

1. 06/01/2016 - Snohomish County Charter Review Commission - Agenda

Documents: [2016_0601 AGENDA.PDF](#)

2. 06/01/2016 - Snohomish County Charter Review Commission - Paine Field

Documents: [2016-44 PAINE FIELD.PDF](#)

3. 06/01/2016 - Snohomish County Charter Review Commission - Public Safety

Documents: [2016-45 PUBLIC SAFETY.PDF](#)

4. 06/01/2016 - Charter Review Commission Extended Agenda

*** June 1**

- Review of preliminary charter language

1. Expansion of Council
2. Term Limits
3. Non-Partisan Elections

- Potential Review of preliminary charter language

1. Paine Field Governance Structure
2. Schedule of Council Meetings
3. Unincorporated County Representation

Snohomish County
Charter Review Commission
8th Floor Robert J. Drewel Building
Jackson Board Room
Wednesday, June 1, 2016
7:00 p.m. – 9:00 p.m.
AGENDA

7:00 p.m. Call to Order

Flag Salute/Roll Call

Agenda Order

Public Comments (7:20 p.m.)

Approval of the Minutes:

Chair's Report

Business Items

1. Study Items

1. Proposal 2016-24 - Evaluate Governance Structure for Paine Field
2. Proposal 2016-40 - Coordination of Public Safety Services

Old Business

New Business

Adjournment 9:00 p.m.

Next meeting is currently scheduled for June 8 at the Snohomish County Courthouse

Agenda Topics

Ballot Language Review

Proposal 2016-14 Enlarge Council from 5 to 7 Members

Proposal 2016-38 Change Date of County Elections

[NOTE: Times shown on Agenda are approximate]

Active List of Charter Amendment Proposals

2016-02	Revisions to Districting Timeline	Reviewed Language
2016-04	Adding Office of Ombudsman to Charter	Reviewed Language
2016-08	Schedule of County Council Meetings	Reviewed Language
2016-10	Confirmation of Department Heads	Reviewed Language
2016-12/13	Qualifications of Elected Officials	Reviewed Language
2016-14	Enlarge Council from 5 to 7 Members	Language to be Reviewed
2016-15	Eliminate Office of Performance Auditor	Reviewed Language
2016-18	Change Date of Submission of Executive's Budget	Reviewed Language
2016-19	Update Charter Language on Nondiscrimination	Reviewed Language
2016-23	Update Charter to use Gender Neutral Language	Reviewed Language
2016-24	Evaluate Governance Structure for Paine Field	Study Item
2016-30	Evaluate Status of Human Rights Commission	Reviewed Language
2016-31	Appeals of Hearing Examiner	Reviewed Language
2016-38	Change Date of County Elections	Language to be Reviewed
2016-40	Coordinate of Public Safety Services	Study Item
2016-42	Make Prosecuting Attorney Non-Partisan	Reviewed Language

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-44	
SUBJECT TITLE: Evaluate Governance Structure of Paine Field	Meeting Date: June 1, 2016
Estimated Presentation Time: 45 minutes	Exhibits:

RECOMMENDATION: The Commission should discuss of Charter Amendment Proposal 2016-24, Evaluate Governance Structure of Paine Field. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the May 4, 2016, meeting of the Commission, Commissioners tabled a motion from Commissioner Roulstone to direct staff to prepare an amendment to the Charter that would re-constitute the airport commission with elected commissioners.

During the meeting, Commissioners requested staff to contact the county executive, county council, and airport director about the proposal to create an airport commission and to bring back some initial language establishing a commission in the Charter.

BACKGROUND:

Airport Commission

In 1959 the county established an airport commission.¹ The provisions were amended in 1978,² and completely revised in 1987.³⁴ In 1992, the commission was abolished.⁵

From 1987 - 1992, the airport commission had the power to:

¹ Ordinance adopted 9-21-1959

² Ordinance adopted 6-07-78

³ Ordinance 87-063 <http://www.codepublishing.com/WA/SnohomishCounty/ords/1987/Ord%2087-063.pdf>

⁴ Ordinance 88-006 <http://www.codepublishing.com/WA/SnohomishCounty/ords/1988/Ord%2088-006.pdf>

⁵ Ordinance 92-132 <http://www.codepublishing.com/WA/SnohomishCounty/ords/1992/Ord%2092-132.pdf>

