

Snohomish County Charter Review Commission

8th Floor Robert J.
Drewel Building
Jackson Board Room
Wednesday, March 2,
2016
7:00 PM - 9:00 PM
AGENDA

7:00 p.m. Call to Order

Flag Salute

Roll Call

Agenda Order

Guests:

1. Performance Auditor - Marcia Isenberg, Executive's Office

Public Comments (7:20 p.m.)

Approval of the Minutes: February 17, 2016

Report from Chair

Business Items

1. Charter Amendment Proposal Preliminary Discussions
 1. Evaluate Process for Addressing Whistleblower Complaints
 2. Evaluate Process for Addressing Ethics Complaints
 3. Non-Partisan Elections for all County Offices
 4. Schedule of County Council Meetings
 5. Move Union Negotiations to County Council
 6. Confirmation of Department Heads
 7. Clarify Duties and Powers of County Officers
 8. Lower Age for Holding County Office from 21 to 18
 9. Reduce Residency Requirement for Holding County Office
 10. Eliminate Term Limits
 11. Allow County Council to Declare an Elected Official's Position Vacant
 12. Change Date of Submission of Executive's Budget from October 1 to September 1
 13. Update Charter Language on Nondiscrimination
 14. Update Charter Language on Transitional Provisions
 15. Review Charter for Glaring Errors
 16. Update Charter to use Gender-Neutral Terms
 17. Evaluate Governance Structure for Paine Field
 18. Explore Concepts for Additional Representation in Unincorporated Areas
 19. Require Council to Repeal Ordinances with Adoption of New Ordinance
 20. Require Sunset Provisions in Ordinances
 21. Make all Elected County Offices Partisan

Old Business

New Business

9:00 p.m. Adjournment

Future Agenda Topics

Charter Amendment Proposal 2 - Revisions to Districting Timeline and Procedures Charter Amendment Proposal 3 - Abstentions by County Council Members Charter Amendment Proposal 4 - Adding Office of Ombudsman to Charter Charter Amendment Proposal 14 - Enlarge Council from 5 to 7 Members Charter Amendment Proposal 15 - Eliminate Office of Performance Auditor
[NOTE: Times shown on Agenda are approximate]

Documents: [2016_0302AGENDA.PDF](#)

2. 03/02/2016 - Draft Minutes

**Snohomish County
Charter Review
Commission** 8th Floor
Robert J. Drewel
Building
Jackson Board Room
Wednesday,
February 17, 2016
7:00 PM
MINUTES

PRESENT:

Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Stanford
Commissioner Donner
Commissioner O'Donnell
Commissioner Kelly (via videoconference)
Commissioner Valentine
Commissioner Matthews
Commissioner Roulstone
Commissioner Koster
Commissioner Barton
Commissioner Chase
Commissioner Fior
Councilmember Ken Klein
Judge Beth Fraser
Judge Linda Krese
Debbie Eco, Council Clerk
Chris Roberts, Commission Analyst

Call to Order

Chair Gregerson called the meeting to order at 7:00 p.m.

Flag Salute

Roll Call

Commissioner Liias absent. Commissioner Donner at 7:05 pm .

Guests:

1. Councilmember Ken Klein

Councilmember Klein recommended that as the Commissioners consider proposals to amend the Charter, they should consider the costs of the proposal, consider communities, and consider voters. He suggested that the Commissioners give the voters an opportunity to determine how they want their government operates rather than what individual Commissioners support.

Councilmember Klein suggested that the Commission should consider making the County non-partisan. He stated partisanship at the local level does not work. He stated that King County voters made their Council non-partisan. Non-partisan elections would improve voters choice, increase competition, makes government accountable, and improves partnerships between the County and other governments.

Commissioners asked Councilmember Klein questions about the merits of his proposal. Commissioner Valentine expressed support for learning more about what King County did.

2. Judge Beth Fraser

Judge Fraser said she was the presiding judge of the South Division District Court. She stated that she did not have any proposals to bring before the Commission.

Commissioner Matthews asked about the needs for law and justice in the County. Judge Fraser responded that there are lots of non-financial solutions available in the County and a great capacity to address these issues.

