1. Charter Review Commission Extended Agenda - March 16: Marysville City Hall

March 16: Marysville City Hall

Study Items

1. Proposal 2016-02 Revisions to Districting Timeline and Procedures
2. Proposal 2016-04 Adding Office of Ombudsman to Charter
3. Proposal 2016-15 Eliminate Office of Performance Auditor
4. Proposal 2016-23 Update Charter to use Gender-Neutral Terms

2. 03/16/2016 - Snohomish County Charter Review Commission Agenda

Snohomish

County Charter

Review

Commission

Marysville City Hall, Council
Chambers 1049 State Ave
#101 Marysville, WA 98270
Wednesday, March 16, 2016
7:00 p.m. – 9:00 p.m.
AGENDA

7:00 p.m. Call to Order
Flag Salute
Roll Call
Agenda Order
Public Comments (7:10 p.m.)
Approval of the Minutes: March 2, 2016
Report from Chair
Business Items

1. Charter Amendment Proposal Preliminary Discussions
   1. Proposal 2016-08 Schedule of County Council Meetings
   2. Proposal 2016-25 Explore Concepts for Additional Representation in Unincorporated Areas

2. Charter Amendment Study Items
   1. Proposal 2016-02 Revisions to Districting Timeline and Procedures
   2. Proposal 2016-04 Adding Office of Ombudsman to Charter
   3. Proposal 2016-15 Eliminate Office of Performance Auditor
   4. Proposal 2016-23 Update Charter to use Gender-Neutral Terms

Old Business

New Business

9:00 p.m. Adjournment

Next Meeting March 23
Agenda Topics
Charter Amendment Proposal 3 - Abstentions by County Council Members
Charter Amendment Proposal 12 - Lower Age for Holding County Office from 21 to 18 Charter Amendment Proposal 13 - Reduce Residency Requirement for Holding County Office Charter Amendment Proposal 27 - Require Sunset Provisions in Ordinances

[NOTE: Times shown on Agenda are approximate]

Documents: 2016_0316 AGENDA.PDF

3. 03/16/2016 - Adopted Minutes

Snohomish County Charter Review Commission

8th Floor
Robert J. Drewel Building
Jackson Board Room
Wednesday,
March 2, 2016
7:00 p.m.
MINUTES

PRESENT:
Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Stanford
Commissioner Donner
Commissioner O'Donnell
Commissioner Matthews
Commissioner Roulstone
Commissioner Koster
Commissioner Barton
Commissioner Chase
Commissioner Fior
Marsha Isenberg, Interim Deputy Executive
Debbie Eco, Council Clerk
Chris Roberts, Commission Analyst

CALL TO ORDER

Chair Gregerson called the meeting to order at 7:01 p.m.

FLAG SALUTE

ROLL CALL

Commissioners Liias, Kelly and Valentine absent. Commissioners Chase and Donner at 7:05 pm.

GUESTS

1. Marsha Isenberg, Interim Deputy Executive

Deputy Executive Isenberg discussed the history of the office of the performance auditor. Before 2007, the performance auditor was housed in the office of the county office and in 2006 voters established an independent office in the legislative branch. Initially, the office was staffed by one full time position and one 3/4 time position. In mid-2008, both positions became vacant. The Council did not immediately fill the position. In 2012 the Council turned to contracting with a performance auditing firm, and naming a principal in the firm as the performance auditor. Currently, the Council contracts with Sjoberg Evashenk to perform performance audits and named George Skyles as the performance auditor.

Deputy Executive Isenberg believes the mandate for doing the work has proven to have flexibility to al- low for changing circumstances. She did not recommend any amendments to the charter.

Commissioner Barton asked how does the Council decide the scope and priorities for the performance auditor firm. Deputy Executive Isenberg stated there is a performance auditor committee develops audit recommendations and presents those recommendations to the Council. She stated that the Council con- siders audits based on what the county can afford.

Commissioner Matthews asked about the impact of the performance auditor being reportable to the county auditor. Deputy Executive Isenberg stated the public would not likely see much difference. Vice Chair Terwilliger asked about section 2.90 of the Charter. Deputy Executive Isenberg stated the Council would retain administrative oversight for the performance audits to manage budgets and determine costs.

Commissioners asked about different models of staffing the office of performance auditor.

PUBLIC COMMENTS

There were no persons present wishing to provide public comment.

APPROVAL OF THE MINUTES

Commissioner Chase moved to approve the minutes of the Charter Review Commission meeting of March 2, 2016. The motion was seconded by Vice Chair Miller and passed unanimously.

REPORT FROM CHAIR
Chair Gregerson stated that she would speak with the League of Women Voters radio show on KSER
90.7 on Monday, March 14th and that she has been talking with Noah Haglund from the Everett Herald about the Commission's work.

BUSINESS ITEMS

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS

Commissioner Roulstone stated he did not want to move forward with Charter Amendment Proposal 2016-26, Requiring Council to Repeal Ordinances with Adoption of New Ordinance, and Chair Gregerson stated she did not want to move forward with Charter Amendment Proposal 2016-24, Evaluate Govern- ance Structure for Paine Field, until she developed a formal proposal.

Vice Chair Terwilliger stated that there are multiple court cases overturning age restrictions for holding office.

Vice Chair Terwilliger moved Charter Amendment Proposals 2016-12, Lower Age for Holding County Office from 21 to 18 and 2016-13, Reduce Residency Requirement for Holding County Office, forward for further analysis. The motion was seconded by Commissioner Barton.

Commissioner Matthews stated the memo was confusing.

The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-19, Update Charter Language on Nondiscrimination, 2016-21, Review Charter for Glaring Errors, and 2016-23, Update Charter to use Gender-Neutral Terms, forward for further analysis. The motion was seconded by Commissioner Koster. The motion passed unanimously.

Commissioner Roulstone moved Charter Amendment Proposal 2016-27, Require Sunset Provisions in Ordinances, forward for further analysis. The motion was seconded by Commissioner Donner.

Commissioner Barton asked how much of an impact sunset provisions would have on the Council. Com- missioner Koster wondered how long the sunset provision would be and would like feedback from the Council. Commissioner Koster said that sunset provisions are not common. Deputy Executive Isenberg stated that the Charter requires a sunset on some ordinances.

Commissioner Roulstone stated his belief the public would support a sunset clause.

The motion carried 7-5. Vice Chair Terwilliger and Commissioners Barton, Donner, Matthews, Koster, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chair Miller and Commissioners Chase, Fior, and Stanford in opposition.

Vice Chair Terwilliger stated that he wanted more information about the proposal.

Commissioner Koster moved Charter Amendment Proposals 2016-05, Evaluate Process for Addressing Whistleblower Complaints, and 2016-06, Evaluate Process for Addressing Ethics Complaints, forward for further analysis. The motion was seconded by Commissioner Matthews.

Commissioner Barton asked if these proposals should be considered with the discussion of the creation of the ombudsman in the charter? Commissioner Koster suggested that the items may or may not be part of that discussion.

The motion passed unanimously.

Commissioner Chase asked about Commissioner Valentine's proposal about the schedule of County Council meetings.

Commissioner Koster spoke in favor of moving union negotiations to the County Council.

Vice Chair Terwilliger stated he met with Councilmember Ryan about the confirmation process of execu- tive appointments. There is a question of the status of appointments who are not confirmed by the council. Vice Chair Terwilliger stated that failure of the Council to act leads candidates to be in a state of uncertainty.

Commissioner Koster moved Charter Amendment Proposals 2016-09, Move Union Negotiations to County Council, and 2016-10, Confirmation of Department Heads, forward for further analysis. The motion was seconded by Commissioner Roulstone.

Commissioner Barton stated that these are different issues and should not be combined.

The motion passed unanimously.

Vice Chair Terwilliger asked Commissioner Koster about the timing of budget submission to the Council. Deputy Executive Isenberg said that by tradition the budget is submitted the last Friday in September. Chair Gregerson expressed her desire to hear from the Executive and Council on the issue.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-18, Change Date of Submission of Executive's Budget from October 1 to September 1, forward for further analysis. The motion was se- conded by Commissioner Koster. The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, and 2016-28, Make all Elected County Officials Partisan, forward for further analysis. The motion was seconded by Vice Chair Terwilliger.

Commissioner O'Donnell moved to divide the question. Second by Vice Chair Miller.

Commissioner Barton stated the two items are linked. The discussion is whether the offices are partisan, non-partisan, or left alone. Vice Chair Terwilliger suggested that separation allows analysis on both is- sues.

The motion to divide the question passed 11-1. Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Chase, Donner, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in sup- port. Commissioner Barton in opposition.

Commissioners discussed whether the Prosecuting Attorney could be a non-partisan office. Commissioner Barton specified that the motion is for non-partisan elections for all county offices.
The motion to move forward with Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, passed 6-6. Commissioners Barton, Donner, Koster, Matthews, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chairs Terwilliger and Miller, and Commissioners Chase, Fior, and Stanford in opposition.

Commissioner O'Donnell stated most voters want to see offices non-partisan. He stated that 42% of people identified as non-partisan and independents are unlikely to be elected.

Commissioner Barton stated that he would like to hear from the people if they want partisan elections. Commissioner Roulstone stated people do not register as Republicans or Democrats in the State. He said that running for partisan office does not imply a set of values.

Commissioner O'Donnell stated that King County went to non-partisan elections in 2008. Candidates show their partisanship through their endorsements. Non-partisan elections open the door to someone who does not identify with either party.

Vice Chair Terwilliger stated the issue was vetted ten years ago and the voters overwhelmingly made the offices non-partisan. The offices made non-partisan ten years ago are administrative in nature and do not make a lot of policy. He said the real debate is about the Council and the Executive.

Commissioner Chase stated there are more than two political parties in the State. Partisanship is useful information for voters.

Commissioner Barton stated that he was in favor of additional input from the public.

The motion to move forward with 2016-28, Make all Elected County Officials Partisan, failed 4-8. Vice Chairs Miller and Terwilliger and Commisioners Barton and Donner in support. Chair Gregerson and Commissioners Chase, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in opposition.

Vice Chair Terwilliger stated that he did not want to move forward with Charter Amendment Proposal 2016-17, Allow County Council to Declare an Elected Official's Position Vacant. Vice Chair Miller stated that with term limits lead to a loss of historical memory. He stated people earn name recognition.

Vice Chair Miller moved Charter Amendment Proposal 2016-16, Eliminate Term Limits, forward for further analysis. Commissioner Koster seconded the motion.

Commissioner Koster stated that the scope of duties of local officials is broad and it takes a while to un- derstand the job. He said candidates make their case to the people every four year and that voters lose the ability to make that choice with term limits.

Commissioner Barton said there are merits to the proposal but does not believe the proposition would pass.

Commissioner Matthews stated that people's names do matter. Commissioner O'Donnell stated that he believes that the position is public service, not a job. He does support moving the proposal forward.

Commissioner Koster stated that across the State during an eight year period, he saw a 66% turnover of county commissioners. Only two counties have term limits.

The motion passed 8-4. Vice Chairs Miller and Terwilliger and Commissioners Barton, Donner, Chase, Koster, O'Donnell, and Stanford in support. Chair Gregerson, Fior, Matthews, and Roulstone in opposition.

Vice Chair Terwilliger stated that there are duties and responsibilities established in State law.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officers forward for further analysis. Commissioner Koster seconded the motion. The motion passed unanimously.

Commissioners discussed the concept of transitional provisions.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-20, Update Charter Language on Transitional Provisions, forward for further analysis. Commissioner Barton seconded the motion. The motion passed unanimously.

Commissioners discussed the status of the remaining proposals not discussed earlier in the meeting.

OLD BUSINESS

NEW BUSINESS

Chair Gregerson stated the next meeting would be March 16th in Marysville. Potential agenda items would be the districting timeline, the performance auditor, and ombudsman. She recommended that the Commission can discuss business at the in-district meeting. Commissioner Koster asked about the process of receiving proposals from constituents. Commissioners discussed placing the agenda items on the Commission's website.

ADJOURNMENT

With no further business, Chair Gregerson adjourned the meeting at 8:24 p.m.