- 1) Plan, prepare and recommend to the executive for submittal to the council proposed rules and regulations for the management and control of airport property and activities...
- 2) Plan and recommend improvements on airport property...
- 3) Formulate, develop and recommend to the executive for submittal to the council comprehensive airport, industrial, and/or commercial development plans and promotional material.
- 4) Recommend contracts for consultant services...
- 5) Recommend to the executive contracts for materials, equipment and services...
- 6) Prepare and submit to the executive for executive approval airport grants in aid.
- 7) Recommend to the manager leases of any airport property, space, or equipment to any private party, municipality, state or national government or department thereof...
- 8) Recommend to the executive ordinances and regulations...
- 9) Recommend to the executive the acquisition and terms thereof of any real property to be used for airport purposes...
- 10) Participate in the development of and recommend the approval of the annual airport budget... (The complete ordinance is found in Exhibit 1)

In addition to the powers found in RCW 15.04.030, the commission would make recommendations of the appointment of the airport manager, deny airport privileges to violators of airport rules and regulations, and approve all revenue-producing businesses.

The commission included members from each council district, a pilot representing aviation users, and one member representing residential communities surrounding the airport.

Potential Ballot Language

Staff, with input from the Commission's attorney developed three options for the Commission to consider to achieve the intent of the motion. This language is still very preliminary and may be revised and reformatted.

The major differences between each option is the difference between an elected (Option 1) or appointed (Option 2) advisory committee or a commission with authority over airport operations (Option 3). In each case, the county council retains the authority to establish the size of the commission, and the powers and duties or scope of the commission.

The county council currently possesses the authority to adopt any of these options without additional authority from the Charter. Adoption of any of these options would require the council to establish an airport commission within 180 days of the effective date of the charter amendment.⁶

Option 1 - Creation of an Advisory Board with Elected Members.

The county council shall establish by ordinance an airport commission to recommend to the council and airport director proposed rules and regulations for the management and control of airport property and activities thereon with respect to aeronautical purposes, recommend improvements on airport property, and make recommendations for other aeronautical purposes authorized by the council and consistent with state law.

⁶ Charter Section 8.50.

The commission shall consist of at least one member who resides in each council district, one member who is a pilot or aviation business operator, and one member who represents the residential communities surrounding the airport.

The members representing council districts shall be elected by the voters in each district for a four-year term at the November election in even-numbered years, provided that the initial term of the commissions are staggered. Members of the airport commission shall serve without compensation, but may receive reimbursement for mileage to and from meetings and for such other expenses directly related to their service as provided by ordinance.

The county executive shall nominate and the county council shall appoint, the member representing a pilot or aviation business operator and the member of representing the residential communities surrounding the airport.

The council shall establish by ordinance procedures for filling vacancies for the elected and appointed members of the commission.

All commission meetings shall be open to the public and contain an opportunity for public comment except to the extent executive sessions are authorized by state law.

This option allows the county council to determine the scope of the commission. An additional section of the charter will provide the members are non partisan.

The staff has not found any examples of advisory bodies with a mixture of directly elected representatives and appointed officials as this option would create. Because the commission would act in an advisory role, the issues involved with the constitutional requirement of one-person, one-vote would not apply.

Option 2 - Creation of an Advisory Board with Appointed Members.

The county council shall establish by ordinance an airport commission to recommend to the council proposed rules and regulations for the management and control of airport property and activities with respect to aeronautical purposes, recommend improvements on airport property, and make recommendations for other aeronautical purposes authorized by the council and consistent with state law.

The commission shall consist of at least one member who resides in each council district, one member who is a pilot or aviation business operator, and one member who represents the residential communities surrounding the airport, nominated by the county executive and confirmed by the county council.

All commission meetings shall be open to the public and contain an opportunity for public comment, except to the extent executive sessions are authorized by state law.

This option provides for the council to establish an airport commission with members nominated by the executive and confirmed by the council.

The “at least” language in the proposed amendment recognizes that the council may have more than five members at some point. The term “residential communities surrounding the airport,” comes straight from the 1987 ordinance. That ordinance provides no additional definition, except that that appointment would be made “after considering recommendations from various organized community groups.”

Prior to the adoption of the Mediated Role Determination, the airport commission only included a representative from each council district.

Option 3 - Vesting Management Authority in an Appointed Airport Commission.

The county council shall by ordinance vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, regulation, and commercial and industrial development of airport property in a municipal airport commission consisting of at least one voting member residing in each county council district in accordance with state law.

The council shall adopt an ordinance specifying (a) the terms of office of the commission, which may not exceed six years and which shall be staggered so that not more than three terms will expire in the same year, (b) the method of appointment and filling vacancies consistent with the Charter, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development.