3. Judge Linda Krese

Judge Krese stated the Charter does not had a direct impact on the Superior Court. In the past, the Court requested that the duties of the Clerk be placed under the administrative direction of the Court. She stated that this year the Court is not going to move forward on the proposed change. She expressed agreement with Judge Fraser about the needs for law and justice in the County. Finally, she stated that criminal cases make up about 10% of the Court's docket.

Public Comments

There were no persons present wishing to provide public comment.

Approval of the Minutes: February 3, 2016

Commissioner Chase stated that the February 3 minutes should be corrected to show a discussion of placing the web form in Spanish.

Commissioner Chase moved that the minutes with the addition of the note that the Commission would like the form in Spanish to be approved. Commissioner Barton seconded the motion.

The motion passed unanimously.

Report from Chair

Chair Gregerson stated that the Chris Roberts was hired as the Commission Analyst.

Chair Gregerson stated that corrections were made to the website and the web form and online. She also stated that she is finalizing a contract with an attorney for the Council.

Chair Gregerson informed the Commissioners that all of the documents are now available on the County server.

Business Items

1. Process for receiving Charter Amendment Proposal

Commissioner O'Donnell discussed a proposed process for reviewing a Charter Amendment proposal recommended by a committee comprised of Chair Gregerson and Commissioners O'Donnell, Matthews and Roulstone. The process they recommended would require five or more votes to receive further consideration and analysis by the Commission.

Commissioner Barton suggested that the Commission should reconsider all proposals before taking final action. Commissioner Valentine recommended a two-phase elimination process. She stated that in 2006 many of the final amendments referred to the voters were combinations of proposed amendments.

Commissioner Chase stated that she would prefer seven votes to move a proposal forward. Commissioner Matthews stated that five votes would indicate support of 1/3 of the Commission.

Commissioner Koster moved approval of the committee's recommendation. Commissioner Roulstone seconded the motion.

Commissioner Koster asked about the protocol for proposals received by members of the public.

The motion passed unanimously.

Commissioner Roulstone moved that the issue of the placement of the issue of animal control within the county government be referred to the County Council for appropriate action. Commissioner Valentine seconded the motion.

Commissioner Matthews stated that the County Sheriff and County Auditor be informed of the Commission's action.

The motion passed unanimously.

Commissioner Roulstone stated that there should be wording changes made to the auditor's proposal regarding districting changes.

Commissioner Terwilliger moved Proposal 2 for Districting Timeline and Procedures forward. Commissioner Koster seconded the motion.

The motion passed unanimously.

Commissioner Chase stated she would like the staff provide a brief analysis of proposals before moving a proposal forward. Chair Gregerson stated a brief assessment would make sense. Commissioner Koster wanted to know if the proposal was or was not related to the Charter. Vice Chair Miller stated that the Commissioners could do their own analysis.

Commissioners discussed when staff should start analysis of proposed amendments to the Charter.

Commissioner Valentine moved to explore the issue of abstentions by County Council members. Commissioner Fior seconded the motion.

Commissioners discussed whether the issue of abstentions should be left to the County Council, the value of transparency, and the frequency of abstentions.

Commissioners voted 10-4 in favor of the motion (Chair Gregerson, Commissioner Barton, Commissioner Chase and Commissioner Stanford in opposition).

2. Roundtable Discussion of Amendment Ideas

Commissioner Koster brought forward three proposals relating to the Office of Ombudsman, an evaluation of how ethics complaints are handled in the County, and an evaluation of how whistleblower complaints are handled in the County.

Commissioner O'Donnell stated that he liked the proposal to create an office of Ombudsman. He also expressed support for non-partisan elections and would like to know more about how King County's process works.

Commissioner Valentine stated that she ran on the issue of transparency. She expressed a desire to see regularly scheduled County Council meetings in the evenings, on weekends, and in the Council districts.

