

1. Snohomish County Charter Review Commission Agenda - 04202016

Snohomish County Charter Review Commission

Monroe City Hall, Council Chambers
806 West Main Street, Monroe, 98272

Wednesday April 20, 2016

7:00 p.m. – 9:00 p.m.

AGENDA

7:00 p.m. Call to Order

Agenda Order

Flag Salute/Roll Call

Guest: Snohomish County Councilmember Hans Dunshee

Public Comments (7:20 p.m.)

Approval of the Minutes

Report from Chair

Business Items

1. Charter Amendment Proposal Preliminary Discussions

1. Proposal 2016-35 - Require the County to make "Land Use Proposals" a Link on the County's Homepage

2. Proposal 2016-36 - Require the County to Conduct an Advisory Election for Developments Two Acres or Greater

3. Proposal 2016-37 - County Code and Regulation Review

4. Proposal 2016-38 - Change Date of County Elections

5. Proposal 2016-39 - Make Assessor and Treasurer Appointed Offices

6. Proposal 2016-40 - Coordination of Public Safety Services

2. Charter Amendment Study Items

1. Proposal 2016-09 - Move Union Negotiations to County Council

2. Proposal 2016-10 - Confirmation of Department Heads

3. Proposal 2016-11 - Clarify Powers and Duties of Elected Officials

4. Proposal 2016-03 - Update Charter Language on Nondiscrimination

5. Proposal 2016-25 - Explore Concepts for Additional Representation in

Unincorporated Areas

3. Review of Charter Amendment Language

1. Proposal 2016-13 and 2016-12 - Change Qualifications for County Offices

2. Proposal 2016-23 - Update Charter to Use Gender-Neutral Language

3. Proposal 2016-15 - Eliminate Office of Performance Auditor

Old Business

New Business

9:00 p.m. Adjournment

Next meeting is currently scheduled for May 4 at the Snohomish County Courthouse

Agenda Topics

Study Items

Charter Amendment Proposal 11 - Evaluate Governance Structure for Paine Field Charter

Amendment Proposal 30 - Evaluate Status of Human Rights Commission

Charter Amendment Proposal 31 - Require Appeals of Hearing Examiner to go to Superior Court

Review of Amendment Language

Proposal 2016-02 - Revisions to Districting Timeline and Procedures Proposal 2016-04 - Adding Office of Ombudsman to Charter

[NOTE: Times shown on Agenda are approximate]

2. Snohomish County Charter Review Commission Collective Bargaining - 04202016

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-27	
SUBJECT TITLE: Move Union Negotiations to County Council	Meeting Date: April 20, 2016
Estimated Presentation Time: 20 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-09, Move Union Negotiations to County Council. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-09, Move Union Negotiations to County Council. The proposal was initially proposed by Vice Chair Terwilliger.

Questions for Discussion

1) Does the Commission wish to move union negotiations to the county council?

BACKGROUND:

Section 3.20 of the Charter states the executive shall “conduct any and all collective bargaining on behalf of the county and county officials in accordance with guidelines set by county council and as allowed by the laws of the state of Washington.” This provision was adopted by the voters in 1996.

In Snohomish County Code, Section 2.600.030, the department of human resources has the authority for labor negotiations.¹ In 2015, there were 41 labor contracts in the county.²

In his comments to the Commission, former councilmember Dave Gossett spoke in favor of returning the authority to conduct union negotiations to the council. He pointed to a decision of the Public Employment Relations Commission against the county as evidence of a misuse of the executive authority. He also suggested that Executive Lovick ignored collective bargaining guidelines set by the council.

In a letter to the Commission, Pat Thompson asserted that the proposal would lead to the “awkward and disconcerted process that the current statute sought to correct.” He went on to state that in jurisdictions with an executive branch, “negotiations are typically headed up by that office holder with the final approval resting with the Legislature or Council.”

1996 Amendment

In 1996, the voters adopted Charter Proposition 6 by a 63% to 37% margin. That proposition amended Sections 2.20 and 3.20 of the Charter. The ballot title was "Shall the county council set guidelines for collective bargaining and approve all final collective bargaining agreements, and shall the county executive be responsible for the conduct of collective bargaining negotiations in accordance with the collective bargaining guidelines?"

The voter's pamphlet statement for the measure was:

Reason for the Change in the Labor Negotiations Process:

Labor Negotiations should be handled by the Executive branch of county government because it is the Executive's responsibility to manage the day-to-day operations of the county, including Human Resource issues, once the Legislative branch has set policy. From a business standpoint, the County Council should be responsible for setting the bargaining parameters, and the Executive should be responsible for negotiating and administering the contracts. Final action on labor contracts, including funding of settlements, remains a responsibility of the County Council.

We need this check and balance. Labor negotiations are no different than any issue when it comes to the separation of powers. This charter amendment will streamline the negotiations process by providing clear lines of policy and authority in an important process. From the citizens perspective, it is a business decision that ultimately saves the taxpayers money.

The statement was prepared by Earl Dutton and Bob White, both members of the Charter Re- view Commission.

There was no statement in opposition.

Other Home Rule Counties

Many of the other counties in the state with a home rule charter do not clarify which branch of the county is responsible for collective bargaining, although the executive is generally in charge of personnel. King County is explicit. King County Charter Section 890 states that the council "shall designate the county executive as the bargaining agent of the county."

Positions of Current Councilmembers

Two members of the current council weighed in on the proposal to move collective bargaining to the council during previous meetings.

On April 6, Councilmember Sullivan stated, "Labor negotiations by committee is not a good thing." He further explained that it is "not productive to negotiate by committee."

On March 30, Councilmember Wright explained that the current process seemed fine. She suggested that if the proposal passed, there would be a need to give council additional resources to handle labor negotiations, since currently those negotiations are handled by the executive.

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

Snohomish County Charter

Section 3.20 Powers and Duties of County Executive

As chief executive officer, the county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter. The county executive shall have the power to:

1. Supervise all appointed executive departments established by this charter or created by the county council;
2. Execute and enforce all ordinances and state statutes within the county, subject to Section 3.120;
3. Present to the county council an annual statement of the governmental affairs of the county and any other report which the county executive may deem necessary;
4. Prepare and present to the county council a proposed budget and a budget message setting forth proposals for the county during the next fiscal year;
5. Prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county;
6. Veto any ordinance adopted by the county council except as otherwise provided in this charter;
7. Assign duties to appointed executive departments which are not specifically assigned by this charter or by ordinance;
8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;
9. Nominate members of all county boards and commissions;
10. Employ legal counsel as allowed by the laws of the state of Washington;
11. Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council and as allowed by the laws of the state of Washington.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

Documents: [2016-27 COLLECTIVE BARGAINING.PDF](#)

3. Snohomish County Charter Review Commission Confirmation - 04202016

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-28	
SUBJECT TITLE: Confirmation of Department Heads	Meeting Date: April 20, 2016
Estimated Presentation Time: 15 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment 2016-10 Confirmation of Department Heads. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-10, Confirmation of Department Heads.

The proposal was initially proposed by Vice Chair Terwilliger.

The current charter requires the executive to nominate the chief officer of each executive department and office. The county council shall appoint the officer. The usual practice is for the nominee to serve as an interim director until the council votes to confirm.

If a nominee is not confirmed, the Charter is silent on what happens to the nominee.

Questions for Discussion

- 1) Does the Commission wish to require the council to take action on an executive appointee within a certain time period?
- 2) Does the Commission wish to specify what happens when a nominee is rejected or not appointed by the council?

BACKGROUND:

Section 3.40 of the Charter states the “county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office.”

Current Practice

The current practice in Snohomish County is for the executive to nominate the “chief officer” and have that individual serve as an acting director until the council appoints.

The council staff does not possess a list of confirmation votes by the county council. Discussions with council staff suggest that most confirmation votes occur shortly after a nomination occurs.

The most recent confirmation by the council was for Trever Esko. Esso was selected to begin acting as Department of Information Services (DIS) Director on February 1, 2016. The Council confirmed the appointment on March 23, 2016.¹ The time between nomination and confirmation was 52 days or 1 month and 23 days.