The commission may not sell, lease, or otherwise transfer airport property except as authorized by the county council.

All meetings of the commission shall be open to the public and shall contain an opportunity for public comment except to the extent executive sessions are authorized by state law.

RCW 14.08.120 allows the county to vest authority “for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation” of an airport with certain requirements.⁷ Those requirements are specified in a). From RCW 14.08.120, (B) was already modified with the addition of the term “consistent with the Charter” and (C) may be modified to match the language of compensation for other county commissions.

Reactions

At the May 25, 2016, meeting of the Commission, Executive Somers spoke in opposition to the establishment of an airport commission in the Charter. He did pledge to develop a proposal to improve public communication in airport operations.

ALTERNATIVES:

The Commission delays discussion to a future meeting.

⁷ <http://app.leg.wa.gov/rcw/default.aspx?cite=14.08.120>

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-45	
SUBJECT TITLE: Coordination of Public Safety Services	Meeting Date: June 1, 2016
Estimated Presentation Time: 40 minutes	Exhibits:

RECOMMENDATION: The Commission should discuss of Charter Amendment Proposal 2016-40, Coordination of Public Safety Services. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

SUMMARY:

At the May 11, 2016 meeting of the Commission, Commissioners tabled the proposal until a future meeting.

During the meeting, Commissioners requested staff to contact the county executive, county council, sheriff, prosecuting attorney, county clerk, human services director and the presiding judges of the district and superior court on the proposal.

During the May 25 meeting, Executive Somers spoke in opposition to the proposal. Commission staff has heard from Clerk Kraski that she will provide comment.

Questions for Discussion:

- 1) Does the Commission wish to add language to the Charter requiring the coordination of budgeting or the coordination of funding, administration, and delivery of public safety services?
- 2) Does the Commission wish to add language to the Charter requiring alternatives to incarceration for individuals with a demonstrable mental illness or chemical dependency?

BACKGROUND:

Commissioner Liias Proposal

At the May 11, 2016 meeting of the Commission, Commissioner Liias distributed the following proposed language for the Charter:

The county council, county executive, county sheriff, and county prosecuting attorney shall coordinate the funding, administration and delivery of public safety services by the county, in coordination with the courts, state, and local governments as appropriate. In order to ensure the dignity of all people, the county shall provide reasonable alternatives to incarceration for individuals with a demonstrable mental illness or chemical dependency, who have been convicted of any misdemeanor or certain other non-violent or low risk offenses. The county council shall provide for the implementation of this section by ordinance.

Existing Coordination

In 1994, the council created the law and justice council. The council is composed of members representing municipal police, municipal government, superior court, the county council, the executive, sheriff, the director of corrections, the prosecutor, district court, the county clerk, the risk manager, the department of human services, the provider of county public defender services, the office of public defense, the municipal courts, the municipal prosecutors, the secretary of corrections, and the secretary of corrections designees.¹

The proposal by Commissioner Lias is different from the existing law and justice council in two ways. The first is that the proposal is more proscriptive and requires county agencies to work together to present a single budget to the county executive and work together to coordinate the administration and distribution of services. The second difference is that the proposed amendment requires coordination within the county while the law and justice council encourages collaboration within the county and with other jurisdictions, including municipal governments and the state.

Budget

The existing budget process requires certain amount of collaboration between departments. The Charter (Section 6.10) states that at least 135 days prior to the end of the fiscal year, all agencies of the county, including elected department officers, “shall submit to the county executive information which the county executive deems necessary to prepare the county budget.” Currently, the executive formally requires all departments to follow the same format in developing the budget and in previous cycles has held meetings with elected and appointed department heads to review budget submissions. At least seventy-five days before the end of the fiscal year, the executive submits one budget to the county council for all departments.

Coordination

In addition to the law and justice council, representatives from the superior court and the district court stated to the Commission on February 17 that there is ongoing coordination between agencies involved in providing public safety. Within the last budget cycle, the executive sent out work plan instructions explicitly encouraging departments to find inter-departmental opportunities and “develop proposals without regard to department structure or boundaries.”

In his comments to the Commission, Executive Somers mentioned that the executive works closely with other elected officials “to ensure Snohomish County’s public safety agencies are working cooperatively and in the public’s interest.” He also stated that he fully supports “finding mechanisms to better coordinate public safety management across county government,” without amending the county charter.