Documents: ADOPTED MINUTES 3-02.PDF

4. 03/16/2016 - Districting

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-11	
SUBJECT TITLE: Revisions to Districting Timeline and Procedures	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 30 minutes	**Exhibits:** 1. Memo from County Auditor - Proposed Revisions to County Charter Sections 4.50 through 4.70 related to Council Districting 2. Districting Timeline

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-02 Revisions to Districting Timeline and Procedures. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:
At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-02 Revisions to Districting Timeline and Procedures. The proposal was initially proposed by the County Auditor.

In her statement to the Commission, the Auditor addressed that the current timeline in the Charter is in conflict with State law. The memo from the Auditor (Exhibit 1) also suggests that the Commission address the timeline of drawing County Council districts and appointment of committee members, the use of consistent units of time, clarifying vote requirements for actions and clarifying the ability of the committee to change the districting plan.

The process for districting is part of sections 4.5 - 4.7 of the Charter

BACKGROUND:

Districting Process
Every 10 years, the US Census counts the number of people living in Snohomish County. The count is scheduled for April 1 in years ending in a "0" with the data sent to the states the subsequent year. For the 2010 Census, the data was delivered to the State on March 24, 2011 and the County received the data on April 6, 2011.

Sections 4.50, 4.60 and 4.70 describe the process for redistricting in the county. The Charter requires a series of steps be taken and then allows for a certain period of time to complete each step. The process is bound on the front end by the date when the county receives the census data from the state districting committee and on the backend by the firm date of June 1st in the year the census data is received for the county council to adopt by ordinance a districting plan.

The voters approved an amendment in 2007 to condense the districting timeline. The initial appointment of the redistricting committee was modified from sixty to thirty days, the timeline for the districting master to draw a plan was modified from two months to one month, and the adoption of the plan was modified from no later than eight months to the first day of June following the receipt of the census data. The changes were made in response to the passage of ESB 6236 and recommended by the county auditor.1

The existing Charter complies with the requirements set by the State. RCW 29A.76 governs the

process and sets the timeline for the county districting process. State law states that it is the responsibility for counties to "periodically redistrict its governmental unit, based on population information from the most recent federal decennial census."

State law states the redistricting commission shall forward census information to each county "within forty-five days of receipt" of the federal decennial census information and the governing body shall prepare a plan no later than "eight months after its receipt of federal decennial census data." The law also requires a public hearing before adoption of a plan and that any registered voter can request review of the adopted local plan in the superior court within fifteen days of the plans adoption.

In addition to State law about districting, RCW 29A.16.040 describes the process of adjustments to precinct boundaries. While counties can not modify precincts "during the period starting fourteen days prior to the first day for candidates to file for the primary election and ending with the day of the general election." Under RCW 29A.24.050, the filing period begins the Monday two weeks before Memorial Day. Theoretically, the earliest day the County could make precinct changes is April 26 under current law

Table 1 - Last Day of Precinct Changes under current State Law (assuming current State Law applied in 2011).

Year	2011	2021	2031	2041
Filing Period Begins	May 16	May 17	May 12	May 13
Precinct Change Deadline	Sunday, May 1	Sunday, May 2	Sunday, April 27	Sunday, April 28

Snohomish County Districting Timeline

The Charter outlines the timeline for the districting process to occur by the districting committee. the Charter is silent on the timeline for adoption by the County Council. The timeline for the districting committee is shown in Table 2.

[1] ESB 6236 moved the date of the state primary election to the third Tuesday in August.

Table 2 - Districting Process expressed in Charter

Step	Event	Timeline	Notes
A	County receives Census data		
B	County Council appoints Committee	A + 30 days	
C	Committee appoints fifth member who serves as Chair		Charter does not specify when this occurs
D	Committee appoints districting master	B + 30 days	
E	Districting Master draws up plan	D + one month	

F	Public Hearing	G - one week	
G	Adoption by committee	E + 30 days or June 1	Whichever comes first
H	Plan Adoption		Charter does not specify when this occurs

In 2011, the redistricting committee met thirteen times from April 19, 2011 to August 16, 2011. During the initial meeting of the redistricting committee, Snohomish County Election Manager, Garth Fell stated that the committee must adopt new districts by December 6, 2011. The Council adopted the plan on October 17, 2011. The adopted district lines took effect on January 1, 2012.

County council members in Snohomish County are elected in odd numbered years.

Across the State, each home-rule county has different procedures of how to complete their districting process. If there is a consistent practice across counties, the council would appoint a districting committee by January 31, give the committee thirty days to appoint a districting master, adopt a plan within 60 days of appointment of the districting master without council approval with an effective date for elections held under the new lines in years ending in "2." Table 3 provides information from other counties with their districting timeline.

Table 3 – Comparison of County Districting Procedures

Count	Appointment of Committee	Appointment of Districting Master	Plan Adoption	Council Adoption	Effective Date for elections under new lines *inferred by plan adoption date	Charter Provision
Snohomish	30 days after receipt	30 days after appointment – committee 30 days thereafter – Council	30 days after appointment of districting master or June 1		years ending in 1	4.60, 4.70
King	January 31	April 1 – committee May 31 – council	December 31	No	years ending in 2	650
Clallam	January 31	March 15	8 months after receipt		years ending in 2	7.40

Whatcom	January 31	30 days after appointment – committee March 31 – Council	15 days after receipt of plan from districting master (districting master must submit plan by May 1)	No	years ending in 1	4.41, 4.42
Pierce	60 days after receipt	30 days after appointment – committee 30 days thereafter – Council	2 months after appointment of districting master	No	years ending in 2	4.50, 4.60

Table 3 – Comparison of County Districting Procedures

County	Appointment of Committee	Appointment of Districting Master	Plan Adoption	Council Adoption	Effective Date for elections under new lines *inferred by plan adoption date	Charter Provision
Clark	60 days after receipt	30 days after appointment – committee 30 days thereafter – Council	2 months after appointment of districting master – committee 8 months after receipt – Council	yes – 2/3 vote to amend.	years ending in 2	6.5, 6.6

Questions for discussion:

1) Should the county's timeline for districting change?

2) If the answer to question 1 is in the affirmative, does the Commission want to:

A) have the districting plan go into effect for years ending in "1," corresponding with the Council elections that year? Or;

B) should the plan go into effect in years ending in "2," so the first regularly- scheduled election under the new plan go into effect in years ending in "3?"

Committee Membership

The Charter states that the committee shall be formed "within thirty days after each federal decennial census data is received from the state redistricting commission." Under this language, in 2011, the council could not appoint the committee until April 6, 2011 had until May 5, 2011 to appoint four persons to the committee. As Table 3 showed, three counties, Clallam, King, and Whatcom appoint their committee by January 31 in redistricting years. Pierce and Clark counties are similar to Snohomish County in that their committee is not formed until after receipt of federal census data.

Question for discussion:

1) Should the initial appointment of the Committee be a date certain, such as January 1, or should the appointment occur after receipt of federal census data?

Consistent Units of Time

The Charter currently uses days, weeks and months in these sections. Question for discussion:

1) Should the Charter use a consistent unit of time in these sections?

Vote Requirements

During the 2011 districting process, several questions were raised about the voting requirements for various actions. The Charter is silent on many of the rules of voting for the redistricting committee, allowing the committee to develop their own rules. The exception is that the districting committee "shall adopt the districting plan… as submitted" by the districting master or "as amended by four affirmative votes of the committee."

The county auditor provided an example of how the Charter is silent on the procedures of the committee: "Does the districting committee unanimously appoint its chair or the districting master or is simple majority support sufficient?"
As an example, the Charter Review Commission develops its own rules and procedures.
Question for discussion:
1) Does the Commission wish to address this issue in the Charter or continue to leave these operating decisions to the districting committee?

County Council Adoption

The Charter is silent on the ability of the Council to adopt the districting plan or amend the districting plan. In 2011, the Council chose to adopt an alternate districting plan.

In other home-rule counties, the districting plan is submitted to the clerk of the council or the county auditor and "shall be effective upon filing." In King, Whatcom, and Pierce counties, the county council plays no part in the final adoption of the plan. In Clark County, the Council can adopt an amended plan with a 2/3 vote.

Question for discussion:
1) Should the county council have the power to adopt or amend the districting plan approved by the districting committee?

ALTERNATIVES:
The Commission adds this item to a subsequent agenda for discussion.

Documents: 2016-11 DISTRICTING.PDF

5. 03/16/2016 - Gender Neutral

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-13	
SUBJECT TITLE: Update Charter to use Gender-Neutral Terms	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 10 minutes	**Exhibit:** 1) Snohomish County Charter Language Containing Gendered Terminology

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-23 Update Charter to use Gender-Neutral Terms. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-23 Update Charter to use Gender- Neutral Terms. The proposal was initially proposed by Commissioner Fior.

There are five sections of the Charter that use the word "he" or "him."

BACKGROUND:

The original Charter contained numerous references to gender-specific language, specifically the words "he" or "him." The Charter also contains a provision that specifies that "unless the context clearly indicates otherwise, references to the masculine gender shall include references to the feminine, the singular shall include the plural, and vice versa." (SCC 9.50). In a similar fashion, the Snohomish County Code contains a provision that "words importing the masculine gender may be extended as well to the feminine and neuter gender." (SCC 1.01.040(2))

Over time the Commission recommended amendments to the Charter to remove instances of gendered language (See table 1 of list of amendments). Proposition 8 in 2006 contained multiple word changes to the Charter, including amending the use of the masculine pronouns.

Table 1 - Amendments to the Charter

Proposition	Amended Language
Proposition 8, 1996 (failed)	"he" to "he/she" and "him" to "him/her" in Section 2.20, 2.30, 2.110, 4.40, 4.80 and 6.110
Proposition 1, 2006 (adopted)	deleted "he" from Section 2.20

Currently, five sections of the Charter contain the word "he" or "him" - Section 2.30, 2.110, 4.40, 4.80 and Section 6.110 (See Exhibit 1). The Commission attorney could advise the Commission if changing the language would change the meaning of the Charter.

Similar to other Charter Amendment proposals, replacing the gendered terms would require a vote of the people.

ALTERNATIVES:

The Commission adds this item to a subsequent agenda for discussion.

Exhibit 1

Snohomish County Charter Language Containing Gendered Terminology

Section 2.30

"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 2.110

"Proposed ordinances may be introduced by any councilmember, mini-initiative or initiative. Every proposed ordinance shall be introduced in its entirety in writing. At least thirteen days shall pass between the introduction and the final passage of every ordinance, except emergency ordinances. Brief summaries of proposed ordinances providing reasonable notice as to the nature of the action contemplated shall be published before consideration. The council shall hold at least one public hearing after due notice to consider the proposed ordinance. Any proposed ordinance may be amended by motion at hearing without publication, provided, that such amendments shall not change the scope and object of the proposed ordinance. No proposed ordinance shall become a law unless on its final passage the vote be taken by roll call by yeas and nays. Ordinances, or summaries of them, shall be published after enactment. Except for emergency ordinances, a minimum of three affirmative votes shall be required to adopt an ordinance.

Every ordinance shall be presented to the county executive within five working days after adoption by the county council. Within ten working days after presentation, the county executive shall either sign the ordinance and return it or veto the ordinance and return it to the county council with his written objections. If an ordinance is not returned to the county council within ten working days after its presentation, it shall be deemed enacted without the county executive's signature. If the county executive vetoes an ordinance, the county council shall have thirty days to reconsider the ordinance. If the ordinance receives at least four affirmative votes it shall become law. Except as otherwise provided by this charter, all ordinances shall take effect ten days after they are signed by the county executive or otherwise enacted, or at a later date if stated in the ordinance."

Section 4.40

"No county elected officer shall hold any other office or employment within county government during **his** term of office."

Section 4.80

"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 6.110

"Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the county knowingly responsible shall be personally liable to anyone damaged by **his** action. The county council when requested to do so by the county executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, but real property shall not be leased to the county for more than one year, unless it is included in a capital budget appropriation ordinance."

Documents: 2016-14 GENDER-NEUTRAL.PDF

6. 03/16/2016 - Ombudsman

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-12	
SUBJECT TITLE: Adding Office of the Ombudsman to the Charter	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 20 minutes	**Exhibit:** 1) King County Code

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-04 Adding Office of the Ombudsman to the Charter. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-04 Adding Office of the Ombudsman to the Charter. The proposal was initially proposed by Commissioner Koster. Related to this discussion are processes relating to the filing of ethic complaints and whistleblower complaints. These discussions are scheduled to occur at a future meeting of the Commission.