Vice Chair Terwilliger informed the Commission that he sent an email to the Commission earlier in the day about proposed amendments to the Charter. He spoke about changing the age of eligibility in the County from 21 to 18 and the three year residency requirement to hold elected office. He stated that the Commission should evaluate whether the Office of Performance Auditor should remain in the Charter and that the Council should have more time to evaluate the budget.

Commissioner Barton stated his support for non-partisan elections and to expand the Council from five to seven members. He questioned whether the mission of the performance auditor was being fulfilled.

Commissioner Matthews expressed support evaluating non-partisan elections and performance audits. He stated that there are elements in the Charter which are glaringly in error.

Commissioner Koster stated the Council should move to using biennial budgets.

Commissioner Fior proposed the Commission delete any gendered language in the Charter.

She expressed support for evaluating the increasing the number of County Council members.

Commissioner Stanford supported moving forward on evaluating additional councilmembers, the role of performance auditor, and gender-neutral language in the Charter.

Commissioner Chase stated that people should be included in the process. She stated her support of moving to a seven member Council and opposition to non-partisan elections.

Vice Chair Miller spoke in favor of partisan elections and in opposition to term limits. He stated that there are only two African-Americans serving in elected positions in Snohomish County.

Chair Gregerson stated she was open to moving from five to seven councilmembers and opposition to non-partisan elections. She expressed interest in evaluating biannual budgets and the performance auditor.

Commissioner Kelly wanted to see how people can improve trust in government. She suggested the Commission should consider night meetings and evaluate the lack of representation in unincorporated areas of the County. She stated she would like more information about non-partisan elections.

Commissioner Donner stated that most voters vote on name recognition. He expressed support for term limits and opposition to expanding the Council.

Commissioner Roulstone stated that he would like to see an ordinance repealed with the passage of a new ordinance. Vice Chair Terwilliger suggested that all ordinances have a sunset date.

Commissioners expressed a desire to understand the fiscal costs associated with Charter changes before taking final action.

Commissioner Chase moved to move forward the discussion of the size of the County Council from five to seven members and ask the staff to do further review. Commissioner Fior seconded the motion.

The motion passed 10-3.

Commissioner Valentine moved to explore how we can tighten the language and be effective at having biennial budgets for Snohomish County in the Charter. Seconded by Commissioner Matthews.

The motion passed unanimously.

Commissioner Koster moved to explore creating the office of the ombudsman in the Charter. Commissioner Chase seconded the motion.

The motion passed unanimously.

Vice Chair Terwilliger moved to move forward the issue of the performance audit role and look at the King County model. Commissioner Donner seconded the motion.

The motion passed unanimously.

Old Business

New Business

Vice Chair Miller stated that the March 16th meeting will be at Marysville City Hall.

Commissioner Chase asked about outreach for district meetings. Chair Gregerson asked the Commissioners to help with finding the right media outlets for outreach and publicity. Vice Chair Miller and Fior volunteered to help with outreach.

Chair Gregerson stated the staff will collect public disclosure certificates.

Adjournment

With no further business, Chair Gregerson adjourned the meeting at 8:59 p.m.

Documents: [DRAFT MINUTES 2-17.PDF](#)

3. 03/02/2016 - Proposals

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-09	
SUBJECT TITLE: Further Analysis and Discussion on Charter Amendment Proposals	Meeting Date: March 2, 2016
Estimated Presentation Time: 60 minutes	Exhibits: 1. Process for Receiving Charter Amendment Proposals

RECOMMENDATION: The Commission should determine whether to have further discussion and analysis on twenty one Charter Amendment Proposals.

1. Evaluate Process for Addressing Whistleblower Complaints
2. Evaluate Process for Addressing Ethics Complaints
3. Non-Partisan Elections for County Council, Executive and Prosecuting Attorney
4. Make all Elected County Offices Partisan
5. Lower Age for Holding County Office from 21 to 18
6. Reduce 3 Year Residency Requirement for Holding County Office
7. Eliminate Term Limits
8. Explore Concepts for Additional Representation in Unincorporated Areas
9. Schedule of County Council Meetings
10. Move Union Negotiations to County Council
11. Confirmation of Department Heads
12. Clarify Duties and Powers of County Officers
13. Allow County Council to Declare an Elected Official's Position Vacant