A longer confirmation process occurred during the nomination of D. Gage Andrews in 2011. The executive nominated Mr. Andrews on September 12, 2011 as the Department of Information Services Director and he began serving as interim director on that day. The council did not confirm Mr. Andrews until February 15, 2012.² The time between nomination and confirmation was 157 days or 5 months and 4 days.

State Practice

RCW 43.06.092 describes the practice of the state. “Any gubernatorial appointee subject to senate confirmation shall continue to serve unless rejected by a vote of the senate. An ap- pointee who is rejected by a vote of the senate shall not be reappointed to the same position for a period of one year from termination of service.”

State law says that appointees serve at the pleasure of the Governor.

Appointing Authority Across Counties

Table 1 - Appointing Authority in Home Rule Counties

Who is appointed	Appointing Authority	Charter Section
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Snohomish	Chief officer of each executive department and office	Executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint	3.40
King	County Administrative Officer and the chief officer of each executive department	Executive shall appoint ...subject to confirmation by a majority vote of the County Council	340.10, 340.40
Clallam	Appointed officials, including the Administrator	Commissioners	5.30
Whatcom	Chief officer of each executive and administrative department and office	Executive shall appoint ... subject to confirmation by a majority vote of the County Council	3.23
Pierce	Chief officer of each executive department	Executive shall appoint ...subject to confirmation by the Council	3.30
San Juan	Heads of Administrative Departments; Managers that report directly to a department head	Shall be appointed by the County Council	4.20, 4.30
Clark	Chief officer of each administrative department	County manager shall appoint.	3.3 (D)

Potential Alternatives

The Clark County Charter contains language that is more prescriptive in requiring the council to take action on executive appointments.

Section 3.3 (B)

The county manager shall appoint members of boards, commissions and task forces except as provided by state law, intergovernmental agreement or this charter. Appointments made by the county manager shall be presented to the council during a regular council meeting. Within thirty (30) calendar days, the council shall accept or reject the appointment by a majority vote. Failure to act within thirty (30) days constitutes acceptance to the appointment. A rejection applies to that board, commission or task force position only.

The Commission may wish to add certain language to the Charter to state that a nominee that is rejected by the Council may not continue to hold office. Language may parallel RCW 43.06.092.

A third alternative may be to prohibit a nominee from serving as a director until confirmation by the council unless by virtue of their current position as a deputy director

(or similar title) would assume the interim duties of the director. This would be similar to nominations in the United States where the President makes a nomination and the Senate confirms.

An advantage to this method is that an executive nominee would not start work on organizing the department until they have the confidence of the county council. A disadvantage is that a nominee would remain in limbo from the time of nomination until a confirmation vote of the council.

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

**Exhibit 1
Snohomish County Charter**

Section 3.40 Appointments by County Executive and Confirmation

The county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office, except the separately elected offices. The county executive may appoint a confidential secretary and a deputy county executive without council confirmation.

Documents: [2016-28 CONFIRMATION.PDF](#)

4. Snohomish County Charter Review Commission Proposals - 04202016

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-26	
SUBJECT TITLE: Further Analysis and Discussion on Charter Amendment Proposals	Meeting Date: April 20, 2016
Estimated Presentation Time: 25 minutes	Exhibits: 1. Process for Receiving Charter Amend- ment Proposals

RECOMMENDATION: The Commission should determine whether to have further discussion and analysis on Charter Amendment proposals presented at the March 30 and April 6, 2016 meetings and proposals from Snohomish County residents.

1. Proposal 35: Requiring the County to make "Land Use Proposals" a link on the county's homepage
2. Proposal 36: Require the County to conduct an advisory election for developments two acres or greater
3. Proposal 37: County Code and Regulation Review
4. Proposal 38: Change Date of County Elections
5. Proposal 39: Make Assessor and Treasurer Appointed Offices
6. Proposal 40: Coordination of Public Safety Services
7. Proposal 41: Reduce Term Limits to Eight Years

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.

BACKGROUND:

**Charter Amendment Proposal 35
Requiring the County to make "Land Use Proposals" a link on the county's homepage**

On March 22, Mr. LaBelle sent a letter to the Commission suggesting that the Commission should require the county to place a link labeled “Land Use Proposals” on the county’s home page.

He writes: “The county website needs to have all land use proposals that are submitted to PDS, appear on the county's website (homepage) as an easily seen button labeled "Land Use Proposals". Click the button and you'll go to an index of proposals, each with a two-line abstract like you get when you google something. Click on the link you want and read the whole bloody thing. Moreover, proposals must be put up on the website within seventy-two hours of being filed, not weeks or months. As it is today, the red notices are pounded in the ground long after the decision has already been made.”

Charter Provisions Addressed:

Not Currently Addressed in the Charter

**Charter Amendment Proposal 36
Require the County to conduct an advisory election for developments two acres or greater**

On March 22, Mr. LaBelle sent a letter to the Commission suggesting that the Commission should require the county to conduct an advisory election for developments two acres or greater.

He writes, “For any development involving two acres or more, the county will send advisory ballots (paid for by the applicant) to residents adjacent to the property, two layers out, asking for their approval - a yes/no kind of thing. The results will be published on the homepage of the County's website and The Herald submitted to the Council to guide them in casting their votes. The results of each Council Member's vote will be placed on the homepage for everyone to see. Appended to the Council Member's votes, will be a one-paragraph where the Council Members can explain why they voted as they did.”

Charter Provisions Addressed:

Not Currently Addressed in the Charter

**Charter Amendment Proposal 37
County Code and Regulation Review**

At the March 30 meeting of the Commission, Commissioner Roulstone proposed the creation of a commission to review county codes and regulations, similar to the Charter Review Commission.

Commission Roulstone further explained the proposal “This would create a commission similar to the Charter Review Commission which would review County Code and Regulations to determine their adequacy and suitability to the needs of the County and propose laws and regulations for elimination or amendment.”

Charter Provisions Addressed:
Not Currently Addressed in the Charter

Charter Amendment Proposal 38
Change Date of County Elections

At the March 30 meeting of the Commission, Commissioner Barton proposed to change the date of elections for county officials from odd-numbered years to even-numbered years.

RCW 36.32.030 states that county commissioners are elected at a general election held in an even-numbered year. Many, but not all home rule counties moved the election of their county council or commission to odd-numbered years.

Charter Provisions Addressed:
Section 4.90 Commencement of Terms of Office

Charter Amendment Proposal 39
Make Assessor and Treasurer Appointed Offices

At the April 6 meeting of the Commission, Jim John proposed to make the assessor and treasurer appointed offices, rather than elected offices.

A home rule county possesses the authority to make changes to which offices are elected and which are appointed. In King County, the county clerk, auditor, and treasurer are appointed positions.

Charter Provisions Addressed:
Section 3.100 Election and Term of Office

Charter Amendment Proposal 40
Coordination of Public Safety Services

At the April 6 meeting of the Commission, Commissioner Liias proposed to evaluate the coordination of public safety services.

A concern was raised during the presentation by Councilmember Sullivan that there was not sufficient coordination of public safety services. Council member Sullivan proposed a couple of ideas, a public safety cabinet and one budget from public safety departments.

Public safety services are currently divided into at least six departments, the District Court, Sheriff, Prosecuting Attorney, Office of Public Defense, Superior Court, and Sheriffs' Corrections Bureau. According to Councilmember Sullivan, 75% of the county's budget goes toward public safety.

Under county code, there is a Law and Justice Council (Section 2.13), which serves as advisory body to the county council on issues relating to the law and justice system.

Charter Provisions Addressed:
Not currently addressed in the council.

Charter Amendment Proposal 41
Reduce Term Limits to Eight Years

On April 11, Robert Losh submitted a proposal to amend the Charter to reduce the amount of years a councilmember can serve to eight years from the current twelve years an officeholder can hold consecutively.