There is currently an office of the Ombudsman for the County, with its powers described in SCC 2.11. The most recent report of the Ombudsman showed that the office received 169 complaints and inquires from May 1, 2015 through December 31, 2015 and "provided recommendations to improve the efficiency, effectiveness and transparency of County government."

Adding the Office of the Ombudsman to the Charter would create a new section of the Charter.

BACKGROUND:

Purpose of an Ombudsman

Ombudsman is defined in Webster's Riverside Dictionary as "one who investigates complaints, as from consumers, and assists in achieving fair settlements."

The modern position of the ombudsman has its origins in Sweden in an attempt to safeguard the rights of citizens in a manner independent of the executive branch. The typical duties of an ombudsman include investigating complaints and attempting to resolve them through recommendations or mediations. In some cases, Ombudsmen identify systemic issues of poor service or breaches of people's rights.

The powers of an Ombudsman are limited in most cases. The Ombudsman can serve as a citizen advocate and use their connections and influence to intercede in the political process on behalf of citizens who are not able to achieve results on their own. In the 2015 annual report, the Snohomish County Ombudsman exemplified several cases where the Ombudsman was able to successfully resolve an issue, including working with a phone company to refund excess taxes collected and assisting a resident in an unincorporated portion of the county dealing with a city.

Typically, Ombudsmen have few powers to enforce a recommendation or deal with uncooperative officials. Ombudsmen usually do not have to power to initiate legal proceedings on behalf of a complainant and may not have the ability to subpoena documents or other material.

An Ombudsman could handle whistleblower and other ethics complaints filed by a county official. A 2010 study, "The Organizational Ombudsman: Origins, Roles and Operations, a Legal Guide," found that the creation of an ombudsmen typically leads to more complaints filed than the use of alternative procedures, including anonymous hotlines.

History of the Ombudsman in Snohomish County

In October 2014 the Snohomish County Council created the office of ombudsman. The Council held an administrative session on the Ordinance 14-077 on September 15, 2016. During the administrative session, the staff report stated that the timeline of the appointment was to align with the timeline of the 2016 Charter Review Commission in the event the office was placed in

the Charter. Ordinance 14-077 was modeled off model ordinances.

The current Ombudsman assumed the office on April 27, 2015.

Addition of Ombudsman to County Charter

The suggestion of Commissioner Koster is to add the Office of Ombudsman as a new section in the County Charter.

The charter for King County contains a section related to the Office of Citizen Complaints. Other home rule counties in Washington do not contain similar provision in their charter or in their county code. A full list of these positions is listed in Table 1.

Table 1 - Office of the Ombudsman

County	Office in Charter	Office in County Code	Note
Snohomish	No	Yes	
King	Yes, Section 260		
Clallam			None
Whatcom			None
Pierce			None
Clark			None
San Juan			None

Table 1 - Office of the Ombudsman

County	Office in Charter	Office in County Code	Note
Snohomish	No	Yes	
King	Yes, Section 260		
Clallam			None
Whatcom			None
Pierce			None
Clark			None

In 2015, the Clallam County Charter Review Commission considered adding an office of citizen complaints to the Charter. The final language considered by the Commission is available at this link: HTTPS://WEBSRV7.CLALLAM.NET/FORMS/UPLOADS/CRCAGENDA.PDF. The Commission did not refer the proposal to the voters on a 5 - 5 vote.

In 1968 King County freeholders placed into their charter the Office of Citizens Complaints. "The County Council shall establish by ordinance an office to receive complaints concerning

the operation of county government and shall grant it sufficient power to quickly and efficiently investigate, to make and publicize its findings." This provision has not been amended.

Creating an Office of Ombudsman in the Charter would place an obligation on the County to fund and maintain the office. Currently, the office is a discretionary function of the County government. As discussed by the Commission regarding the Office of the Performance Auditor, the Council has flexibility in how and the degree to which the office is funded or how the duties of the office are performed. In 2015 the county allocated $276,373 for the office, which included funds for two staff members.

The national professional association United States Ombudsman Association recommends placing the Ombudsman under the legislative authority. In 2006, a report to the Charter Review Commission suggested the office should be structured to maximize independence with the appointment of an Ombudsman for a term of office with removal only for cause, and granting the Ombudsman subpoena authority and full access to departments and staff as needed to complete their investigations.

Questions for consideration:

1) Should the Charter be amended to add a new section creating the office of ombudsman?

2) If yes, what powers should the office hold? The King County Charter grants the power of issuing subpoenas and administering oaths.

3) Should the ability to file a written complaint be limited to citizens of the county or open to anyone?

4) Should the Charter direct a percentage of the budget be devoted to an office of the ombudsman?

ALTERNATIVES:
The Commission could add this item to a subsequent agenda for discussion.

Exhibit 1
King County Charter

Section 260 Office of Citizen Complaints.
The county council shall establish by ordinance an office to receive complaints concerning the operation of county government and shall grant it sufficient power to permit it quickly and efficiently to investigate and to make and publicize recommendations concerning its findings, including the power to subpoena witnesses, documents and other evidence and to administer oaths. The subpoena power of the office of citizen complaints shall be limited to matters under written complaint by a citizen of the county, and any witness shall have the right to be represented by counsel. Any individual who is the subject of a complaint shall have the right to present witnesses in his own behalf.

Exhibit 2
Snohomish County Code, Chapter 2.11

OFFICE OF THE OMBUDSMAN

Sections:

2.11.010 Creation and purpose.
2.11.020 Ombudsman.
2.11.030 Definitions.
2.11.040 Appointment of the ombudsman.
2.11.050 Term.
2.11.060 Qualifications.

2.11.070 Removal.
2.11.080 Organization of office.
2.11.090 Appointment of pro tem ombudsman.
2.11.100 Powers of the ombudsman.
2.11.110 Cooperation with requests from the office of the ombudsman.
2.11.120 Investigation of complaints.
2.11.130 Written reports.
2.11.140 Severability.
2.11.150 Effective date.

2.11.010 Creation and purpose.
Pursuant to those powers inherent in the home rule charter county, the office of the ombudsman is hereby created. The purpose of this chapter is:

To establish an office of the ombudsman that shall function independently, subject to administrative direction by the council chairperson or chief of staff. The office will receive and respond to citizen complaints within its jurisdiction, including but not limited to complaints concerning administrative acts of an agency.

2.11.020 Ombudsman.
Pursuant to those powers inherent in the home rule charter county, the position of county ombudsman, hereinafter referred to as ombudsman, is hereby created.

2.11.030 Definitions.
Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Agency" means any department, office or other governmental unit of the county, or any employee of the county acting or purporting to act by reason of a connection with the county, except:

(a) The judicial branch of the county;

(b) The members or staff of the county council;

(c) The county executive and the personal staff of the county executive;

(d) The county prosecuting attorney and the staff of the county prosecuting attorney;

(e) Any governmental entity other than the county; and

(f) Any private business or nonprofit organization.

(2) "Administrative act" means an action, decision, failure to act, omission, interpretation, recommendation, policy, practice or procedure of any agency. Administrative act shall specifically exclude actions that are the subject of complaints or petitions under chapters 2.50 and 2.51 SCC.

2.11.040 Appointment of the ombudsman.
If the county council fails to reappoint the incumbent, or the position of ombudsman otherwise becomes vacant, a majority of the members of the full county council shall appoint a new ombudsman as follows. Within 30 days of the vacancy, the county executive shall nominate two individuals who meet the qualifications set forth in SCC 2.11.060 for the position of ombudsman for consideration by the county council. The county council shall either appoint an individual from the county executive's nominees or an individual of the county council's own choosing provided that the county council finds either that the executive failed to submit two nominations within 30 days of a vacancy or that the county executive's nominees fail to meet the qualifications set forth in SCC 2.11.060. Notwithstanding the foregoing, upon the adoption of this chapter, the person currently holding the title of ombudsman in the executive branch shall be deemed to have been appointed for purposes of the initial one year term, effective January 1, 2014.

The position of ombudsman may not remain vacant for more than 120 days.

2.11.050 Term.
The ombudsman shall be appointed for terms that will expire one year following the date of original appointment and thereafter expire two years following the date of each reappointment by the county council. The ombudsman shall be subject to the county exempt personnel system.

2.11.060 Qualifications.
The ombudsman shall be appointed solely with regard to his or her qualifications for the duties of their office, and shall hold no other elective or appointive office or position in county government. The ombudsman shall be a person of recognized judgment, objectivity and integrity, who is well-equipped to analyze problems of law, administration, and public policy. The position requires a degree from an accredited college or its equivalent in service to government.

2.11.070 Removal.
A minimum of four affirmative votes by the county council acting by motion shall be required to remove the ombudsman from office for any reason.

2.11.080 Organization of office.
The office of the ombudsman is under the administrative supervision of the ombudsman. The ombudsman may, subject to appropriation and in accordance with the rules of the county personnel system and exempt personnel system, select, appoint, and compensate such other employees as the ombudsman deems necessary to discharge the duties of the office of the ombudsman.

2.11.090 Appointment of pro tem ombudsman.
The council may also by professional service contract appoint for terms and functions deemed appropriate by the council, an ombudsman to serve in the event of absence or inability to act of the ombudsman.

2.11.100 Powers of the ombudsman.
The powers of the ombudsman shall include:

(1) To investigate on complaint or on the ombudsman's own initiative any administrative act of an agency;

(2) To determine the methods by which complaints are made, received, and acted upon;

(3) To determine whether the ombudsman may investigate a complaint without regard to the finality of the administrative act;

(4) To determine the scope and manner of investigations of complaints;

(5) To determine the form, frequency, and distribution of the ombudsman's conclusions and recommendations;

(6) To make such inquiries and obtain such assistance and information from any agency as the ombudsman shall require for the discharge of the ombudsman's duties;

(7) To keep confidential any complaint or investigative information, subject to applicable law;

(8) To employ legal counsel as allowed by the laws of the state of Washington and the county charter;

(9) To adopt, promulgate and amend policies and procedures required for the discharge of the ombudsman's duties, including the procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions, and recommendations;

(10) To prepare and submit to the executive annual budget estimates for the office as provided in SCC 4.26.030;

(11) To delegate functions, powers and duties, except this power of delegation, to other officers and employees of the office as the ombudsman deems expedient to further the purposes of this chapter; and

(12) To make and publish conclusions, recommendations, and suggestions.

The ombudsman shall exercise his powers under this chapter consistent with contractual obligations of the county and applicable law.

2.11.110 Cooperation with requests from the office of the ombudsman.
Administrative agencies shall have a duty to cooperate fully with requests from the office of the ombudsman under this chapter.

2.11.120 Investigation of complaints.
The ombudsman may investigate any administrative act which is the subject of a citizen complaint or which, in the opinion of the ombudsman, may be:

(1) Contrary to law or regulation;

(2) Based on mistaken facts or irrelevant considerations;

(3) Inefficiently performed;

(4) Unclear or inadequately explained when reasons should have been revealed;

(5) Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;

(6) Improper in motivation or based on irrelevant considerations; or

(7) Otherwise inconsistent with accepted government practices or principles, or incompatible with the spirit or intent of the Snohomish County Charter.

Prior to formally issuing a conclusion or recommendation about an administrative act of an agency, the ombudsman shall consult with that agency and provide the agency a copy of the ombudsman's preliminary conclusion or recommendation and a reasonable opportunity to reply. The agency may not release the ombudsman's preliminary conclusion or recommendation, subject to applicable law.

2.11.130 Written reports.
The ombudsman may from time to time and shall annually report to the county council on the activities of the office of the ombudsman.

2.11.140 Severability.
If any section, subsection, clause, phrase, or portion of this chapter is held invalid, such portion shall be deemed a separate, distinct, and independent provision; and such decision shall not affect the validity of any other portion of this chapter.

2.11.150 Effective date.
This chapter shall take effect 10 days after the ordinance codified in this chapter is signed by the county executive or otherwise enacted, as provided by section 2.110 of the charter.

(Added by Amended Ord. 14-077, Oct. 8, 2014, Eff date Oct. 30, 2014).