14. Change Date of Submission of Executive's Budget from October 1 to September 1
15. Update Charter Language on Nondiscrimination
16. Update Charter Language on Transitional Provisions
17. Review Charter for Glaring Errors
18. Update Charter to use Gender-Neutral Terms
19. Require Council to Repeal Equal Number of Other Ordinances with Adoption of New Ordinances
20. Require Sunset Provisions in Ordinances
21. Explore Concepts for Governance Options of Paine Field

If a Commissioner wishes to have further discussion on a proposal, a motion would be "I move to have further discussion and analysis on **Charter** Amendment Proposal."

With twenty one issues scheduled for discussion at tonight's meeting, the Chair suggests that the Commission discuss the first ten items on the agenda and then consider rescheduling the remaining issues to a future meeting.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided upon a procedure for determining which proposals to amend the Snohomish County Charter should receive further discussion and analysis. That process is seen in Exhibit 1.

During the February 17th meeting, the Commission advanced six proposals for further discussion and analysis and introduced an additional twenty-one proposals (as seen in Exhibit 2).

BACKGROUND:

Charter Amendment Proposal 5

Evaluate Process for Addressing Whistleblower Complaints

This proposal was made by Commissioner Koster. In his discussion, Commissioner Koster stated that whistleblower complaints currently go to the Executive or the Deputy Executive. He raised the question of what happens when the complaint is against a member of the Executive's staff. He suggests that the complaint should go to a third party.

*Charter Provision
Addressed: Section
9.30*

Charter Amendment Proposal 6

Evaluate Process for Addressing Ethics Complaints

This proposal was made by Commissioner Koster. In his discussion, Commissioner Koster stated that whistleblower complaints currently go to the Council Clerk. He raised the question of what happens when the complaint is against a member of the Council. He suggests that the complaint should go to a third party.

*Charter Provisions Addressed:
Section 9.30*

Charter Amendment Proposal 7

Non-Partisan Elections for County Council, Executive and Prosecuting Attorney

This proposal was made by Commissioner O’Donnell. He stated that voters want to see non- partisan officials and that non-partisan elections might lead to more people deciding to run for office.

Excluding judges, there are eight county-wide positions elected by the voters (as seen in Table 1). Home rule counties have wide latitude in structuring their government in their home rule charters and have statutory authority to designate county positions as nonpartisan. In 1996, voters made the offices of assessor, auditor, county clerk, sheriff, and treasurer non- partisan.

The Attorney General issued an opinion in 2015 that home rule counties can change the office of prosecuting attorney from a partisan office to a non-partisan office (AGO 2015 No. 6). The opinion concludes “changing the position of prosecuting attorney from partisan to nonpartisan would not disturb “the elective nature of the office” (AGO 2003 No. 12, at 4), we believe that such a change complies with article XI, section 4 [of the Constitution].”

Table 1

Position	Partisan Office
Council	Yes
Executive	Yes
Assessor	No
Auditor	No
Clerk	No
Prosecuting Attorney	Yes
Sheriff	No
Treasurer	No

Charter Provision Addressed:
Charter Section 4.15

**Charter Amendment Proposal 28
Partisan Elections for all County Offices**

This proposal was made by Commissioner Barton. During the February 17 meeting, Commissioners stated that partisan elections are more transparent, as the absence of a party label confuses voters.

Charter Provisions Addressed:
Section 4.15

**Charter Amendment Proposal 12
Lower Age for Holding County Office from 21 to 18**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he stated the Commission should “consider whether or not Article 4, Section 4.30 should be changed to lower the age to be elected to county office from 21 to 18.”

Charter Provisions Addressed:
Section 4.30

**Charter Amendment Proposal 13
Reduce Residency Requirement for Holding County Office**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he stated the Commission should “consider whether or not to reduce the residency requirement for being elected to county office from 3 years to 1 year.”

Charter Provisions Addressed:
Section 4.30

**Charter Amendment Proposal 16
Eliminate Term Limits**

This proposal was made by Vice Chair Terwilliger. The Charter states “No person shall be eligible to be elected to more than three consecutive full terms for any office.”