He writes, "The County leadership must have flexibility to adapt and innovate in a rapidly evolving economic/political environment. All things are cyclical and contractions are as certain as expansion; Management must be ready and plan for any eventuality. Of course, good relationships with county employees and interest groups are essential but in this age, when those employees and lobbies are allowed to contribute, sometimes

heavily, to political campaigns of incumbents, it might not be prudent to allow those relationships to corrupt what should be impartial management decisions. Eight years is long enough to affect a positive influence into what should be a "public service" position; Not a "civil service" job.

If an office holder feels that he/she has acquired experience that makes their contribution still a value to constituents, they can run for another office, if desired, after the term limit expires."

Charter Provisions Addressed:
Section 4.30 Qualifications- Limitations

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: [2016-26 PROPOSALS.PDF](#)

- 4.l. Snohomish County Charter Review Commission NonDiscrimination - 04202016

Documents: [2016-30 NONDISCRIMINATION.PDF](#)

5. Snohomish County Charter Review Commission Powers And Duties - 04202016

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-29

SUBJECT TITLE: Clarify Duties and Powers of County Officials	Meeting Date: April 20, 2016
Estimated Presentation Time: 10 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officials. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officials. The proposal was initially proposed by Vice Chair Terwilliger.

The Charter provides descriptions of the powers held by elected officials. Each provision in the Charter has different origins and relationships with the RCW.

1. The Charter grants the council all the powers of the county. (Charter Section 2.20)
2. The Charter grants specific powers to the executive, an office which is not defined in state law. (Charter Section 3.20)
3. The Charter grants the powers of the prosecuting attorney those powers under state law. (Char- ter Section 3.120)
4. The Charter grants the powers of the other elected officials those powers established by ordi- nance. (Charter Section 3.110) The Snohomish County Code grants each of those officials those powers established by state law. (SCC 2.10).

Questions for Discussion

- 1) Does the Commission wish to add language to the Charter to clarify the powers and duties of the council include those powers granted by state law?

BACKGROUND:

Sections 2.20, 3.20, 3.110, and 3.120 of the Charter describe the powers of county officials. Only Section 3.120 specifically state that the prosecuting attorney has the powers granted in state law.

County Council

The powers and responsibilities of County Commissioners are generally found in RCW 36.32. The powers of legislative authorities are found in RCW 36.32.120.

The powers of the Council are found in Section 2.20 of the Charter. The section starts, "all powers of the county, not reserved by the people or vested in specific offices by this charter, shall be vested in the county council." After enumerating the powers of the Council, the Charter states, "the enumeration of particular powers shall not be construed as limiting the powers of the county council."

Table 1 Comparison of Powers of County Council between the RCW and the Charter

Provide for the erection and repairing of courthouses, jails, and other necessary public buildings for the use of the county	To levy taxes, appropriate revenue and adopt budgets for the county
Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits	To establish the compensation to be paid to all county officials and employees and to provide for the reimbursement of expenses (with limitations)
License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities	To establish by ordinance executive departments and to establish their powers and responsibilities (with limitations)
Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law	To adopt by ordinance zoning regulations and other land use and development regulations, including improvement plans for the present and future development of the county
Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit	To employ legal counsel as allowed by the laws of the state of Washington
Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law	To confirm or reject without cause nominations of members of all county boards and commissions, provided, the county council shall have concurrent authority with the county executive to nominate members of the Snohomish county planning commission
Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law (with additional limitations)	To approve contracts or establish by ordinance methods by which any type of contract shall be approved

Table 1 Comparison of Powers of County Council between the RCW and the Charter

Have power to compound and release in To set collective bargaining guidelines to

whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested

be followed by the county executive and to approve any and all collective bargaining agreements negotiated by the county executive

Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges

Have power to declare by ordinance what shall be deemed a nuisance within the county (with limitations)

County Executive

The Revised Code of Washington does not enumerate the powers of a county executive, described in Section 3 of the Charter. Section 3.20. The “county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter.” The section additionally states “the specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.”¹

Prosecuting Attorney

The county prosecuting attorney is described in RCW 36.27. The duties of the prosecuting attorney are described in RCW 36.27.020.

Article XI §6 of the State Constitution states, “all the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter.” In 1986, the Attorney General issued an opinion stating the provision meant “counties lack the power to alter or diminish the authority of the prosecuting attorney through the home rule charter process.”

Like the home rule charter of Whitman County, which was the subject of the 1986 Attorney General Opinion, the Snohomish County Charter states, the prosecuting attorney “shall have all the powers, authorities and duties granted to and imposed upon a prosecuting attorney by state law and as provided by this charter.”

Other County Offices

The Charter states in Section 3.110 “The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance.”

County Assessor

The county assessor is described in RCW 36.21. The assessor has certain duties relating to the collection of taxes and receipt of records from other taxing districts.

The Snohomish County Code states the assessor “shall have all the powers, authorities and duties granted to and imposed upon an assessor by state law.”

County Auditor

The county auditor is described in RCW 36.22. The duties of the auditor are described in RCW 36.22.010 and RCW 36.22.220.

The Snohomish County Code states the auditor “shall have all the powers, authorities and duties granted to and imposed upon an auditor by state law.”⁴

County Clerk

The county clerk is described in RCW 36.26.

The Snohomish County Code states the clerk “shall have all the powers, authorities and duties granted to and imposed upon a county clerk by state law.”⁵

County Sheriff

The county sheriff is described in RCW 36.28. The duties of the sheriff are described in RCW 36.28.010.

The Snohomish County Code states the sheriff “shall have all the powers, authorities and duties granted to and imposed upon a sheriff by state law.”⁶

County Treasurer

The county treasurer is described in RCW 36.29. The duties of the treasurer are described in RCW 36.29.010.

Snohomish County Code 2.100.080 describes the powers of the treasurer, while transferring some duties to the county’s department of finance in 2.100.070. The treasurer retains the power and duties under state law respecting “tax collections and administration” and the “collection, disbursement and management of junior taxing district funds.”⁷

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

Exhibit 1 Snohomish County Charter

Section 2.20 Powers

All powers of the county, not reserved by the people or vested in specific offices by this charter, shall be vested in the county council. The county council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. It shall have the power:

1. To levy taxes, appropriate revenue and adopt budgets for the county;
2. To establish the compensation to be paid to all county officials and employees and to provide for the reimbursement of expenses, except as provided in Section 6.120;
3. Except as otherwise provided for herein, to establish by ordinance executive departments and to establish their powers and responsibilities;
4. To adopt by ordinance zoning regulations and other land use and development regulations, including improvement plans for the present and future development of the county;
5. To employ legal counsel as allowed by the laws of the state of Washington;
6. To confirm or reject without cause nominations of members of all county boards and commissions, provided, the county council shall have concurrent authority with the county executive to nominate members of the Snohomish county planning commission;
7. To approve contracts or establish by ordinance methods by which any type of contract shall be approved;
8. To set collective bargaining guidelines to be followed by the county executive and to approve any and all collective bargaining agreements negotiated by the county executive.

The enumeration of particular powers shall not be construed as limiting the powers of the county council.

Section 3.20 Powers and Duties of County Executive

As chief executive officer, the county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter. The county executive shall have the power to:

1. Supervise all appointed executive departments established by this charter or created by the county council;
2. Execute and enforce all ordinances and state statutes within the county, subject to Section 3.120;
3. Present to the county council an annual statement of the governmental affairs of the county and any other report which the county executive may deem necessary;
4. Prepare and present to the county council a proposed budget and a budget message setting forth proposals for the county during the next fiscal year;
5. Prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county;
6. Veto any ordinance adopted by the county council except as otherwise provided in this charter;
7. Assign duties to appointed executive departments which are not specifically assigned by this charter or by ordinance;
8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;
9. Nominate members of all county boards and commissions;

10. Employ legal counsel as allowed by the laws of the state of Washington;

11. Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council and as allowed by the laws of the state of Washington.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

Section 3.110 Powers and Duties

The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance. All executive departments and elected officers shall be subject to the personnel, budgeting, expenditure and any other policies established by the county council.

Section 3.120 County Prosecuting Attorney

The county prosecuting attorney shall have all the powers, authorities and duties granted to and imposed upon a prosecuting attorney by state law and as provided by this charter.