Documents: 2016-12 OMBUDSMAN.PDF

7. 03/16/2016 - Performance Auditor

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-13	
SUBJECT TITLE: Eliminate Office of the Performance Auditor from the Charter	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 20 minutes	**Exhibit:** 1) Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-15 Eliminate Office of Performance Auditor from the Charter. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:
At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-15 Eliminate Office of Performance Auditor from the Charter. The proposal was initially proposed by Vice Chair Terwilliger.

The Office of the Performance Auditor was added to the Charter in 1996. At the time, the Office was placed under the County Auditor. In 2006 the office shifted to the responsibility of the County Council.

Currently, the Council Council contracts with a firm specializing in performance audits to perform the services of the performance auditor.

In addition to section of the Charter about the Office of Performance Auditor, Charter Section 2.90 stated that the County Council is may conduct "periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county."

Eliminating the Office of Performance Auditor from the Charter would eliminate a section of the Charter.

BACKGROUND:

Purpose of the Performance Auditor

A performance audit is analysis that answers a question. The audit uses objective analysis to compare the current condition ("what is") against stated criteria ("what should be").

Performance audits typically examine the effectiveness, economy or efficiency of a government program. Performance auditors might analyze the services of an entire agency or division, compare actual agency practices against the practices called for in law or policy, seek possible cost savings, or identify the outcomes achieved by a program or service.

In financial audits, auditors use standard procedures and rely on accounting principles to determine the financial health of an organization. Performance audits determine whether an agency program is efficiently and effectively delivering the intended results.

In contrast to financial audits, performance audits are research-based, and often require the auditor to determine the criteria against which a program will be evaluated. These audits apply a variety of methodologies beyond accounting procedures.

History of the Performance Auditor in Snohomish County

The responsibilities of performance audits are found twice in the Charter. Among the legislative duties of the Council is the ability to "conduct or cause to be conducted periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county." In addition, Section 2.150 of the Charter creates the Office of the Performance Auditor.

In 1996, the Charter Review Commission referred to the voters a proposition creating a department of performance auditing within the auditor's office. Proposition 3 amended Section 2.90 and added a new Section 3.130 in the Charter. The Council adopted SCC 2.700, setting up the performance audit process and created a performance audit committee.

The 2006 Commission evaluated several options to perform the performance audit function, including 1) no change 2) moving the auditor to the county council 3) creation of an elected office of the Performance Auditor and 4) Contract for Performance Audit Services. In a memo to the Commission, the Performance Auditor expressed a belief that shifting the Performance Audit function to the Legislative Branch would ensure the "greatest opportunities for independence and effectiveness." The Performance Auditor also suggested that the Auditor should be appointed by the Council for a four year term and that a percentage of the operating budget be designated specifically for carrying out Performance Audits. The County Auditor sent a letter to the Commission stating there may be conflict between Article 3, Section 3.130 and a similar provision providing for this same authority by the County Council in Article 2, Section 2.90.

A staff report to the 2006 Commission suggested that the shift to the County Council would make the Performance Auditor more resemble the Hearing Examiner. The Performance Auditor would have a four-year appointment and the most independence short of creating an independently elected office. The report also noted that the shift to the Council "fits more of the national model as to how and where the Performance Auditor should be located." In addition, the move to the County Council would solve the "internal auditor" problem. After discussion, the Charter Review Commission referred to the voters a proposition moving the office of the Performance Auditor to the County Council.

A full background of the information presented to the 2006 Commission is available here: HTTP://SNOHOMISHCOUNTYWA.GOV/ARCHIVECENTER/VIEWFILE/ITEM/901.

Shortly after the move to the Council, staff turnover left the office vacant. During the March 2nd meeting the current Commission heard from the Executive's office that the Council did not immediately fill the position. After a couple of years, the Council determined that the duties of the performance auditor would best be served by a firm specializing in performance audits. In 2015, the Council contracted with a firm to perform performance audits.

In the Snohomish County Code, the office of performance auditor exists in SCC 2.700. The Council amended this section of the code five times since it was initially adopted in July 1997, most recently with Ordinance 13-027 in April 2013.

The budget for the performance auditor is set by the Council. In 2015, the budget for the performance auditor was $120,654.

Eliminating the Office of the Performance Auditor from the County Charter

If Section 2.150 is deleted from the Charter, the County Council retains the power to conduct performance audits (SCC 2.90). Without the mandate of the office in the Charter, the Council could eliminate the office of the performance auditor, found in SCC 2.700 and develop an alternative process to conduct periodic performance audits.

State law allows a local jurisdiction to contract with the State Auditor to conduct a performance audit of programs under its jurisdiction (RCW 43.09.445). The costs of the audit would be incurred by the local jurisdiction.

Snohomish and Pierce counties are the only home-rule counties to have an office of the performance auditor mandated in the Charter. King County places its office of performance auditor in its county code.

Questions for discussion:

1) Does the Commission wish to move forward with eliminating the Office of the Performance Auditor from the Charter?

2) If yes, does the Commission wish to preserve any terms or requirements for performance audits in the Charter?

3) In no, does the Commission wish to add any provisions to Section 2.150?

ALTERNATIVES:
The Commission adds this item to a subsequent agenda for discussion.

Exhibit 1
Snohomish County Charter

Section 2.90 Audit
The county council may conduct or cause to be conducted audits of the financial operations of the county government or any portion thereof. The county council may conduct or cause to be conducted periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county. Annual audits shall continue to be performed by the state in accordance with general law.

Section 2.150 Office of County Performance Auditor
The county council shall establish by ordinance within the legislative branch the independent office of county performance auditor for the purpose of reviewing, evaluating and reporting on the integrity of the county's financial management system, the accuracy of financial record keeping, compliance with applicable laws, policies, guidelines and procedures, and the efficiency and effectiveness of operations and programs. The office shall commence functioning no later than July 1, 2007 and shall have the duties and responsibilities expressed in this section as well as those established by ordinance. The performance auditor shall have appropriate professional credentials, legal authority for access to records, adequate funding, and shall use generally accepted accounting/auditing standards. The office of performance auditor shall adhere to government auditing standards in conducting its work and shall be considered independent as defined by those standards.

The performance auditor shall be named through appointment by a majority vote of the county council and shall serve a term of four years unless removed for cause.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Documents: 2016-13 PERFORMANCE AUDITOR.PDF

8. 03/16/2016 - Proposals

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-10	
SUBJECT TITLE: Further Analysis and Discussion on Charter Amendment Proposals	**Meeting Date:** March 17, 2016
Estimated Presentation Time: 15 minutes	**Exhibits:** 1. Process for Receiving Charter Amendment Proposals

RECOMMENDATION: The Commission should determine whether to have further discussion and analysis on two Charter Amendment proposals postponed from the March 2nd meeting.

1. Proposal 25: Explore Concepts for Additional Representation in Unincorporated Areas
2. Proposal 8: Schedule of County Council Meetings

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___."

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 March 2nd meeting, the Commission postponed discussion on two proposals.

BACKGROUND:

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."

In 2015, the State passed a law permitting the Council to meet at an alternative location, but no more than once per calendar quarter.

"RCW 36.32.080
Regular meetings—Regular meetings held outside of the county seat (as amended by 2015 c 179).
(1) Except as provided otherwise by this section, the county legislative authority of each county shall hold regular meetings at the county seat to transact any business required or permitted by law.
(2) As an alternative option that may be exercised no more than once per calendar quarter, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government.
(3) The county legislative authority must give notice of any regular meeting held outside of the county seat. Notice must be given at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:
(a) Posted on the county's web site;
(b) Published in a newspaper of general circulation in the county; and
(c) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an electronic mail [email] address."

Charter Provisions Addressed:
Section 4.50, 4.60 and 4.70.

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.

Documents: 2016-10 PROPOSALS.PDF

9. Snohomish County Charter Review Committee Adopted Minutes 3-02

Documents: ADOPTED MINUTES 3-02.PDF

Snohomish County
Charter Review Commission
Marysville City Hall, Council Chambers
1049 State Ave #101 Marysville, WA 98270
Wednesday, March 16, 2016
7:00 p.m. – 9:00 p.m.
AGENDA

7:00 p.m. Call to Order
Flag Salute
Roll Call
Agenda Order
Public Comments (7:10 p.m.)
Approval of the Minutes: March 2, 2016
Report from Chair
Business Items

1. Charter Amendment Proposal Preliminary Discussions
    1. Proposal 2016-08 Schedule of County Council Meetings
    2. Proposal 2016-25 Explore Concepts for Additional Representation in Unincorporated Areas

2. Charter Amendment Study Items
    1. Proposal 2016-02 Revisions to Districting Timeline and Procedures
    2. Proposal 2016-04 Adding Office of Ombudsman to Charter
    3. Proposal 2016-15 Eliminate Office of Performance Auditor
    4. Proposal 2016-23 Update Charter to use Gender-Neutral Terms

Old Business

New Business

9:00 p.m. Adjournment

Next Meeting March 23
<u>Agenda Topics</u>
Charter Amendment Proposal 3 - Abstentions by County Council Members
Charter Amendment Proposal 12 - Lower Age for Holding County Office from 21 to 18
Charter Amendment Proposal 13 - Reduce Residency Requirement for Holding County Office
Charter Amendment Proposal 27 - Require Sunset Provisions in Ordinances

[NOTE: Times shown on Agenda are approximate]

Snohomish County
Charter Review Commission

8th Floor Robert J. Drewel Building
Jackson Board Room
Wednesday, March 2, 2016
7:00 p.m.
MINUTES

PRESENT:
Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Stanford
Commissioner Donner
Commissioner O'Donnell
Commissioner Matthews
Commissioner Roulstone
Commissioner Koster
Commissioner Barton
Commissioner Chase
Commissioner Fior
Marsha Isenberg, Interim Deputy Executive
Debbie Eco, Council Clerk
Chris Roberts, Commission Analyst

CALL TO ORDER

Chair Gregerson called the meeting to order at 7:01 p.m.

FLAG SALUTE

ROLL CALL

Commissioners Liias, Kelly and Valentine absent. Commissioners Chase and Donner at 7:05 pm.

GUESTS

1. Marsha Isenberg, Interim Deputy Executive

Deputy Executive Isenberg discussed the history of the office of the performance auditor. Before 2007, the performance auditor was housed in the office of the county office and in 2006 voters established an independent office in the legislative branch. Initially, the office was staffed by one full time position and one 3/4 time position. In mid-2008, both positions became vacant. The Council did not immediately fill the position. In 2012 the Council turned to contracting with a performance auditing firm, and naming a principal in the firm as the performance auditor. Currently, the Council contracts with Sjoberg Evashenk to perform performance audits and named George Skyles as the performance auditor.

Deputy Executive Isenberg believes the mandate for doing the work has proven to have flexibility to allow for changing circumstances. She did not recommend any amendments to the charter.

Commissioner Barton asked how does the Council decide the scope and priorities for the performance auditor firm. Deputy Executive Isenberg stated there is a performance auditor committee develops audit recommendations and presents those recommendations to the Council. She stated that the Council considers audits based on what the county can afford.

Commissioner Matthews asked about the impact of the performance auditor being reportable to the county auditor. Deputy Executive Isenberg stated the public would not likely see much difference. Vice Chair Terwilliger asked about section 2.90 of the Charter. Deputy Executive Isenberg stated the Council would retain administrative oversight for the performance audits to manage budgets and determine costs.

Commissioners asked about different models of staffing the office of performance auditor.

PUBLIC COMMENTS

There were no persons present wishing to provide public comment.

APPROVAL OF THE MINUTES

Commissioner Chase moved to approve the minutes of the Charter Review Commission meeting of March 2, 2016. The motion was seconded by Vice Chair Miller and passed unanimously.

REPORT FROM CHAIR
Chair Gregerson stated that she would speak with the League of Women Voters radio show on KSER 90.7 on Monday, March 14th and that she has been talking with Noah Haglund from the Everett Herald about the Commission's work.

BUSINESS ITEMS

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS

Commissioner Roulstone stated he did not want to move forward with Charter Amendment Proposal 2016-26, Requiring Council to Repeal Ordinances with Adoption of New Ordinance, and Chair Gregerson stated she did not want to move forward with Charter Amendment Proposal 2016-24, Evaluate Governance Structure for Paine Field, until she developed a formal proposal.