Charter Provisions Addressed:
Section 4.30

**Charter Amendment Proposal 25
Explore Concepts for Additional Representation in Unincorporated Areas**

This proposal was made by Commissioner Kelly. At the February 17 meeting, Commissioner Kelly suggested the Commission should evaluate the Charter to provide additional representation for unincorporated areas in the County.

Charter Provisions Addressed:
Not Currently Addressed in the Charter

**Charter Amendment Proposal 8
Schedule of County Council Meetings**

This proposal was made by Commissioner Valentine. In her discussion, Commissioner Valentine stated that she wanted an accessible Council for the community. She suggested that the Council should meet in the evenings, on weekends, and in the community.

Currently the Council regularly meets in a general legislative session on Mondays from 9:00 - 10:30 AM and in an administrative session from 10:30 - 11:30 AM on Wednesdays. Regular meetings are held on the 8th Floor of the Robert J. Drewel Building in Everett. The Charter states that the rules of procedure for the Council shall “provide for an opportunity for public comment during any meeting of the county council.”

Charter Provisions Addressed:
Section 4.50, 4.60 and 4.70.

**Charter Amendment Proposal 9
Move Union Negotiations to County Council**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he stated “the original Charter placed this responsibility with the County Council and it was moved to the Executive with a Charter change approved in 2005. It has proven to be problematical so a discussion should take place about giving this responsibility back to the County Council.”

Charter Provisions Addressed:
Section 2.20

**Charter Amendment Proposal 10
Confirmation of Department Heads**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he proposed “a process where confirmation of the appointment of Department Heads by the County Council must occur within a specified number of days after the proposed appointment is submitted by the Executive to the County Council. Failure of the County Council to act on the proposed appointment within those specified number of days would result in the appointment being approved.”

The Charter states the “county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office, except the separately elected offices.” Among the departments that the County Council would consent to an appointment are the Department of Planning and

Development Services, Office of Public Defense, Office of the Ombudsman, Department of Parks and Recreation, Department of Facilities Management, Department of Emergency Management, Department of Public Works, Office of the Medical Examiner, Department of Finance, Department of Information Services, Department of Human Services, Department of Human Resources, and the Snohomish County Airport.

Charter Provisions Addressed:

Section 3.40

**Charter Amendment Proposal 11
Clarify Duties and Powers of County Officers**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he stated the Commission should “clarify Article 3, Section 3.20 (2) to include not only the exception set forth in Article 3, Section 3.120 but also Article 3, Section 3.110 as well. Section 3.110 should also include language that states that unless delineated by the Charter and ordinance, the offices in this section have the duties and powers otherwise outlined in state law.”

Charter Provisions Addressed:

Section 3.110

**Charter Amendment Proposal 17
Allow County Council to Declare an Elected Official’s Position Vacant**

This proposal was made by Vice Chair Terwilliger. In an email to the Commission, he stated the Commission should consider allowing “the County Council to declare an elected officials position to be vacant if the person elected to the office is absent without reason from their position for more than 30 consecutive days.”

Currently, a vacancy occurs with the the death, resignation, or recall of the official, if the official moves out of the county, or “is absent from the county for thirty consecutive days without being excused by the council.”

Charter Provisions Addressed:

Section 4.80

**Charter Amendment Proposal 18
Change Date of Submission of Executive’s Budget from October 1 to September 1**

This proposal was made by Vice Chair Terwilliger. At the February 17 meeting, the Vice Chair suggested that the County Council does not have adequate time to consider adoption of the budget.

Charter Provisions Addressed:

Section 6.20

**Charter Amendment Proposal 19
Update Charter Language on Nondiscrimination**

This proposal was made by Vice Chair Terwilliger. In his email to the Commission, he suggested that Section 9.05 might need to be updated.

Charter Provisions Addressed:

Section 9.05

**Charter Amendment Proposal 20
Update Charter Language on Transitional Provisions**

This proposal was made by Vice Chair Terwilliger. In his email to the Commission, he suggested that Article 11 might need to be updated.