Documents: [2016-29 POWERS AND DUTIES.PDF](#)

6. Snohomish County Charter Review Commission Unincorporated Representation - 04202016

Documents: [2016-31 UNINCORPORATED REPRESENTATION.PDF](#)

7. Snohomish County Charter Review Commission Ballot Language - 04202016

Documents: [2016-32 BALLOT LANGUAGE.PDF](#)

8. 04202016 - Charter Review Commission Extended Agenda

April 20: Monroe/Snohomish

- Councilmember Hans Dunshee (not confirmed)
- Study Items

1. Proposal 2016-11 Clarify Power and Duties of County Offices
2. Proposal 2016-03 Update Charter Language on Nondiscrimination
3. Proposal 2016-03 Update Charter Language on Transitional Provisions
4. Proposal 2016-25 Explore Concepts for Additional Representation in Unincorporated Areas

- Review of preliminary charter language

1. Gender Neutral
2. Performance Auditor
3. Age/Residency Requirements

9. Charter Review Commission Extended Agenda - April 20: Location TBD

April 20: Location TBD

Study Items

1. Proposal 2016-11 Clarify Power and Duties of County Offices
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10. 04/20/2016 - Snohomish County Charter Review Commission Agenda

Snohomish County Charter Review Commission

Monroe City Hall, Council Chambers
806 West Main Street, Monroe, WA 98272

Wednesday, April 20, 2016

7:00 p.m. – 9:00 p.m.

AGENDA

7:00 p.m. Call to Order

Flag Salute/Roll Call

Agenda Order

Guest: Snohomish County Councilmember Hans Dunshee

Public Comments (7:20 p.m.)

Approval of the Minutes:

Report from Chair

Business Items

1. Charter Amendment Proposal Preliminary Discussions
 1. Proposal 2016-35 - Require the County to make "Land Use Proposals" a Link on the County's Homepage
 2. Proposal 2016-36 - Require the County to Conduct an Advisory Election for Developments Two Acres or Greater
 3. Proposal 2016-37 - County Code and Regulation Review
 4. Proposal 2016-38 - Change Date of County Elections
 5. Proposal 2016-39 - Make Assessor and Treasurer Appointed Offices
 6. Proposal 2016-40 - Coordination of Public Safety Services
2. Charter Amendment Study Items
 1. Proposal 2016-09 - Move Union Negotiations to County Council
 2. Proposal 2016-10 - Confirmation of Department Heads
 3. Proposal 2016-11 - Clarify Powers and Duties of Elected Officials
 4. Proposal 2016-03 - Update Charter Language on Nondiscrimination
 5. Proposal 2016-25 - Explore Concepts for Additional Representation in Unincorporated Areas
3. Review of Charter Amendment Language
 1. Proposal 2016-13 and 2016-12 - Change Qualifications for County Offices
 2. Proposal 2016-23 - Update Charter to Use Gender-Neutral Language
 3. Proposal 2016-15 - Eliminate Office of Performance Auditor

Old Business

New Business

9:00 p.m. Adjournment

Next meeting is currently scheduled for May 4 at the Snohomish County Courthouse

Agenda Topics

Study Items

Charter Amendment Proposal 11 - Evaluate Governance Structure for Paine Field

Charter Amendment Proposal 30 - Evaluate Status of Human Rights Commission

Charter Amendment Proposal 31 - Require Appeals of Hearing Examiner to go to Superior Court

Review of Amendment Language

Proposal 2016-02 - Revisions to Districting Timeline and Procedures

Proposal 2016-04 - Adding Office of Ombudsman to Charter

[NOTE: Times shown on Agenda are approximate]

Documents: [2016_0420 AGENDA.PDF](#)

**Snohomish County
Charter Review Commission**

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Proposal 2016-04 - Adding Office of Ombudsman to Charter

[NOTE: Times shown on Agenda are approximate]

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-27	
SUBJECT TITLE: Move Union Negotiations to County Council	Meeting Date: April 20, 2016
Estimated Presentation Time: 20 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-09, Move Union Negotiations to County Council. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-09, Move Union Negotiations to County Council. The proposal was initially proposed by Vice Chair Terwilliger.

Questions for Discussion

- 1) Does the Commission wish to move union negotiations to the county council?

BACKGROUND:

Section 3.20 of the Charter states the executive shall “conduct any and all collective bargaining on behalf of the county and county officials in accordance with guidelines set by county council and as allowed by the laws of the state of Washington.” This provision was adopted by the voters in 1996.

In Snohomish County Code, Section 2.600.030, the department of human resources has the authority for labor negotiations.¹ In 2015, there were 41 labor contracts in the county.²

In his comments to the Commission, former councilmember Dave Gossett spoke in favor of returning the authority to conduct union negotiations to the council. He pointed to a decision of the Public Employment Relations Commission against the county as evidence of a misuse of

¹ Snohomish County Code 2.600.060 “The department shall lead and direct the conduct of labor negotiations in accordance with policy guidelines established by the executive and council.”

² <http://www.prothman.com/JobFiles/174/Snohomish%20County%20Finance%20Director%20-Position%20Profile2.pdf>

the executive authority. He also suggested that Executive Lovick ignored collective bargaining guidelines set by the council.³

In a letter to the Commission, Pat Thompson asserted that the proposal would lead to the “awkward and disconcerted process that the current statute sought to correct.” He went on to state that in jurisdictions with an executive branch, “negotiations are typically headed up by that office holder with the final approval resting with the Legislature or Council.”

1996 Amendment

In 1996, the voters adopted Charter Proposition 6 by a 63% to 37% margin. That proposition amended Sections 2.20 and 3.20 of the Charter. The ballot title was “Shall the county council set guidelines for collective bargaining and approve all final collective bargaining agreements, and shall the county executive be responsible for the conduct of collective bargaining negotiations in accordance with the collective bargaining guidelines?”

The voter’s pamphlet statement for the measure was:

Reason for the Change in the Labor Negotiations Process:

Labor Negotiations should be handled by the Executive branch of county government because it is the Executive’s responsibility to manage the day-to-day operations of the county, including Human Resource issues, once the Legislative branch has set policy. From a business standpoint, the County Council should be responsible for setting the bargaining parameters, and the Executive should be responsible for negotiating and administering the contracts. Final action on labor contracts, including funding of settlements, remains a responsibility of the County Council.

We need this check and balance. Labor negotiations are no different than any issue when it comes to the separation of powers. This charter amendment will streamline the negotiations process by providing clear lines of policy and authority in an impor-

³ In 2007, the Public Employment Relations Commission concluded the county “failed to bargain from the status quo, employed a strategy designed to intentionally frustrate and delay bargaining, and regressively bargained by withdrawing certain proposals.” The Commission also affirmed “the Examiner’s decision that the statements made by the County Executive during a conversation with a bargaining unit employee interfered with protected employee rights.” (*Snohomish County Clerk’s Association v. Snohomish County*, Decision 9834-B [PECB, 2008]) <http://www.perc.wa.gov/databases/ulp/09834-B.htm>

In 2015, the council rejected a tentative labor contract between the county and AFSCME. At the time, councilmembers stated that the executive negotiated an agreement that exceeded the collective bargaining guidelines set by the council. The details of the parameters set by the council in executive session were not released, but the comments of Councilmember Ryan during the meeting on April 12, 2015 and as reported in the Herald suggests the council was concerned with COLAs that exceeded CPI. Minutes of August 12, 2015 - http://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=4660. Motion 15-324 - http://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=4660&meta_id=291862. Somers, Lovick clash over new contract for county employees. August 12, 2015 - <http://www.heraldnet.com/article/20150812/NEWS01/150819705>.

tant process. From the citizens perspective, it is a business decision that ultimately saves the taxpayers money.

The statement was prepared by Earl Dutton and Bob White, both members of the Charter Review Commission.

There was no statement in opposition.