Vice Chair Terwilliger stated that there are multiple court cases overturning age restrictions for holding office.

Vice Chair Terwilliger moved Charter Amendment Proposals 2016-12, Lower Age for Holding County Office from 21 to 18 and 2016-13, Reduce Residency Requirement for Holding County Office, forward for further analysis. The motion was seconded by Commissioner Barton.

Commissioner Matthews stated the memo was confusing.

The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-19, Update Charter Language on Nondiscrimination, 2016-21, Review Charter for Glaring Errors, and 2016-23, Update Charter to use Gender-Neutral Terms, forward for further analysis. The motion was seconded by Commissioner Koster. The motion passed unanimously.

Commissioner Roulstone moved Charter Amendment Proposal 2016-27, Require Sunset Provisions in Ordinances, forward for further analysis. The motion was seconded by Commissioner Donner.

Commissioner Barton asked how much of an impact sunset provisions would have on the Council. Commissioner Koster wondered how long the sunset provision would be and would like feedback from the Council. Commissioner Koster said that sunset provisions are not common. Deputy Executive Isenberg stated that the Charter requires a sunset on some ordinances.

Commissioner Roulstone stated his belief the public would support a sunset clause.

The motion carried 7-5. Vice Chair Terwilliger and Commissioners Barton, Donner, Matthews, Koster, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chair Miller and Commissioners Chase, Fior, and Stanford in opposition.

Vice Chair Terwilliger stated that he wanted more information about the proposal.

Commissioner Koster moved Charter Amendment Proposals 2016-05, Evaluate Process for Addressing Whistleblower Complaints, and 2016-06, Evaluate Process for Addressing Ethics Complaints, forward for further analysis. The motion was seconded by Commissioner Matthews.

Commissioner Barton asked if these proposals should be considered with the discussion of the creation of the ombudsman in the charter? Commissioner Koster suggested that the items may or may not be part of that discussion.

The motion passed unanimously.

Commissioner Chase asked about Commissioner Valentine's proposal about the schedule of County Council meetings.

Commissioner Koster spoke in favor of moving union negotiations to the County Council.

Vice Chair Terwilliger stated he met with Councilmember Ryan about the confirmation process of executive appointments. There is a question of the status of appointments who are not confirmed by the council. Vice Chair Terwilliger stated that failure of the Council to act leads candidates to be in a state of uncertainty.

Commissioner Koster moved Charter Amendment Proposals 2016-09, Move Union Negotiations to County Council, and 2016-10, Confirmation of Department Heads, forward for further analysis. The motion was seconded by Commissioner Roulstone.

Commissioner Barton stated that these are different issues and should not be combined.

The motion passed unanimously.

Vice Chair Terwilliger asked Commissioner Koster about the timing of budget submission to the Council. Deputy Executive Isenberg said that by tradition the budget is submitted the last Friday in September. Chair Gregerson expressed her desire to hear from the Executive and Council on the issue.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-18, Change Date of Submission of Executive's Budget from October 1 to September 1, forward for further analysis. The motion was seconded by Commissioner Koster. The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, and 2016-28, Make all Elected County Officials Partisan, forward for further analysis. The motion was seconded by Vice Chair Terwilliger.

Commissioner O'Donnell moved to divide the question. Second by Vice Chair Miller.

Commissioner Barton stated the two items are linked. The discussion is whether the offices are partisan, non-partisan, or left alone. Vice Chair Terwilliger suggested that separation allows analysis on both issues.

The motion to divide the question passed 11-1. Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Chase, Donner, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in support. Commissioner Barton in opposition.

Commissioners discussed whether the Prosecuting Attorney could be a non-partisan office.

Commissioner Barton specified that the motion is for non-partisan elections for all county offices.

The motion to move forward with Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, passed 6-6. Commissioners Barton, Donner, Koster, Matthews, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chairs Terwilliger and Miller, and Commissioners Chase, Fior, and Stanford in opposition.

Commissioner O'Donnell stated most voters want to see offices non-partisan. He stated that 42% of people identified as non-partisan and independents are unlikely to be elected.

Commissioner Barton stated that he would like to hear from the people if they want partisan elections. Commissioner Roulstone stated people do not register as Republicans or Democrats in the State. He said that running for partisan office does not imply a set of values.

Commissioner O'Donnell stated that King County went to non-partisan elections in 2008. Candidates show their partisanship through their endorsements. Non-partisan elections open the door to someone who does not identify with either party.

Vice Chair Terwilliger stated the issue was vetted ten years ago and the voters overwhelmingly made the offices non-partisan. The offices made non-partisan ten years ago are administrative in nature and do not make a lot of policy. He said the real debate is about the Council and the Executive.

Commissioner Chase stated there are more than two political parties in the State. Partisanship is useful information for voters.

Commissioner Barton stated that he was in favor of additional input from the public.

The motion to move forward with 2016-28, Make all Elected County Officials Partisan, failed 4-8. Vice Chairs Miller and Terwilliger and Commisioners Barton and Donner in support. Chair Gregerson and Commissioners Chase, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in opposition.

Vice Chair Terwilliger stated that he did not want to move forward with Charter Amendment Proposal 2016-17, Allow County Council to Declare an Elected Official's Position Vacant.
Vice Chair Miller stated that with term limits lead to a loss of historical memory. He stated people earn name recognition.

Vice Chair Miller moved Charter Amendment Proposal 2016-16, Eliminate Term Limits, forward for further analysis. Commissioner Koster seconded the motion.

Commissioner Koster stated that the scope of duties of local officials is broad and it takes a while to understand the job. He said candidates make their case to the people every four year and that voters lose the ability to make that choice with term limits.

Commissioner Barton said there are merits to the proposal but does not believe the proposition would pass.

Commissioner Matthews stated that people's names do matter. Commissioner O'Donnell stated that he believes that the position is public service, not a job. He does support moving the proposal forward.

Commissioner Koster stated that across the State during an eight year period, he saw a 66% turnover of county commissioners. Only two counties have term limits.

The motion passed 8-4. Vice Chairs Miller and Terwilliger and Commissioners Barton, Donner, Chase, Koster, O'Donnell, and Stanford in support. Chair Gregerson, Fior, Matthews, and Roulstone in opposition.

Vice Chair Terwilliger stated that there are duties and responsibilities established in State law.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officers forward for further analysis. Commissioner Koster seconded the motion. The motion passed unanimously.

Commissioners discussed the concept of transitional provisions.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-20, Update Charter Language on Transitional Provisions, forward for further analysis. Commissioner Barton seconded the motion. The motion passed unanimously.

Commissioners discussed the status of the remaining proposals not discussed earlier in the meeting.

OLD BUSINESS

NEW BUSINESS

Chair Gregerson stated the next meeting would be March 16th in Marysville. Potential agenda items would be the districting timeline, the performance auditor, and ombudsman. She recommended that the Commission can discuss business at the in-district meeting.
Commissioner Koster asked about the process of receiving proposals from constituents.

Commissioners discussed placing the agenda items on the Commission's website.

ADJOURNMENT

With no further business, Chair Gregerson adjourned the meeting at 8:24 p.m.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-11	
SUBJECT TITLE: Revisions to Districting Timeline and Procedures	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 30 minutes	**Exhibits:** 1. Memo from County Auditor - Proposed Revisions to County Charter Sections 4.50 through 4.70 related to Council Districting 2. Districting Timeline

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-02 Revisions to Districting Timeline and Procedures. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:
At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-02 Revisions to Districting Timeline and Procedures. The proposal was initially proposed by the County Auditor.

In her statement to the Commission, the Auditor addressed that the current timeline in the Charter is in conflict with State law. The memo from the Auditor (Exhibit 1) also suggests that the Commission address the timeline of drawing County Council districts and appointment of committee members, the use of consistent units of time, clarifying vote requirements for actions and clarifying the ability of the committee to change the districting plan.

The process for districting is part of sections 4.5 - 4.7 of the Charter

BACKGROUND:

Districting Process
Every 10 years, the US Census counts the number of people living in Snohomish County. The count is scheduled for April 1 in years ending in a "0" with the data sent to the states the subsequent year. For the 2010 Census, the data was delivered to the State on March 24, 2011 and the County received the data on April 6, 2011.

Sections 4.50, 4.60 and 4.70 describe the process for redistricting in the county. The Charter requires a series of steps be taken and then allows for a certain period of time to complete each step. The process is bound on the front end by the date when the county receives the census data from the state districting committee and on the backend by the firm date of June 1st in the year the census data is received for the county council to adopt by ordinance a districting plan.

The voters approved an amendment in 2007 to condense the districting timeline. The initial appointment of the redistricting committee was modified from sixty to thirty days, the timeline for the districting master to draw a plan was modified from two months to one month, and the adoption of the plan was modified from no later than eight months to the first day of June following the receipt of the census data. The changes were made in response to the passage of ESB 6236 and recommended by the county auditor.[1]

The existing Charter complies with the requirements set by the State. RCW 29A.76 governs the process and sets the timeline for the county districting process. State law states that it is the responsibility for counties to "periodically redistrict its governmental unit, based on population information from the most recent federal decennial census."

State law states the redistricting commission shall forward census information to each county "within forty-five days of receipt" of the federal decennial census information and the governing body shall prepare a plan no later than "eight months after its receipt of federal decennial census data." The law also requires a public hearing before adoption of a plan and that any registered voter can request review of the adopted local plan in the superior court within fifteen days of the plans adoption.

In addition to State law about districting, RCW 29A.16.040 describes the process of adjustments to precinct boundaries. While counties can not modify precincts "during the period starting fourteen days prior to the first day for candidates to file for the primary election and ending with the day of the general election." Under RCW 29A.24.050, the filing period begins the Monday two weeks before Memorial Day. Theoretically, the earliest day the County could make precinct changes is April 26 under current law.

Table 1 - Last Day of Precinct Changes under current State Law (assuming current State Law applied in 2011).

Year	2011	2021	2031	2041
Filing Period Begins	May 16	May 17	May 12	May 13
Precinct Change Deadline	Sunday, May 1	Sunday, May 2	Sunday, April 27	Sunday, April 28

Snohomish County Districting Timeline

The Charter outlines the timeline for the districting process to occur by the districting committee. the Charter is silent on the timeline for adoption by the County Council. The timeline for the districting committee is shown in Table 2.

[1] ESB 6236 moved the date of the state primary election to the third Tuesday in August.

Table 2 - Districting Process expressed in Charter

Step	Event	Timeline	Notes
A	County receives Census data		
B	County Council appoints Committee	A + 30 days	
C	Committee appoints fifth member who serves as Chair		Charter does not specify when this occurs
D	Committee appoints districting master	B + 30 days	
E	Districting Master draws up plan	D + one month	
F	Public Hearing	G - one week	
G	Adoption by committee	E + 30 days or June 1	Whichever comes first
H	Plan Adoption		Charter does not specify when this occurs

In 2011, the redistricting committee met thirteen times from April 19, 2011 to August 16, 2011. During the initial meeting of the redistricting committee, Snohomish County Election Manager, Garth Fell stated that the committee must adopt new districts by December 6, 2011. The Council adopted the plan on October 17, 2011. The adopted district lines took effect on January 1, 2012.

County council members in Snohomish County are elected in odd numbered years.

Across the State, each home-rule county has different procedures of how to complete their districting process. If there is a consistent practice across counties, the council would appoint a districting committee by January 31, give the committee thirty days to appoint a districting master, adopt a plan within 60 days of appointment of the districting master without council approval with an effective date for elections held under the new lines in years ending in "2." Table 3 provides information from other counties with their districting timeline.

Table 3 – Comparison of County Districting Procedures

County	Appointment of Committee	Appointment of Districting Master	Plan Adoption	Council Adoption	Effective Date for elections under new lines *inferred by plan adoption date	Charter Provision
Snohomish	30 days after receipt	30 days after appointment – committee 30 days thereafter – Council	30 days after appointment of districting master or June 1		years ending in 1	4.60, 4.70
King	January 31	April 1 – committee May 31 – council	December 31	No	years ending in 2	650
Clallam	January 31	March 15	8 months after receipt		years ending in 2	7.40
Whatcom	January 31	30 days after appointment – committee March 31 – Council	15 days after receipt of plan from districting master (districting master must submit plan by May 1)	No	years ending in 1	4.41, 4.42
Pierce	60 days after reciept	30 days after appointment – committee 30 days thereafter – Council	2 months after appointment of districting master	No	years ending in 2	4.50, 4.60

Table 3 – Comparison of County Districting Procedures

County	Appointment of Committee	Appointment of Districting Master	Plan Adoption	Council Adoption	Effective Date for elections under new lines *inferred by plan adoption date	Charter Provision
Clark	60 days after reciept	30 days after appointment – committee 30 days thereafter – Council	2 months after appointment of districting master – committee 8 months after receipt – Council	yes – 2/3 vote to amend.	years ending in 2	6.5, 6.6

Questions for discussion:

1) Should the county's timeline for districting change?