Charter Provisions Addressed:

Article 11

Charter Amendment Proposal 21

Review Charter for Glaring Errors

This proposal was made by Commissioner Matthews. At the February 17 meeting, Commissioner Matthews suggested the Commission should evaluate the Charter to see if there are “glaring errors” in the Charter.

Charter Provisions Addressed:

Entire Charter

Charter Amendment Proposal 23 Update Charter to use Gender-Neutral Terms

This proposal was made by Commissioner Fior.

Some examples of the use of gendered pronouns in the Charter include:

1. “Any change in the boundaries of a councilmember’s district which shall cause him to be no longer a resident shall not disqualify him from holding office during the remainder of the term for which he was elected or appointed.” - Section 2.30

2. “An elective office shall become vacant on the death, resignation or recall of the official or if he ceases being resident of Snohomish county” - Section 4.80

Charter Provisions Addressed:

Entire Charter

Charter Amendment Proposal 24 Evaluate Governance Structure for Paine Field

This proposal was made by Chair Gregerson. Currently Title 15 of the County Code describes the governance of the Snohomish County Airport at Paine Field. The authority of the airport resides in the executive. The executive appoints, with the confirmation of the Council, an airport manager.

The airport manager has the power to:

- Employ and manage such employees as are necessary to the operation of the airport, including fire protection and security personnel as specified under federal, state and local requirements: PROVIDED, That the council shall approve all collective bargaining agreements between the county and unions representing airport employees.
- Perform all acts necessary and incidental to the powers of the manager as stated in this title.

The Council sets the budget of the airport, develops rules and regulations for the airport, and may approve “individual licenses or leases of airport property or proposed rates, terms or forms of leases” recommended by the executive. SCC 15.04.040.

The executive performs the duty to approval of all licenses to occupy, use or access the Snohomish County Airport and all airport leases, recommend rates, terms and forms of leases to be approved by the executive in which event the county council by motion will establish and submit an annual report to the county council. SCC 2.10.010(12).

Charter Provisions Addressed:

Not currently addressed in the charter.

Charter Amendment Proposal 26 Require Council to Repeal Ordinances with Adoption of New Ordinance

This proposal was made by Commissioner Roulstone. At the February 17 meeting, Commissioner Roulstone suggested the Commission should consider requiring the Council to repeal an ordinance each time a new ordinance was adopted.

Table 2 shows the number of ordinances the Council took action upon from 2010-2015.

Table 2

Year	Number of Ordinances
2015	85
2014	120
2013	88
2012	106
2011	84
2010	110

Charter Provisions Addressed:
Sections 2.110-2.2120

**Charter Amendment Proposal 27
Require Sunset Provisions in Ordinances**

This proposal was made by Vice Chair Terwilliger. At the February 17 meeting, Commissioner Terwiller suggested the Commission should evaluate placing a sunset provision on all adopted ordinances.

A sunset provision is a measure within a statute, regulation or other law that provides that the law shall cease to have effect after a specific date, unless further legislative action is taken to extend the law.

Charter Provisions Addressed:
Sections 2.110-2.2120

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

**Exhibit 1
Process for Receiving Charter
Amendment Proposals**

1. The Commission receives completed amendment submission form.
 1. The Commission may ask for applicant for more information about the proposed Charter amendment.
 2. The Commission determines whether the proposed Charter amendment shall be added to the agenda for further action and discussion.
 1. The Commission will vote on whether to move forward with a proposed Charter amendment at the Commission's next scheduled meeting under new business.
 2. Five affirmative votes are necessary to add a proposed Charter amendment on a future agenda.
3. At a subsequent meeting, the Commission may:
 1. Discuss or amend a proposed Charter amendment.
 2. Determine the costs or benefits of a proposed Charter amendment.
 3. Vote to refer a proposed Charter amendment to the voters for ratification.
4. The Commission shall communicate with the primary submitter of a proposed Charter amendment as to actions taken by the Commission.
- 5.

Documents: [2016-09 PROPOSALS.PDF](#)