Other Home Rule Counties

Many of the other counties in the state with a home rule charter do not clarify which branch of the county is responsible for collective bargaining, although the executive is generally in charge of personnel. King County is explicit. King County Charter Section 890 states that the council “shall designate the county executive as the bargaining agent of the county.”

Positions of Current Councilmembers

Two members of the current council weighed in on the proposal to move collective bargaining to the council during previous meetings.

On April 6, Councilmember Sullivan stated, “Labor negotiations by committee is not a good thing.” He further explained that it is “not productive to negotiate by committee.”

On March 30, Councilmember Wright explained that the current process seemed fine. She suggested that if the proposal passed, there would be a need to give council additional resources to handle labor negotiations, since currently those negotiations are handled by the executive.

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

Exhibit 1 Snohomish County Charter

Section 3.20 Powers and Duties of County Executive

As chief executive officer, the county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter. The county executive shall have the power to:

1. Supervise all appointed executive departments established by this charter or created by the county council;
2. Execute and enforce all ordinances and state statutes within the county, subject to Section 3.120;
3. Present to the county council an annual statement of the governmental affairs of the county and any other report which the county executive may deem necessary;
4. Prepare and present to the county council a proposed budget and a budget message setting forth proposals for the county during the next fiscal year;
5. Prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county;
6. Veto any ordinance adopted by the county council except as otherwise provided in this charter;
7. Assign duties to appointed executive departments which are not specifically assigned by this charter or by ordinance;
8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;
9. Nominate members of all county boards and commissions;
10. Employ legal counsel as allowed by the laws of the state of Washington;
11. Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council and as allowed by the laws of the state of Washington.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-28	
SUBJECT TITLE: Confirmation of Department Heads	Meeting Date: April 20, 2016
Estimated Presentation Time: 15 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-10, Confirmation of Department Heads. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-10, Confirmation of Department Heads. The proposal was initially proposed by Vice Chair Terwilliger.

The current charter requires the executive to nominate the chief officer of each executive department and office. The county council shall appoint the officer. The usual practice is for the nominee to serve as an interim director until the council votes to confirm.

If a nominee is not confirmed, the Charter is silent on what happens to the nominee.

Questions for Discussion

- 1) Does the Commission wish to require the council to take action on an executive appointee within a certain time period?
- 2) Does the Commission wish to specify what happens when a nominee is rejected or not appointed by the council?

BACKGROUND:

Section 3.40 of the Charter states the “county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office.”

Current Practice

The current practice in Snohomish County is for the executive to nominate the “chief officer” and have that individual serve as an acting director until the council appoints.

The council staff does not possess a list of confirmation votes by the county council. Discussions with council staff suggest that most confirmation votes occur shortly after a nomination occurs.

The most recent confirmation by the council was for Trever Esko. Esso was selected to begin acting as Department of Information Services (DIS) Director on February 1, 2016. The Council confirmed the appointment on March 23, 2016.¹ The time between nomination and confirmation was 52 days or 1 month and 23 days.

A longer confirmation process occurred during the nomination of D. Gage Andrews in 2011. The executive nominated Mr. Andrews on September 12, 2011 as the Department of Information Services Director and he began serving as interim director on that day. The council did not confirm Mr. Andrews until February 15, 2012.² The time between nomination and confirmation was 157 days or 5 months and 4 days.

State Practice

RCW 43.06.092 describes the practice of the state. “Any gubernatorial appointee subject to senate confirmation shall continue to serve unless rejected by a vote of the senate. An appointee who is rejected by a vote of the senate shall not be reappointed to the same position for a period of one year from termination of service.”

State law says that appointees serve at the pleasure or the Governor.

Appointing Authority Across Counties

Table 1 - Appointing Authority in Home Rule Counties

	Who is appointed	Appointing Authority	Charter Section
Snohomish	Chief officer of each executive department and office	Executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint	3.40
King	County Administrative Officer and the chief officer of each executive department	Executive shall appoint...subject to confirmation by a majority vote of the County Council	340.10, 340.40
Clallam	Appointed officials, including the Administrator	Commissioners	5.30

¹ Motion 16-143.

http://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=5024&meta_id=318007

² Motion 11-395

http://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=2665&meta_id=159525

Table 1 - Appointing Authority in Home Rule Counties

	Who is appointed	Appointing Authority	Charter Section
Whatcom	Chief officer of each executive and administrative department and office	Executive shall appoint...subject to confirmation by a majority vote of the County Council	3.23
Pierce	Chief officer of each executive department	Executive shall appoint...subject to confirmation by the Council	3.30
San Juan	Heads of Administrative Departments; Managers that report directly to a department head	Shall be appointed by the County Council	4.20, 4.30
Clark	Chief officer of each administrative department	County manager shall appoint.	3.3 (D)

Potential Alternatives

The Clark County Charter contains language that is more prescriptive in requiring the council to take action on executive appointments.

Section 3.3 (B)

The county manager shall appoint members of boards, commissions and task forces except as provided by state law, intergovernmental agreement or this charter. Appointments made by the county manager shall be presented to the council during a regular council meeting. Within thirty (30) calendar days, the council shall accept or reject the appointment by a majority vote. Failure to act within thirty (30) days constitutes acceptance to the appointment. A rejection applies to that board, commission or task force position only.

The Commission may wish to add certain language to the Charter to state that a nominee that is rejected by the Council may not continue to hold office. Language may parallel RCW 43.06.092.

A third alternative may be to prohibit a nominee from serving as a director until confirmation by the council unless by virtue of their current position as a deputy director (or similar title) would assume the interim duties of the director. This would be similar to nominations in the United States where the President makes a nomination and the Senate confirms.

An advantage to this method is that an executive nominee would not start work on organizing the department until they have the confidence of the county council. A disadvantage is that a nominee would remain in limbo from the time of nomination until a confirmation vote of the council.

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

Exhibit 1
Snohomish County Charter

Section 3.40 Appointments by County Executive and Confirmation

The county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office, except the separately elected offices. The county executive may appoint a confidential secretary and a deputy county executive without council confirmation.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-26	
SUBJECT TITLE: Further Analysis and Discussion on Charter Amendment Proposals	Meeting Date: April 20, 2016
Estimated Presentation Time: 25 minutes	Exhibits: 1. Process for Receiving Charter Amendment Proposals

RECOMMENDATION: The Commission should determine whether to have further discussion and analysis on Charter Amendment proposals presented at the March 30 and April 6, 2016 meetings and proposals from Snohomish County residents.

1. Proposal 35: Requiring the County to make "Land Use Proposals" a link on the county's homepage
2. Proposal 36: Require the County to conduct an advisory election for developments two acres or greater
3. Proposal 37: County Code and Regulation Review
4. Proposal 38: Change Date of County Elections
5. Proposal 39: Make Assessor and Treasurer Appointed Offices
6. Proposal 40: Coordination of Public Safety Services
7. Proposal 41: Reduce Term Limits to Eight Years

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.

BACKGROUND:

Charter Amendment Proposal 35

Requiring the County to make "Land Use Proposals" a link on the county's homepage

On March 22, Mr. LaBelle sent a letter to the Commission suggesting that the Commission should require the county to place a link labeled "Land Use Proposals" on the county's homepage.

He writes: "The county website needs to have all land use proposals that are submitted to PDS, appear on the county's website (homepage) as an easily seen button labeled "Land Use Proposals". Click the button and you'll go to an index of proposals, each with a two-line ab-

stract like you get when you google something. Click on the link you want and read the whole bloody thing. Moreover, proposals must be put up on the website within seventy-two hours of being filed, not weeks or months. As it is today, the red notices are pounded in the ground long after the decision has already been made.”

Charter Provisions Addressed:

Not Currently Addressed in the Charter

Charter Amendment Proposal 36

Require the County to conduct an advisory election for developments two acres or greater

On March 22, Mr. LaBelle sent a letter to the Commission suggesting that the Commission should require the county to conduct an advisory election for developments two acres or greater.