2) If the answer to question 1 is in the affirmative, does the Commission want to:

A) have the districting plan go into effect for years ending in "1," corresponding with the Council elections that year? Or;

B) should the plan go into effect in years ending in "2," so the first regularly-scheduled election under the new plan go into effect in years ending in "3?"

Committee Membership

The Charter states that the committee shall be formed "within thirty days after each federal decennial census data is received from the state redistricting commission." Under this language, in 2011, the council could not appoint the committee until April 6, 2011 had until May 5, 2011 to appoint four persons to the committee. As Table 3 showed, three counties, Clallam, King, and Whatcom appoint their committee by January 31 in redistricting years. Pierce and Clark counties are similar to Snohomish County in that their committee is not formed until after receipt of federal census data.

Question for discussion:

1) Should the initial appointment of the Committee be a date certain, such as January 1, or should the appointment occur after receipt of federal census data?

Consistent Units of Time

The Charter currently uses days, weeks and months in these sections.

Question for discussion:
1) Should the Charter use a consistent unit of time in these sections?

Vote Requirements

During the 2011 districting process, several questions were raised about the voting requirements for various actions. The Charter is silent on many of the rules of voting for the redistricting committee, allowing the committee to develop their own rules. The exception is that the districting committee "shall adopt the districting plan… as submitted" by the districting master or "as amended by four affirmative votes of the committee."

The county auditor provided an example of how the Charter is silent on the procedures of the committee: "Does the districting committee unanimously appoint its chair or the districting master or is simple majority support sufficient?"

As an example, the Charter Review Commission develops its own rules and procedures.

Question for discussion:
1) Does the Commission wish to address this issue in the Charter or continue to leave these operating decisions to the districting committee?

County Council Adoption

The Charter is silent on the ability of the Council to adopt the districting plan or amend the districting plan. In 2011, the Council chose to adopt an alternate districting plan.

In other home-rule counties, the districting plan is submitted to the clerk of the council or the county auditor and "shall be effective upon filing." In King, Whatcom, and Pierce counties, the county council plays no part in the final adoption of the plan. In Clark County, the Council can adopt an amended plan with a 2/3 vote.

Question for discussion:
1) Should the county council have the power to adopt or amend the districting plan approved by the districting committee?

ALTERNATIVES:
The Commission adds this item to a subsequent agenda for discussion.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-13	
SUBJECT TITLE: Update Charter to use Gender-Neutral Terms	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 10 minutes	**Exhibit:** 1) Snohomish County Charter Language Containing Gendered Terminology

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-23 Update Charter to use Gender-Neutral Terms. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-23 Update Charter to use Gender-Neutral Terms. The proposal was initially proposed by Commissioner Fior.

There are five sections of the Charter that use the word "he" or "him."

BACKGROUND:

The original Charter contained numerous references to gender-specific language, specifically the words "he" or "him." The Charter also contains a provision that specifies that "unless the context clearly indicates otherwise, references to the masculine gender shall include references to the feminine, the singular shall include the plural, and vice versa." (SCC 9.50). In a similar fashion, the Snohomish County Code contains a provision that "words importing the masculine gender may be extended as well to the feminine and neuter gender." (SCC 1.01.040(2))

Over time the Commission recommended amendments to the Charter to remove instances of gendered language (See table 1 of list of amendments). Proposition 8 in 2006 contained multiple word changes to the Charter, including amending the use of the masculine pronouns.

Table 1 - Amendments to the Charter

Proposition	Amended Language
Proposition 8, 1996 (failed)	"he" to "he/she" and "him" to "him/her" in Section 2.20, 2.30, 2.110, 4.40, 4.80 and 6.110
Proposition 1, 2006 (adopted)	deleted "he" from Section 2.20

Currently, five sections of the Charter contain the word “he” or “him” - Section 2.30, 2.110, 4.40, 4.80 and Section 6.110 (See Exhibit 1). The Commission attorney could advise the Commission if changing the language would change the meaning of the Charter.

Similar to other Charter Amendment proposals, replacing the gendered terms would require a vote of the people.

ALTERNATIVES:
The Commission adds this item to a subsequent agenda for discussion.

Exhibit 1

Snohomish County Charter Language Containing Gendered Terminology

Section 2.30

"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 2.110

"Proposed ordinances may be introduced by any councilmember, mini-initiative or initiative. Every proposed ordinance shall be introduced in its entirety in writing. At least thirteen days shall pass between the introduction and the final passage of every ordinance, except emergency ordinances. Brief summaries of proposed ordinances providing reasonable notice as to the nature of the action contemplated shall be published before consideration. The council shall hold at least one public hearing after due notice to consider the proposed ordinance. Any proposed ordinance may be amended by motion at hearing without publication, provided, that such amendments shall not change the scope and object of the proposed ordinance. No proposed ordinance shall become a law unless on its final passage the vote be taken by roll call by yeas and nays. Ordinances, or summaries of them, shall be published after enactment. Except for emergency ordinances, a minimum of three affirmative votes shall be required to adopt an ordinance.

Every ordinance shall be presented to the county executive within five working days after adoption by the county council. Within ten working days after presentation, the county executive shall either sign the ordinance and return it or veto the ordinance and return it to the county council with **his** written objections. If an ordinance is not returned to the county council within ten working days after its presentation, it shall be deemed enacted without the county executive's signature. If the county executive vetoes an ordinance, the county council shall have thirty days to reconsider the ordinance. If the ordinance receives at least four affirmative votes it shall become law. Except as otherwise provided by this charter, all ordinances shall take effect ten days after they are signed by the county executive or otherwise enacted, or at a later date if stated in the ordinance."

Section 4.40

"No county elected officer shall hold any other office or employment within county government during **his** term of office."

Section 4.80

"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 6.110

"Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the county knowingly responsible shall be personally liable

to anyone damaged by **his** action. The county council when requested to do so by the county executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, but real property shall not be leased to the county for more than one year, unless it is included in a capital budget appropriation ordinance."

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-12	
SUBJECT TITLE: Adding Office of the Ombudsman to the Charter	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 20 minutes	**Exhibit:** 1) King County Code 2) Snohomish County Code Chapter 2.11

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-04 Adding Office of the Ombudsman to the Charter. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-04 Adding Office of the Ombudsman to the Charter. The proposal was initially proposed by Commissioner Koster. Related to this discussion are processes relating to the filing of ethic complaints and whistleblower complaints. These discussions are scheduled to occur at a future meeting of the Commission.

There is currently an office of the Ombudsman for the County, with its powers described in SCC 2.11. The most recent report of the Ombudsman showed that the office received 169 complaints and inquires from May 1, 2015 through December 31, 2015 and "provided recommendations to improve the efficiency, effectiveness and transparency of County government."

Adding the Office of the Ombudsman to the Charter would create a new section of the Charter.

BACKGROUND:

Purpose of an Ombudsman

Ombudsman is defined in Webster's Riverside Dictionary as ''one who investigates complaints, as from consumers, and assists in achieving fair settlements.''

The modern position of the ombudsman has its origins in Sweden in an attempt to safeguard the rights of citizens in a manner independent of the executive branch. The typical duties of an ombudsman include investigating complaints and attempting to resolve them through recommendations or mediations. In some cases, Ombudsmen identify systemic issues of poor service or breaches of people's rights.

The powers of an Ombudsman are limited in most cases. The Ombudsman can serve as a citizen advocate and use their connections and influence to intercede in the political process on behalf of citizens who are not able to achieve results on their own. In the 2015 annual report, the Snohomish County Ombudsman exemplified several cases where the Ombudsman was able to successfully resolve an issue, including working with a phone company to refund excess taxes collected and assisting a resident in an unincorporated portion of the county dealing with a city.

Typically, Ombudsmen have few powers to enforce a recommendation or deal with uncooperative officials. Ombudsmen usually do not have to power to initiate legal proceedings on behalf of a complainant and may not have the ability to subpoena documents or other material.

An Ombudsman could handle whistleblower and other ethics complaints filed by a county official. A 2010 study, "*The Organizational Ombudsman: Origins, Roles and Operations, a Legal Guide*," found that the creation of an ombudsmen typically leads to more complaints filed than the use of alternative procedures, including anonymous hotlines.

History of the Ombudsman in Snohomish County

In October 2014 the Snohomish County Council created the office of ombudsman. The Council held an administrative session on the Ordinance 14-077 on September 15, 2016. During the administrative session, the staff report stated that the timeline of the appointment was to align with the timeline of the 2016 Charter Review Commission in the event the office was placed in the Charter. Ordinance 14-077 was modeled off model ordinances.

The current Ombudsman assumed the office on April 27, 2015.

Addition of Ombudsman to County Charter

The suggestion of Commissioner Koster is to add the Office of Ombudsman as a new section in the County Charter.

The charter for King County contains a section related to the Office of Citizen Complaints. Other home rule counties in Washington do not contain similar provision in their charter or in their county code. A full list of these positions is listed in Table 1.

Table 1 - Office of the Ombudsman

County	Office in Charter	Office in County Code	Note
Snohomish	No	Yes	
King	Yes, Section 260		
Clallam			None
Whatcom			None
Pierce			None
Clark			None

Table 1 - Office of the Ombudsman

County	Office in Charter	Office in County Code	Note
San Juan			None

In 2015, the Clallam County Charter Review Commission considered adding an office of citizen complaints to the Charter. The final language considered by the Commission is available at this link: https://websrv7.clallam.net/forms/uploads/CRCAgenda.pdf. The Commission did not refer the proposal to the voters on a 5 - 5 vote.

In 1968 King County freeholders placed into their charter the Office of Citizens Complaints. "The County Council shall establish by ordinance an office to receive complaints concerning the operation of county government and shall grant it sufficient power to quickly and efficiently investigate, to make and publicize its findings." This provision has not been amended.

Creating an Office of Ombudsman in the Charter would place an obligation on the County to fund and maintain the office. Currently, the office is a discretionary function of the County government. As discussed by the Commission regarding the Office of the Performance Auditor, the Council has flexibility in how and the degree to which the office is funded or how the duties of the office are performed. In 2015 the county allocated $276,373 for the office, which included funds for two staff members.

The national professional association United States Ombudsman Association recommends placing the Ombudsman under the legislative authority. In 2006, a report to the Charter Review Commission suggested the office should be structured to maximize independence with the appointment of an Ombudsman for a term of office with removal only for cause, and granting the Ombudsman subpoena authority and full access to departments and staff as needed to complete their investigations.

Questions for consideration:

1) Should the Charter be amended to add a new section creating the office of ombudsman?

2) If yes, what powers should the office hold? The King County Charter grants the power of issuing subpoenas and administering oaths.

3) Should the ability to file a written complaint be limited to citizens of the county or open to anyone?

4) Should the Charter direct a percentage of the budget be devoted to an office of the ombudsman?

ALTERNATIVES:
The Commission could add this item to a subsequent agenda for discussion.

Exhibit 1
King County Charter

Section 260 Office of Citizen Complaints.

The county council shall establish by ordinance an office to receive complaints concerning the operation of county government and shall grant it sufficient power to permit it quickly and efficiently to investigate and to make and publicize recommendations concerning its findings, including the power to subpoena witnesses, documents and other evidence and to administer oaths. The subpoena power of the office of citizen complaints shall be limited to matters under written complaint by a citizen of the county, and any witness shall have the right to be represented by counsel. Any individual who is the subject of a complaint shall have the right to present witnesses in his own behalf.