Alternatives to Incarceration

The powers of the county are limited in its authority over the courts and municipal governments. Briefly, a county may prosecute individuals for violations of the county code, with

¹ Snohomish County Code. Chapter 2.13

penalties generally described in RCW 9A.20.021.² Judges have certain discretion in sentencing. The state also authorizes several “problem solving courts” and in-home detention. Each of these courts has certain agreements or conditions which need to be met before an individual is transferred to those courts.

Snohomish County currently has four “Problem Solving Courts.”³ An Adult Drug treatment Court was established in 1999, and had graduate 693 since inception. A Juvenile Drug Court was established in 2001. It has 226 graduates since inception and a capacity of 50 individuals. A Family Dependency Treatment Court was established in 2008. It has a capacity of 50 children and 35 parents. 89 individuals graduated since inception. A Mental Health Court was established in October 2012. It has unlimited capacity and has graduated 5 since inception.⁴

Snohomish County Mental Health Court is a collaborative, problem-solving court designed to promote public safety and reduce recidivism among mentally ill offenders through an intensive program of evaluation, treatment and frequent monitoring of compliance. Its goal is to bring long-term stability, sobriety, and safety to mentally ill offenders while ensuring the security and well-being of the community. The Court is a voluntary 12 -24 month program for offenders who have a mental illness. The Mental Health Court Team consists of the Judge, attorneys, and the MHC Liaison.⁵

Costs

The county’s 2016 budget includes funding for both District Court and Superior Court as shown in Table 1.

Table 1 - 2016 Budget

	Total	General Fund	Human Services
District Court	\$9,618,876	\$9,564,729	\$54,147
Superior Court	\$28,264,856	\$22,247,645	\$3,019,003
Corrections	\$51,795,187	\$49,224,966	\$1,521,089

Staffing for each department includes human services staff. The staffing level includes .5 FTE for human services in the District Court, 10 FTE in Superior Court and 11.5 FTE in the Sheriff’s Corrections’ Bureau. These FTE are in addition to the 197.675 in the Human Services Department.

The costs of mental health courts are not specified in the county’s 2016 Adopted Budget Book, but would be included in the court’s budget.

² <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.20.021>

³ https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=9#Snohomish

⁴ These courts, and the requirement for entry are described at https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=1 and in Exhibit 3.

⁵ Snohomish County Mental Health Court Protocol. <http://snohomishcountywa.gov/Document-Center/Home/View/20620>

There is some disagreement in published papers about the effectiveness and cost-savings of the use of mental health courts. A 2007 RAND study concluded:

The findings from our fiscal impact analyses show that entry into the MHC program leads to an increase in the use of mental treatment services in the first year after MHC entry, as well as a decrease in jail time for MHC participants. The decrease in jail expenditures mostly offsets the cost of the treatment services.... The findings also suggest that, over a longer time frame, the MHC program may actually result in net savings to government, to the extent that MHC participation is associated with reductions in criminal recidivism and utilization of the most expensive sorts of mental health treatment (i.e., hospitalization).⁶

The Council of State Governments Justice Center in 2009 concluded, “mental health courts have the potential to save money through reduced recidivism and the associated jail and court costs that are avoided, and also through decreased use of the most expensive treatment options, such as inpatient care.”⁷

However, a 2014 study by Aaron Levine found, “participants in mental health courts cost an average of \$4,000 a year more than a matched group of jail detainees who received jail-based psychiatric services. The additional costs were due to the treatment received through the mental health court system and were not offset by criminal justice cost savings.”⁸ His conclusion was that participation in mental health courts needed “long-term, intensive services,” and participation in the program resulted in a greater utilization of mental health care, not increased jail days.

The National Center for State Courts publishes a list of resources of additional information on mental health courts at <http://www.ncsc.org/topics/problem-solving-courts/mental-health-courts/resource-guide.aspx>.

ALTERNATIVES:

The Commission delays discussion to a future meeting.

⁶ Ridgely et al. 2007. Justice, Treatment, and Cost: An Evaluation of the Fiscal Impact of Allegheny County Mental Health Court. http://www.rand.org/content/dam/rand/pubs/technical_reports/2007/RAND_TR439.pdf

⁷ Lauren Almquist and Elizabeth Dodd. 2009. Mental Health Courts: A Guide to Research-Informed Policy and Practice. https://www.bja.gov/Publications/CSG_MHC_Research.pdf

⁸ Aaron Levin. 2014. “Costs Higher for Mental Health Court Participants.” *Psychiatric News*. <http://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2014.10a11>