He writes, “For any development involving two acres or more, the county will send advisory ballots (paid for by the applicant) to residents adjacent to the property, two layers out, asking for their approval - a yes/no kind of thing. The results will be published on the homepage of the County’s website and The Herald submitted to the Council to guide them in casting their votes. The results of each Council Member’s vote will be placed on the homepage for everyone to see. Appended to the Council Member’s votes, will be a one-paragraph where the Council Members can explain why they voted as they did.”

Charter Provisions Addressed:

Not Currently Addressed in the Charter

Charter Amendment Proposal 37

County Code and Regulation Review

At the March 30 meeting of the Commission, Commissioner Roulstone proposed the creation of a commission to review county codes and regulations, similar to the Charter Review Commission.

Commissioner Roulstone further explained the proposal “This would create a commission similar to the Charter Review Commission which would review County Code and Regulations to determine their adequacy and suitability to the needs of the County and propose laws and regulations for elimination or amendment.”

Charter Provisions Addressed:

Not Currently Addressed in the Charter

Charter Amendment Proposal 38

Change Date of County Elections

At the March 30 meeting of the Commission, Commissioner Barton proposed to change the date of elections for county officials from odd-numbered years to even-numbered years.

RCW 36.32.030 states that county commissioners are elected at a general election held in an even-numbered year. Many, but not all home rule counties moved the election of their county council or commission to odd-numbered years.

Charter Provisions Addressed:

Section 4.90 Commencement of Terms of Office

Charter Amendment Proposal 39

Make Assessor and Treasurer Appointed Offices

At the April 6 meeting of the Commission, Jim John proposed to make the assessor and treasurer appointed offices, rather than elected offices.

A home rule county possesses the authority to make changes to which offices are elected and which are appointed. In King County, the county clerk, auditor, and treasurer are appointed positions.

Charter Provisions Addressed:

Section 3.100 Election and Term of Office

Charter Amendment Proposal 40

Coordination of Public Safety Services

At the April 6 meeting of the Commission, Commissioner Liias proposed to evaluate the coordination of public safety services.

A concern was raised during the presentation by Councilmember Sullivan that there was not sufficient coordination of public safety services. Council member Sullivan proposed a couple of ideas, a public safety cabinet and one budget from public safety departments.

Public safety services are currently divided into at least six departments, the District Court, Sheriff, Prosecuting Attorney, Office of Public Defense, Superior Court, and Sheriffs's Corrections Bureau. According to Councilmember Sullivan, 75% of the county's budget goes toward public safety.

Under county code, there is a Law and Justice Council (Section 2.13), which serves as advisory body to the county council on issues relating to the law and justice system.

Charter Provisions Addressed:

Not currently addressed in the council.

Charter Amendment Proposal 41

Reduce Term Limits to Eight Years

On April 11, Robert Losh submitted a proposal to amend the Charter to reduce the amount of years a councilmember can serve to eight years from the current twelve years an officeholder can hold consecutively.

He writes, "The County leadership must have flexibility to adapt and innovate in a rapidly evolving economic/political environment. All things are cyclical and contractions are as certain as expansion; Management must be ready and plan for any eventuality. Of course, good relationships with county employees and interest groups are essential but in this age, when those employees and lobbies are allowed to contribute, sometimes heavily, to political campaigns of incumbents, it might not be prudent to allow those relationships to corrupt what should be impartial management decisions. Eight years is long enough to affect a positive influence into what should be a "public service" position; Not a "civil service" job.

If an office holder feels that he/she has acquired experience that makes their contribution still a value to constituents, they can run for another office, if desired, after the term limit expires."

Charter Provisions Addressed:

Section 4.30 Qualifications- Limitations

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 AGENDA ITEM 2016-30	
SUBJECT TITLE: Update Charter Language on Nondiscrimination	Meeting Date: April 20, 2016
Estimated Presentation Time: 15 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-19, Update Charter Language on Nondiscrimination. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-19, Update Charter Language on Nondiscrimination. The proposal was initially proposed by Vice Chair Terwilliger.

Section 9.05 of the Charter states “the county shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.”

In 2006, the Washington State Legislature added sexual orientation and gender identity to the list of protected classes covered under the Washington Law Against Discrimination (RCW 49.60). There are other differences between the state law and the county charter.

Questions for Discussion

- 1) Does the Commission wish to change the Charter language on nondiscrimination?
- 2) If so, does the Commission wish add items to Section 9.05 or in the alternative add language that links the language in the Charter with state law?

BACKGROUND:

Section 9.05 of the Charter states “the county shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.”

There are differences between Section 9.05 of the Charter and the Washington Law Against Discrimination as seen in Table 1.

Table 1 Comparison of RCW 49.60 and Different Counties

	RCW 49.60	Snohomish County Charter	Snohomish County Code	King County
Race	X	X	X	X
Creed	X	X	X	
Color	X	X	X	X
National Origin	X		X	X
Families with Children	X		X	
Sex	X	X	X	X
Marital Status	X		X	
Sexual Orientation	X		X	X
Gender Identification or Expression				X
Religious Affiliation				X
Age	X	X	X	X
Honorably Discharged Veteran	X		X	
The presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability	X		X	
Handicap		X		
Disability				X
Any other basis not reasonably related to the accomplishment of a legitimate governmental purpose		X		
RCW 49.60			X	

The language in the Charter is more encompassing than state law with the addition of the “any other basis not reasonably related to the accomplishment of a legitimate governmental purpose.” At the same time, the Charter does not explicitly include national origin, families with children, marital status, sexual orientation, or honorably discharged veteran as protective status. In addition, there is a difference in the language of individuals with disabilities.

The County Code mirrors RCW 49.60. The code states it is the “policy of the county to reject discrimination which denies equal treatment to any individual because of his or her race,

creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as provided in the law against discrimination, Chapter 49.60 RCW, and this chapter.”¹

Washington state laws prohibiting discrimination are found in the RCW, not the State Constitution. The Washington Law Against Discrimination (RCW 49.60) was passed in 1949 and the purpose of the law has been amended ten times, and in both 2006 and 2007.²

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

¹ Snohomish County Code 2.460.010

² RCW 49.60.010 <http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.010>

Exhibit 1
Snohomish County Charter

Section 9.05 Nondiscrimination

In the exercise of its powers and in the performance of its duties, the county shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.

(Added during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-29	
SUBJECT TITLE: Clarify Duties and Powers of County Officials	Meeting Date: April 20, 2016
Estimated Presentation Time: 10 minutes	Exhibits: 1. Snohomish County Charter

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officials. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 2, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-11, Clarify Duties and Powers of County Officials. The proposal was initially proposed by Vice Chair Terwilliger.

The Charter provides descriptions of the powers held by elected officials. Each provision in the Charter has different origins and relationships with the RCW.

1. The Charter grants the council all the powers of the county. (Charter Section 2.20)
2. The Charter grants specific powers to the executive, an office which is not defined in state law. (Charter Section 3.20)
3. The Charter grants the powers of the prosecuting attorney those powers under state law. (Charter Section 3.120)
4. The Charter grants the powers of the other elected officials those powers established by ordinance. (Charter Section 3.110) The Snohomish County Code grants each of those officials those powers established by state law. (SCC 2.10).

Questions for Discussion

- 1) Does the Commission wish to add language to the Charter to clarify the powers and duties of the council include those powers granted by state law?

BACKGROUND:

Sections 2.20, 3.20, 3.110, and 3.120 of the Charter describe the powers of county officials. Only Section 3.120 specifically state that the prosecuting attorney has the powers granted in state law.

County Council

The powers and responsibilities of County Commissioners are generally found in RCW 36.32. The powers of legislative authorities are found in RCW 36.32.120.

The powers of the Council are found in Section 2.20 of the Charter. The section starts, “all powers of the county, not reserved by the people or vested in specific offices by this charter, shall be vested in the county council.” After enumerating the powers of the Council, the Charter states, “the enumeration of particular powers shall not be construed as limiting the powers of the county council.”