Exhibit 2
Snohomish County Code, Chapter 2.11

OFFICE OF THE OMBUDSMAN

Sections:
2.11.010 Creation and purpose.
2.11.020 Ombudsman.
2.11.030 Definitions.
2.11.040 Appointment of the ombudsman.
2.11.050 Term.
2.11.060 Qualifications.
2.11.070 Removal.
2.11.080 Organization of office.
2.11.090 Appointment of pro tem ombudsman.
2.11.100 Powers of the ombudsman.
2.11.110 Cooperation with requests from the office of the ombudsman.
2.11.120 Investigation of complaints.
2.11.130 Written reports.
2.11.140 Severability.
2.11.150 Effective date.

2.11.010 Creation and purpose.
Pursuant to those powers inherent in the home rule charter county, the office of the ombudsman is hereby created. The purpose of this chapter is:

To establish an office of the ombudsman that shall function independently, subject to administrative direction by the council chairperson or chief of staff. The office will receive and respond to citizen complaints within its jurisdiction, including but not limited to complaints concerning administrative acts of an agency.

2.11.020 Ombudsman.
Pursuant to those powers inherent in the home rule charter county, the position of county ombudsman, hereinafter referred to as ombudsman, is hereby created.

2.11.030 Definitions.
Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Agency" means any department, office or other governmental unit of the county, or any employee of the county acting or purporting to act by reason of a connection with the county, except:

(a) The judicial branch of the county;

(b) The members or staff of the county council;

(c) The county executive and the personal staff of the county executive;

(d) The county prosecuting attorney and the staff of the county prosecuting attorney;

(e) Any governmental entity other than the county; and

(f) Any private business or nonprofit organization.

(2) "Administrative act" means an action, decision, failure to act, omission, interpretation, recommendation, policy, practice or procedure of any agency. Administrative act shall specifically exclude actions that are the subject of complaints or petitions under chapters 2.50 and 2.51 SCC.

2.11.040 Appointment of the ombudsman.
If the county council fails to reappoint the incumbent, or the position of ombudsman otherwise becomes vacant, a majority of the members of the full county council shall appoint a new ombudsman as follows. Within 30 days of the vacancy, the county executive shall nominate two individuals who meet the qualifications set forth in SCC 2.11.060 for the position of ombudsman for consideration by the county council. The county council shall either appoint an individual from the county executive's nominees or an individual of the county council's own choosing provided that the county council finds either that the executive failed to submit two nominations within 30 days of a vacancy or that the county executive's nominees fail to meet the qualifications set forth in SCC 2.11.060. Notwithstanding the foregoing, upon the adoption of this chapter, the person currently holding the title of ombudsman in the executive branch shall be deemed to have been appointed for purposes of the initial one year term, effective January 1, 2014.

The position of ombudsman may not remain vacant for more than 120 days.

2.11.050 Term.
The ombudsman shall be appointed for terms that will expire one year following the date of original appointment and thereafter expire two years following the date of each reappointment by the county council. The ombudsman shall be subject to the county exempt personnel system.

2.11.060 Qualifications.
The ombudsman shall be appointed solely with regard to his or her qualifications for the duties of their office, and shall hold no other elective or appointive office or position in county government. The ombudsman shall be a person of recognized judgment, objectivity and integrity, who is well-equipped to analyze problems of law, administration, and public policy. The position requires a degree from an accredited college or its equivalent in service to government.

2.11.070 Removal.
A minimum of four affirmative votes by the county council acting by motion shall be required to remove the ombudsman from office for any reason.

2.11.080 Organization of office.
The office of the ombudsman is under the administrative supervision of the ombudsman. The ombudsman may, subject to appropriation and in accordance with the rules of the county personnel system and exempt personnel system, select, appoint, and compensate such other employees as the ombudsman deems necessary to discharge the duties of the office of the ombudsman.

2.11.090 Appointment of pro tem ombudsman.
The council may also by professional service contract appoint for terms and functions deemed appropriate by the council, an ombudsman to serve in the event of absence or inability to act of the ombudsman.

2.11.100 Powers of the ombudsman.
The powers of the ombudsman shall include:

(1) To investigate on complaint or on the ombudsman's own initiative any administrative act of an agency;

(2) To determine the methods by which complaints are made, received, and acted upon;

(3) To determine whether the ombudsman may investigate a complaint without regard to the finality of the administrative act;

(4) To determine the scope and manner of investigations of complaints;

(5) To determine the form, frequency, and distribution of the ombudsman's conclusions and recommendations;

(6) To make such inquiries and obtain such assistance and information from any agency as the ombudsman shall require for the discharge of the ombudsman's duties;

(7) To keep confidential any complaint or investigative information, subject to applicable law;

(8) To employ legal counsel as allowed by the laws of the state of Washington and the county charter;

(9) To adopt, promulgate and amend policies and procedures required for the discharge of the ombudsman's duties, including the procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions, and recommendations;

(10) To prepare and submit to the executive annual budget estimates for the office as provided in SCC 4.26.030;

(11) To delegate functions, powers and duties, except this power of delegation, to other officers and employees of the office as the ombudsman deems expedient to further the purposes of this chapter; and

(12) To make and publish conclusions, recommendations, and suggestions.

The ombudsman shall exercise his powers under this chapter consistent with contractual obligations of the county and applicable law.

2.11.110 Cooperation with requests from the office of the ombudsman.
Administrative agencies shall have a duty to cooperate fully with requests from the office of the ombudsman under this chapter.

2.11.120 Investigation of complaints.
The ombudsman may investigate any administrative act which is the subject of a citizen complaint or which, in the opinion of the ombudsman, may be:

(1) Contrary to law or regulation;

(2) Based on mistaken facts or irrelevant considerations;

(3) Inefficiently performed;

(4) Unclear or inadequately explained when reasons should have been revealed;

(5) Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;

(6) Improper in motivation or based on irrelevant considerations; or

(7) Otherwise inconsistent with accepted government practices or principles, or incompatible with the spirit or intent of the Snohomish County Charter.

Prior to formally issuing a conclusion or recommendation about an administrative act of an agency, the ombudsman shall consult with that agency and provide the agency a copy of the ombudsman's preliminary conclusion or recommendation and a reasonable opportunity to reply. The agency may not release the ombudsman's preliminary conclusion or recommendation, subject to applicable law.

2.11.130 Written reports.
The ombudsman may from time to time and shall annually report to the county council on the activities of the office of the ombudsman.

2.11.140 Severability.
If any section, subsection, clause, phrase, or portion of this chapter is held invalid, such portion shall be deemed a separate, distinct, and independent provision; and such decision shall not affect the validity of any other portion of this chapter.

2.11.150 Effective date.
This chapter shall take effect 10 days after the ordinance codified in this chapter is signed by the county executive or otherwise enacted, as provided by section 2.110 of the charter.

(Added by Amended Ord. 14-077, Oct. 8, 2014, Eff date Oct. 30, 2014).

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-13	
SUBJECT TITLE: Eliminate Office of the Performance Auditor from the Charter	**Meeting Date:** March 16, 2016
Estimated Presentation Time: 20 minutes	**Exhibit:** 1) Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-15 Eliminate Office of Performance Auditor from the Charter. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the February 17, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-15 Eliminate Office of Performance Auditor from the Charter. The proposal was initially proposed by Vice Chair Terwilliger.

The Office of the Performance Auditor was added to the Charter in 1996. At the time, the Office was placed under the County Auditor. In 2006 the office shifted to the responsibility of the County Council.

Currently, the Council Council contracts with a firm specializing in performance audits to perform the services of the performance auditor.

In addition to section of the Charter about the Office of Performance Auditor, Charter Section 2.90 stated that the County Council is may conduct “periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county."

Eliminating the Office of Performance Auditor from the Charter would eliminate a section of the Charter.

BACKGROUND:

Purpose of the Performance Auditor

A performance audit is analysis that answers a question. The audit uses objective analysis to compare the current condition ("what is") against stated criteria ("what should be”).

Performance audits typically examine the effectiveness, economy or efficiency of a government program. Performance auditors might analyze the services of an entire agency or division, compare actual agency practices against the practices called for in law or policy, seek possible cost savings, or identify the outcomes achieved by a program or service.

In financial audits, auditors use standard procedures and rely on accounting principles to determine the financial health of an organization. Performance audits determine whether an agency program is efficiently and effectively delivering the intended results.

In contrast to financial audits, performance audits are research-based, and often require the auditor to determine the criteria against which a program will be evaluated. These audits apply a variety of methodologies beyond accounting procedures.

History of the Performance Auditor in Snohomish County

The responsibilities of performance audits are found twice in the Charter. Among the legislative duties of the Council is the ability to "conduct or cause to be conducted periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county." In addition, Section 2.150 of the Charter creates the Office of the Performance Auditor.

In 1996, the Charter Review Commission referred to the voters a proposition creating a department of performance auditing within the auditor's office. Proposition 3 amended Section 2.90 and added a new Section 3.130 in the Charter. The Council adopted SCC 2.700, setting up the performance audit process and created a performance audit committee.

The 2006 Commission evaluated several options to perform the performance audit function, including 1) no change 2) moving the auditor to the county council 3) creation of an elected office of the Performance Auditor and 4) Contract for Performance Audit Services. In a memo to the Commission, the Performance Auditor expressed a belief that shifting the Performance Audit function to the Legislative Branch would ensure the "greatest opportunities for independence and effectiveness." The Performance Auditor also suggested that the Auditor should be appointed by the Council for a four year term and that a percentage of the operating budget be designated specifically for carrying out Performance Audits. The County Auditor sent a letter to the Commission stating there may be conflict between Article 3, Section 3.130 and a similar provision providing for this same authority by the County Council in Article 2, Section 2.90.

A staff report to the 2006 Commission suggested that the shift to the County Council would make the Performance Auditor more resemble the Hearing Examiner. The Performance Auditor would have a four-year appointment and the most independence short of creating an independently elected office. The report also noted that the shift to the Council "fits more of the national model as to how and where the Performance Auditor should be located." In addition, the move to the County Council would solve the "internal auditor" problem. After discussion, the Charter Review Commission referred to the voters a proposition moving the office of the Performance Auditor to the County Council.

A full background of the information presented to the 2006 Commission is available here: http://snohomishcountywa.gov/ArchiveCenter/ViewFile/Item/901.

Shortly after the move to the Council, staff turnover left the office vacant. During the March 2nd meeting the current Commission heard from the Executive's office that the Council did not immediately fill the position. After a couple of years, the Council determined that the duties of the performance auditor would best be served by a firm specializing in performance audits. In 2015, the Council contracted with a firm to perform performance audits.

In the Snohomish County Code, the office of performance auditor exists in SCC 2.700. The Council amended this section of the code five times since it was initially adopted in July 1997, most recently with Ordinance 13-027 in April 2013.

The budget for the performance auditor is set by the Council. In 2015, the budget for the performance auditor was $120,654.

Eliminating the Office of the Performance Auditor from the County Charter

If Section 2.150 is deleted from the Charter, the County Council retains the power to conduct performance audits (SCC 2.90). Without the mandate of the office in the Charter, the Council could eliminate the office of the performance auditor, found in SCC 2.700 and develop an alternative process to conduct periodic performance audits.

State law allows a local jurisdiction to contract with the State Auditor to conduct a performance audit of programs under its jurisdiction (RCW 43.09.445). The costs of the audit would be incurred by the local jurisdiction.

Snohomish and Pierce counties are the only home-rule counties to have an office of the performance auditor mandated in the Charter. King County places its office of performance auditor in its county code.

Questions for discussion:

1) Does the Commission wish to move forward with eliminating the Office of the Performance Auditor from the Charter?

2) If yes, does the Commission wish to preserve any terms or requirements for performance audits in the Charter?

3) In no, does the Commission wish to add any provisions to Section 2.150?

ALTERNATIVES:
The Commission adds this item to a subsequent agenda for discussion.

Exhibit 1
Snohomish County Charter

Section 2.90 Audit
The county council may conduct or cause to be conducted audits of the financial operations of the county government or any portion thereof. The county council may conduct or cause to be conducted periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county. Annual audits shall continue to be performed by the state in accordance with general law.

