated by the chair of the council shall assist with coordinating the staffing and operation of the commission.

D. It is the intent of the council that a portion of the savings accrued through the reductions to the council's budget shall be used to cover costs associated with staffing the commission.

E. County staff persons in all departments and all branches of government shall be available to answer questions and provide information to the commission. The prosecuting attorney's office shall provide legal

assistance to the commission.

SECTION 7. Compensation and reimbursement. The county shall reimburse commission members for mileage at the standard county reimbursement rate for travel within the county to and from scheduled commission meetings. The county shall provide

parking space free of charge in the county garage to commission members while attending meetings where commission business is conducted.