Table 1 Comparison of Powers of County Council between the RCW and the Charter

RCW 36.32.120	Charter Section 2.20
Provide for the erection and repairing of courthouses, jails, and other necessary public buildings for the use of the county	To levy taxes, appropriate revenue and adopt budgets for the county
Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits	To establish the compensation to be paid to all county officials and employees and to provide for the reimbursement of expenses (with limitations)
License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities	To establish by ordinance executive departments and to establish their powers and responsibilities (with limitations)
Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law	To adopt by ordinance zoning regulations and other land use and development regulations, including improvement plans for the present and future development of the county
Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit	To employ legal counsel as allowed by the laws of the state of Washington
Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law	To confirm or reject without cause nominations of members of all county boards and commissions, provided, the county council shall have concurrent authority with the county executive to nominate members of the Snohomish county planning commission
Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law (with additional limitations)	To approve contracts or establish by ordinance methods by which any type of contract shall be approved

Table 1 Comparison of Powers of County Council between the RCW and the Charter

RCW 36.32.120	Charter Section 2.20
Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested	To set collective bargaining guidelines to be followed by the county executive and to approve any and all collective bargaining agreements negotiated by the county executive
Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges	
Have power to declare by ordinance what shall be deemed a nuisance within the county (with limitations)	

County Executive

The Revised Code of Washington does not enumerate the powers of a county executive, described in Section 3 of the Charter. Section 3.20. The “county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter.” The section additionally states “the specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.”¹

Prosecuting Attorney

The county prosecuting attorney is described in RCW 36.27. The duties of the prosecuting attorney are described in RCW 36.27.020.

Article XI §6 of the State Constitution states, “all the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter.” In 1986, the Attorney General issued an opinion stating the provision meant “counties lack the power to alter or diminish the authority of the prosecuting attorney through the home rule charter process.”²

Like the home rule charter of Whitman County, which was the subject of the 1986 Attorney General Opinion, the Snohomish County Charter states, the prosecuting attorney “shall have

¹ The term “county executive” shows up 18 times in the RCW.

² AGO 1986 No. 1 <http://www.atg.wa.gov/ago-opinions/effect-appropriation-statutory-functions-prosecuting-attorney>

all the powers, authorities and duties granted to and imposed upon a prosecuting attorney by state law and as provided by this charter.”

Other County Offices

The Charter states in Section 3.110 “The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance.”

County Assessor

The county assessor is described in RCW 36.21. The assessor has certain duties relating to the collection of taxes and receipt of records from other taxing districts.

The Snohomish County Code states the assessor “shall have all the powers, authorities and duties granted to and imposed upon an assessor by state law.”³

County Auditor

The county auditor is described in RCW 36.22. The duties of the auditor are described in RCW 36.22.010 and RCW 36.22.220.

The Snohomish County Code states the auditor “shall have all the powers, authorities and duties granted to and imposed upon an auditor by state law.”⁴

County Clerk

The county clerk is described in RCW 36.26.

The Snohomish County Code states the clerk “shall have all the powers, authorities and duties granted to and imposed upon a county clerk by state law.”⁵

County Sheriff

The county sheriff is described in RCW 36.28. The duties of the sheriff are described in RCW 36.28.010.

The Snohomish County Code states the sheriff “shall have all the powers, authorities and duties granted to and imposed upon a sheriff by state law.”⁶

County Treasurer

The county treasurer is described in RCW 36.29. The duties of the treasurer are described in RCW 36.29.010.

³ Snohomish County Code 2.10.020

⁴ Snohomish County Code 2.10.050

⁵ Snohomish County Code 2.10.040

⁶ Snohomish County Code 2.10.030

Snohomish County Code 2.100.080 describes the powers of the treasurer, while transferring some duties to the county’s department of finance in 2.100.070. The treasurer retains the power and duties under state law respecting “tax collections and administration” and the “collection, disbursement and management of junior taxing district funds.”⁷

ALTERNATIVES:

The Commission delays a vote to a subsequent meeting.

⁷ Snohomish County Code 2.100.080

Exhibit 1

Snohomish County Charter

Section 2.20 Powers

All powers of the county, not reserved by the people or vested in specific offices by this charter, shall be vested in the county council. The county council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. It shall have the power:

1. To levy taxes, appropriate revenue and adopt budgets for the county;
2. To establish the compensation to be paid to all county officials and employees and to provide for the reimbursement of expenses, except as provided in Section 6.120;
3. Except as otherwise provided for herein, to establish by ordinance executive departments and to establish their powers and responsibilities;
4. To adopt by ordinance zoning regulations and other land use and development regulations, including improvement plans for the present and future development of the county;
5. To employ legal counsel as allowed by the laws of the state of Washington;
6. To confirm or reject without cause nominations of members of all county boards and commissions, provided, the county council shall have concurrent authority with the county executive to nominate members of the Snohomish county planning commission;
7. To approve contracts or establish by ordinance methods by which any type of contract shall be approved;
8. To set collective bargaining guidelines to be followed by the county executive and to approve any and all collective bargaining agreements negotiated by the county executive.

The enumeration of particular powers shall not be construed as limiting the powers of the county council.

Section 3.20 Powers and Duties of County Executive

As chief executive officer, the county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter. The county executive shall have the power to:

1. Supervise all appointed executive departments established by this charter or created by the county council;
2. Execute and enforce all ordinances and state statutes within the county, subject to Section 3.120;
3. Present to the county council an annual statement of the governmental affairs of the county and any other report which the county executive may deem necessary;

4. Prepare and present to the county council a proposed budget and a budget message setting forth proposals for the county during the next fiscal year;
5. Prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county;
6. Veto any ordinance adopted by the county council except as otherwise provided in this charter;
7. Assign duties to appointed executive departments which are not specifically assigned by this charter or by ordinance;
8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;
9. Nominate members of all county boards and commissions;
10. Employ legal counsel as allowed by the laws of the state of Washington;
11. Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council and as allowed by the laws of the state of Washington.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

Section 3.110 Powers and Duties

The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance. All executive departments and elected officers shall be subject to the personnel, budgeting, expenditure and any other policies established by the county council.

Section 3.120 County Prosecuting Attorney

The county prosecuting attorney shall have all the powers, authorities and duties granted to and imposed upon a prosecuting attorney by state law and as provided by this charter.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-31	
SUBJECT TITLE: Explore Concepts for Additional Representation in Unincorporated Areas.	Meeting Date: April 20, 2016
Estimated Presentation Time: 5 minutes	Exhibits:

RECOMMENDATION: The Commission should discuss Charter Amendment Proposal 2016-25, Explore Concepts for Additional Representation in Unincorporated Areas. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the March 16, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-25, Explore Concepts for Additional Representation in Unincorporated Areas. The proposal was initially proposed by Commissioner Valentine.

A subcommittee of Vice Chair Miller and Commissioner Barton, Kelly and Valentine met on April 6 to discuss the proposal. The subcommittee did not recommend moving forward with any amendment to the Charter at this time.

BACKGROUND:

Commissioner Kelly forwarded to Commission staff these notes about the subcommittee meeting held on April 6. This subcommittee did not recommend moving forward with any amendment to the Charter at this time.

“We discussed briefly the situation with how to get more representation in the rural areas. That discussion quickly dissolved into other discussions about increasing the number of council members as one way to solve the problem, but we didn't feel that this would actually solve the problem because of how redistricting happens. We did talk about whether or not an increase in council members should be At-Large rather than district, but no recommendation was agreed on. We also talked about the need for more transparency and accountability with the county council, which was more about another issue we are exploring as a Commission.”

ALTERNATIVES:

The Commission adds the concerns about representation in unincorporated areas in the county in the transmittal letter to the council.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-32	
SUBJECT TITLE: Review of Charter Amendment Language	Meeting Date: April 20, 2016
Estimated Presentation Time: 20 minutes	Exhibits: 1. Change Qualifications for County Offices 2. Update Charter to Use Gender-Neutral Language 3. Eliminate Office of the Performance Auditor

RECOMMENDATION: The Commission should review proposed charter amendments for Charter Amendment Proposals 2016-12 and 2016-13, Change Qualifications for County Offices, 2013-23, Update Charter to Use Gender-Neutral Language, and 2016-15, Eliminate Office of the Performance Auditor.

If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a ballot question.