Section 2.150 Office of County Performance Auditor
The county council shall establish by ordinance within the legislative branch the independent office of county performance auditor for the purpose of reviewing, evaluating and reporting on the integrity of the county's financial management system, the accuracy of financial record keeping, compliance with applicable laws, policies, guidelines and procedures, and the efficiency and effectiveness of operations and programs. The office shall commence functioning no later than July 1, 2007 and shall have the duties and responsibilities expressed in this section as well as those established by ordinance. The performance auditor shall have appropriate professional credentials, legal authority for access to records, adequate funding, and shall use generally accepted accounting/auditing standards. The office of performance auditor shall adhere to government auditing standards in conducting its work and shall be considered independent as defined by those standards.

The performance auditor shall be named through appointment by a majority vote of the county council and shall serve a term of four years unless removed for cause.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-10	
SUBJECT TITLE: Further Analysis and Discussion on Charter Amendment Proposals	**Meeting Date:** March 17, 2016
Estimated Presentation Time: 15 minutes	**Exhibits:** 1. Process for Receiving Charter Amendment Proposals

RECOMMENDATION: The Commission should determine whether to have further discussion and analysis on two Charter Amendment proposals postponed from the March 2nd meeting.

1. Proposal 25: Explore Concepts for Additional Representation in Unincorporated Areas
2. Proposal 8: Schedule of County Council Meetings

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___."

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 March 2nd meeting, the Commission postponed discussion on two proposals.

BACKGROUND:

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.”

In 2015, the State passed a law permitting the Council to meet at an alternative location, but no more than once per calendar quarter.

"RCW 36.32.080
Regular meetings—Regular meetings held outside of the county seat (as amended by 2015 c 179).
(1) Except as provided otherwise by this section, the county legislative authority of each county shall hold regular meetings at the county seat to transact any business required or permitted by law.
(2) As an alternative option that may be exercised no more than once per calendar quarter, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government.
(3) The county legislative authority must give notice of any regular meeting held outside of the county seat. Notice must be given at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:
(a) Posted on the county's web site;
(b) Published in a newspaper of general circulation in the county; and
(c) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an electronic mail [email] address."

Charter Provisions Addressed:
Section 4.50, 4.60 and 4.70.

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.

Snohomish County
Charter Review Commission

8th Floor Robert J. Drewel Building
Jackson Board Room
Wednesday, March 2, 2016
7:00 p.m.
MINUTES

PRESENT:
Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Stanford
Commissioner Donner
Commissioner O'Donnell
Commissioner Matthews
Commissioner Roulstone
Commissioner Koster
Commissioner Barton
Commissioner Chase
Commissioner Fior
Marsha Isenberg, Interim Deputy Executive
Debbie Eco, Council Clerk
Chris Roberts, Commission Analyst

CALL TO ORDER

Chair Gregerson called the meeting to order at 7:01 p.m.

FLAG SALUTE

ROLL CALL

Commissioners Liias, Kelly and Valentine absent. Commissioners Chase and Donner at 7:05 pm.

GUESTS

1. Marsha Isenberg, Interim Deputy Executive

Deputy Executive Isenberg discussed the history of the office of the performance auditor. Before 2007, the performance auditor was housed in the office of the county office and in 2006 voters established an independent office in the legislative branch. Initially, the office was staffed by one full time position and one 3/4 time position. In mid-2008, both positions became vacant. The Council did not immediately fill the position. In 2012 the Council turned to contracting with a performance auditing firm, and naming a principal in the firm as the performance auditor. Currently, the Council contracts with Sjoberg Evashenk to perform performance audits and named George Skyles as the performance auditor.

Deputy Executive Isenberg believes the mandate for doing the work has proven to have flexibility to allow for changing circumstances. She did not recommend any amendments to the charter.

Commissioner Barton asked how does the Council decide the scope and priorities for the performance auditor firm. Deputy Executive Isenberg stated there is a performance auditor committee develops audit recommendations and presents those recommendations to the Council. She stated that the Council considers audits based on what the county can afford.

Commissioner Matthews asked about the impact of the performance auditor being reportable to the county auditor. Deputy Executive Isenberg stated the public would not likely see much difference. Vice Chair Terwilliger asked about section 2.90 of the Charter. Deputy Executive Isenberg stated the Council would retain administrative oversight for the performance audits to manage budgets and determine costs.

Commissioners asked about different models of staffing the office of performance auditor.

PUBLIC COMMENTS

There were no persons present wishing to provide public comment.

APPROVAL OF THE MINUTES

Commissioner Chase moved to approve the minutes of the Charter Review Commission meeting of March 2, 2016. The motion was seconded by Vice Chair Miller and passed unanimously.

REPORT FROM CHAIR
Chair Gregerson stated that she would speak with the League of Women Voters radio show on KSER 90.7 on Monday, March 14th and that she has been talking with Noah Haglund from the Everett Herald about the Commission's work.

BUSINESS ITEMS

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS

Commissioner Roulstone stated he did not want to move forward with Charter Amendment Proposal 2016-26, Requiring Council to Repeal Ordinances with Adoption of New Ordinance, and Chair Gregerson stated she did not want to move forward with Charter Amendment Proposal 2016-24, Evaluate Governance Structure for Paine Field, until she developed a formal proposal.

Vice Chair Terwilliger stated that there are multiple court cases overturning age restrictions for holding office.

Vice Chair Terwilliger moved Charter Amendment Proposals 2016-12, Lower Age for Holding County Office from 21 to 18 and 2016-13, Reduce Residency Requirement for Holding County Office, forward for further analysis. The motion was seconded by Commissioner Barton.

Commissioner Matthews stated the memo was confusing.

The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-19, Update Charter Language on Nondiscrimination, 2016-21, Review Charter for Glaring Errors, and 2016-23, Update Charter to use Gender-Neutral Terms, forward for further analysis. The motion was seconded by Commissioner Koster. The motion passed unanimously.

Commissioner Roulstone moved Charter Amendment Proposal 2016-27, Require Sunset Provisions in Ordinances, forward for further analysis. The motion was seconded by Commissioner Donner.

Commissioner Barton asked how much of an impact sunset provisions would have on the Council. Commissioner Koster wondered how long the sunset provision would be and would like feedback from the Council. Commissioner Koster said that sunset provisions are not common. Deputy Executive Isenberg stated that the Charter requires a sunset on some ordinances.

Commissioner Roulstone stated his belief the public would support a sunset clause.

The motion carried 7-5. Vice Chair Terwilliger and Commissioners Barton, Donner, Matthews, Koster, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chair Miller and Commissioners Chase, Fior, and Stanford in opposition.

Vice Chair Terwilliger stated that he wanted more information about the proposal.

Commissioner Koster moved Charter Amendment Proposals 2016-05, Evaluate Process for Addressing Whistleblower Complaints, and 2016-06, Evaluate Process for Addressing Ethics Complaints, forward for further analysis. The motion was seconded by Commissioner Matthews.

Commissioner Barton asked if these proposals should be considered with the discussion of the creation of the ombudsman in the charter? Commissioner Koster suggested that the items may or may not be part of that discussion.

The motion passed unanimously.

Commissioner Chase asked about Commissioner Valentine's proposal about the schedule of County Council meetings.

Commissioner Koster spoke in favor of moving union negotiations to the County Council.

Vice Chair Terwilliger stated he met with Councilmember Ryan about the confirmation process of executive appointments. There is a question of the status of appointments who are not confirmed by the council. Vice Chair Terwilliger stated that failure of the Council to act leads candidates to be in a state of uncertainty.

Commissioner Koster moved Charter Amendment Proposals 2016-09, Move Union Negotiations to County Council, and 2016-10, Confirmation of Department Heads, forward for further analysis. The motion was seconded by Commissioner Roulstone.

Commissioner Barton stated that these are different issues and should not be combined.

The motion passed unanimously.

Vice Chair Terwilliger asked Commissioner Koster about the timing of budget submission to the Council. Deputy Executive Isenberg said that by tradition the budget is submitted the last Friday in September. Chair Gregerson expressed her desire to hear from the Executive and Council on the issue.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-18, Change Date of Submission of Executive's Budget from October 1 to September 1, forward for further analysis. The motion was seconded by Commissioner Koster. The motion passed unanimously.

Commissioner Barton moved Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, and 2016-28, Make all Elected County Officials Partisan, forward for further analysis. The motion was seconded by Vice Chair Terwilliger.

Commissioner O'Donnell moved to divide the question. Second by Vice Chair Miller.

Commissioner Barton stated the two items are linked. The discussion is whether the offices are partisan, non-partisan, or left alone. Vice Chair Terwilliger suggested that separation allows analysis on both issues.

The motion to divide the question passed 11-1. Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Chase, Donner, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in support. Commissioner Barton in opposition.

Commissioners discussed whether the Prosecuting Attorney could be a non-partisan office.

Commissioner Barton specified that the motion is for non-partisan elections for all county offices.

The motion to move forward with Charter Amendment Proposals 2016-07, Non-Partisan Elections for all County Offices, passed 6-6. Commissioners Barton, Donner, Koster, Matthews, O'Donnell, and Roulstone in support. Chair Gregerson, Vice Chairs Terwilliger and Miller, and Commissioners Chase, Fior, and Stanford in opposition.

Commissioner O'Donnell stated most voters want to see offices non-partisan. He stated that 42% of people identified as non-partisan and independents are unlikely to be elected.

Commissioner Barton stated that he would like to hear from the people if they want partisan elections. Commissioner Roulstone stated people do not register as Republicans or Democrats in the State. He said that running for partisan office does not imply a set of values.

Commissioner O'Donnell stated that King County went to non-partisan elections in 2008. Candidates show their partisanship through their endorsements. Non-partisan elections open the door to someone who does not identify with either party.

Vice Chair Terwilliger stated the issue was vetted ten years ago and the voters overwhelmingly made the offices non-partisan. The offices made non-partisan ten years ago are administrative in nature and do not make a lot of policy. He said the real debate is about the Council and the Executive.

Commissioner Chase stated there are more than two political parties in the State. Partisanship is useful information for voters.

Commissioner Barton stated that he was in favor of additional input from the public.

The motion to move forward with 2016-28, Make all Elected County Officials Partisan, failed 4-8. Vice Chairs Miller and Terwilliger and Commisioners Barton and Donner in support. Chair Gregerson and Commissioners Chase, Fior, Koster, Matthews, O'Donnell, Roulstone and Stanford in opposition.

Vice Chair Terwilliger stated that he did not want to move forward with Charter Amendment Proposal 2016-17, Allow County Council to Declare an Elected Official's Position Vacant.
Vice Chair Miller stated that with term limits lead to a loss of historical memory. He stated people earn name recognition.

Vice Chair Miller moved Charter Amendment Proposal 2016-16, Eliminate Term Limits, forward for further analysis. Commissioner Koster seconded the motion.

Commissioner Koster stated that the scope of duties of local officials is broad and it takes a while to understand the job. He said candidates make their case to the people every four year and that voters lose the ability to make that choice with term limits.

Commissioner Barton said there are merits to the proposal but does not believe the proposition would pass.

Commissioner Matthews stated that people's names do matter. Commissioner O'Donnell stated that he believes that the position is public service, not a job. He does support moving the proposal forward.

Commissioner Koster stated that across the State during an eight year period, he saw a 66% turnover of county commissioners. Only two counties have term limits.

The motion passed 8-4. Vice Chairs Miller and Terwilliger and Commissioners Barton, Donner, Chase, Koster, O'Donnell, and Stanford in support. Chair Gregerson, Fior, Matthews, and Roulstone in opposition.

Vice Chair Terwilliger stated that there are duties and responsibilities established in State law.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officers forward for further analysis. Commissioner Koster seconded the motion. The motion passed unanimously.

Commissioners discussed the concept of transitional provisions.

Vice Chair Terwilliger moved Charter Amendment Proposal 2016-20, Update Charter Language on Transitional Provisions, forward for further analysis. Commissioner Barton seconded the motion. The motion passed unanimously.

Commissioners discussed the status of the remaining proposals not discussed earlier in the meeting.

OLD BUSINESS

NEW BUSINESS

Chair Gregerson stated the next meeting would be March 16th in Marysville. Potential agenda items would be the districting timeline, the performance auditor, and ombudsman. She recommended that the Commission can discuss business at the in-district meeting.
Commissioner Koster asked about the process of receiving proposals from constituents.

Commissioners discussed placing the agenda items on the Commission's website.

ADJOURNMENT

With no further business, Chair Gregerson adjourned the meeting at 8:24 p.m.