SUMMARY:

At the March 16 and March 23, 2016 meetings of the Commission, the Commission moved to review potential amendments to the Charter on four proposals. 2016-12 and 2016-13, Change Qualifications for County Offices, 2013-23, Update Charter to Use Gender-Neutral Language, and 2016-15, Eliminate Office of the Performance Auditor.

Exhibits 1 - 3 contain potential amendments to the Charter that reflect the intent of the Commission.

The Commission should review the potential amendments and, if necessary direct staff to conduct additional analysis on each proposal.

The proposed ballot titles in each exhibit will be drafted by the Prosecuting Attorney, not the Commission. They are illustrative of what the ballot title may look like.

A final vote on each Proposition will occur at a future meeting of the Commission.

BACKGROUND:

Change Qualifications for County Offices

On March 23, the Commission held a discussion on Charter Amendment Proposal 2016-12, Lower Age for Holding County Office from 21 to 18 and 2016-13, Reduce Residency Requirement for Holding County Office. During the discussion, Commissioner Matthews moved to

move forward with Proposal 2016-13 and connect it with Proposal 2016-12. That motion passed unanimously.

Exhibit 1 shows potential language for amending the Charter.

Discussion Item

The Charter states that the residency requirement applies “prior to filing for or appointment to office.” Does the Commission want to have the residency requirement apply at the time of filing (currently in May) or at the time of holding office (January 1)?

Update Charter to Use Gender-Neutral Language

On March 16, the Commission held a discussion on Charter Amendment Proposal 2016-23, Update Charter to Use Gender-Neutral Language. During the discussion, the Commission asked for the language in the Charter amended to delete gendered terms. The preference among the Commissioners was to find better terms than he/she in amending the Charter.

Exhibit 2 shows potential language for amending the Charter.

Eliminate Office of the Performance Auditor

On March 16, the Commission held a discussion on Charter Amendment Proposal 2016-23, Eliminate Office of the Performance Auditor. During the discussion, the Commission asked to delete the language in the Charter.

During the Commission’s discussion, Vice Chair Terwilliger stated that the council possesses the authority under the Charter to conduct “periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county.”¹

Between 2007 and 2014, the Performance Auditor conducted 7 reports and a number of follow-up reports. There are two reports being completed in 2016. A full list of audits, including those completed by the State are available here: <http://www.snohomishcountywa.gov/Archive.aspx?AMID=94>.

ALTERNATIVES:

The Commission may delay a vote to a subsequent meeting or elect to consider combining a proposal with another proposal.

¹ Charter Section 2.90

Exhibit 1
Proposal 2016-12 and 2016-13 Change Qualifications for County Offices

PROPOSITION NO. ____
Qualifications for Elective Office

A. Proposed Ballot Title

The Snohomish County Charter Review Commission has proposed amendments to the Snohomish County Charter concerning the qualifications for holding county elective office. This proposition would revise the qualifications by reducing the minimum age from 21 years to 18 and by reducing the required duration of county residence from three years to one. Should this proposition be:

Approved

Rejected

B. Proposed Charter Amendments

Section 4.30 Qualifications — Limitations

Each county official holding an elective office shall be, at the time of appointment or election and at all times while holding office, a citizen of the United States over the age of ~~((twenty-one))~~ eighteen, a county resident for the ~~((three years))~~ one year immediately prior to filing for or appointment to office, and a registered voter of the county. No person shall be eligible to be elected to more than three consecutive full terms for any office. For the purposes of this section, different positions on the county council shall not be considered different offices.

Exhibit 2
Proposal 2016-23, Update Charter to Use Gender-Neutral Language

PROPOSITION NO. ____
Gender Neutral Language

A. Proposed Ballot Title

The Snohomish County Charter Review Commission has proposed amendments to the Snohomish County Charter concerning gender neutral language. This proposition would substitute gender neutral language for masculine terms in five existing sections of the county charter. Should this proposition be:

Approved

Rejected

B. Proposed Charter Amendments

Section 2.30 Composition

The county council shall consist of five members nominated and elected from districts. Councilmembers shall be residents and registered voters of the district they represent at the time of filing for election to said office and at all times during their terms. Any change in the boundaries of a councilmember’s district which shall cause ~~((him))~~ the councilmember to be no longer a resident shall not disqualify ~~((him))~~ the councilmember from holding office during the remainder of the term for which ~~((he))~~ the councilmember was elected or appointed.

Section 2.110 Ordinances — Enactment

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 pro-

posed 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))~~ the executive's 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 Conflict of Interest

No county elected officer shall hold any other office or employment within county government during ~~((his))~~ the officer's term of office.

Section 4.80 Vacancies

An elective office shall become vacant on the death, resignation or recall of the official or if ~~((he))~~ the official ceases being a resident of Snohomish county or is absent from the county for thirty consecutive days without being excused by the council. The council shall fill a vacancy from a list of three people submitted by the county central committee of the party which the official in office immediately prior to the vacancy represented. In the event that the official in office immediately prior to the vacancy was a non-partisan candidate, the vacancy shall be filled by the council.

Vacancies in elective office shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November general election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications for office set forth in this charter.

Section 6.110 Illegal Contracts

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))~~ that person's 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.

Exhibit 3
Eliminate Office of the Performance Auditor

PROPOSITION NO. ____

Office of County Performance Auditor

A. Proposed Ballot Title

The Snohomish County Charter Review Commission has proposed an amendment to the Snohomish County Charter concerning the Office of County Performance Auditor. This proposition would repeal a section that requires the County Council to establish an independent office of county performance auditor, but would not affect a separate provision that requires periodic performance audits. Should this proposition be:

Approved

Rejected

B. Proposed Charter Amendments

~~((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 for¹ 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.))~~

**Snohomish County
Charter Review Commission**

Monroe City Hall, Council Chambers
806 West Main Street, Monroe, WA 98272

Wednesday, April 20, 2016

7:00 p.m. – 9:00 p.m.

AGENDA

7:00 p.m. Call to Order

Flag Salute/Roll Call

Agenda Order

Guest: Snohomish County Councilmember Hans Dunshee

Public Comments (7:20 p.m.)

Approval of the Minutes:

Report from Chair

Business Items

1. Charter Amendment Proposal Preliminary Discussions
 1. Proposal 2016-35 - Require the County to make "Land Use Proposals" a Link on the County's Homepage
 2. Proposal 2016-36 - Require the County to Conduct an Advisory Election for Developments Two Acres or Greater
 3. Proposal 2016-37 - County Code and Regulation Review
 4. Proposal 2016-38 - Change Date of County Elections
 5. Proposal 2016-39 - Make Assessor and Treasurer Appointed Offices
 6. Proposal 2016-40 - Coordination of Public Safety Services
2. Charter Amendment Study Items
 1. Proposal 2016-09 - Move Union Negotiations to County Council
 2. Proposal 2016-10 - Confirmation of Department Heads
 3. Proposal 2016-11 - Clarify Powers and Duties of Elected Officials
 4. Proposal 2016-03 - Update Charter Language on Nondiscrimination
 5. Proposal 2016-25 - Explore Concepts for Additional Representation in Unincorporated Areas
3. Review of Charter Amendment Language
 1. Proposal 2016-13 and 2016-12 - Change Qualifications for County Offices
 2. Proposal 2016-23 - Update Charter to Use Gender-Neutral Language
 3. Proposal 2016-15 - Eliminate Office of Performance Auditor

Old Business

New Business

9:00 p.m. Adjournment

Next meeting is currently scheduled for May 4 at the Snohomish County Courthouse

Agenda Topics

Study Items

Charter Amendment Proposal 11 - Evaluate Governance Structure for Paine Field

Charter Amendment Proposal 30 - Evaluate Status of Human Rights Commission

Charter Amendment Proposal 31 - Require Appeals of Hearing Examiner to go to Superior Court

Review of Amendment Language

Proposal 2016-02 - Revisions to Districting Timeline and Procedures

Proposal 2016-04 - Adding Office of Ombudsman to Charter

[NOTE: Times shown on Agenda are approximate]