



Snohomish County Council

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Office of Councilman John Koster
M/S 609
3000 Rockefeller Avenue
Everett, WA 98223

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Snohomish County Charter Review Commission
3000 Rockefeller MS 410
Everett, WA 98201

Dear Commissioners:

Thank you for your time and effort donated to this extremely important periodic review of the Snohomish County Charter. I would like to take this opportunity to share some thoughts with you regarding that review.

The chief role of the charter in the county government is to define the fundamental organizational structure of the county government. As the charter does not chiefly concern itself with policy details, it is my hope that the commission will focus its attention on the organizational structure of the county government, and resist the inevitable temptation to undertake a fine tuning of county policy detail on this and that.

The Division of Long Range Planning

The Department of Planning and Community Development (PDS) has three functions:

1. Permit Processing
2. Code Enforcement
3. Long Range Planning

Permit processing and code enforcement are very properly executive branch functions, as they both are at bottom the implementation and enforcement of the laws. But the functions of long range planning are the development and drafting of the comprehensive plan and development regulations. These functions are policy-making functions. The products, the comprehensive plan and the development regulations, are legislation, driven by policy decisions. Thus the Division of Long Range Planning performs legislative work, but it is not positioned in the legislative branch. I believe this is a fundamental organizational

error, and suggest that the Division of Long Range Planning be repositioned under the county council in the legislative branch of the government.

The Performance Auditor

The Performance Auditor should be repositioned as an office under the county council. The natural concern that the performance auditor be protected from political influences is best addressed by placement under a five-person council than under any single executive branch officer.

Council Size

The proposal to enlarge the county government by providing seven council members rather than five is a solution in search of a problem. There is simply no groundswell of public dissatisfaction with the size of the council. The proposal claims that citizen access is restricted with only five members. While I cannot speak for the other Council members, I have not heard of any significant dissatisfaction with access, and certainly no one has complained to me that he couldn't get an appointment with me.

Moreover, increasing the size of the council will in a very practical sense reduce representation. With five members, when a citizen contacts his councilman he is talking to 20% of the vote on the council. But with seven members the citizen will be talking to only 14% of the vote, a net 6% reduction in representation.

There is talk about tying an increase in council size to some population trigger. It should be noted that there is no basis other than a "seat of the pants gut feeling" for any particular trigger. Hence any trigger would be arbitrary and meaningless.

What is not at all arbitrary is the resulting financial consequences of increasing council size. Since our entire council facility, just recently completed by the Snohomish County Campus Renewal Initiative and occupied by the council for about one year, is designed for a council of five and its existing staff, there is no empty office and little unused space. To accommodate seven members and their additional staff will require extensive remodeling of the council suite. It is not obvious how we would add 6 personnel (2 members, 2 legislative aides, and 2 legislative analysts – 4 offices and 2 workstations) without considerable renovation of the council suite. Expansion of the council will thus be the camel's nose of many follow-on increases and expenses: larger staff, remodeling of offices, salaries, benefits, supplies & equipment, more infrastructure, redistricting, and on and on and on. It is unlikely that this proposal to expand the government will prove popular with the voters.

The Ten Year Update of the Comprehensive Plan intends to allocate the population projected by the Washington Office of Financial Management approximately 85% to cities and their UGAs, and 15% to the unincorporated

county. Consequently, as time advances, cities will need to take progressively greater responsibility for the majority of the growth, both in terms of service provision and also local governance. This means that over time the county share of this responsibility should not grow significantly and should at some point diminish. In light of this reality, it doesn't seem appropriate to plan to expand the size of the county government.

I regard this proposal as one covered by the maxim "If it ain't broke, don't fix it", and a sure-fire loser at the ballot box.

Elected versus Appointed Department Heads

In considering whether a given department head should be appointed or elected, the key consideration is whether that position should be responsible to the citizenry or to the executive, or, in the case of the clerk, whether the clerk should be responsible to the public or to the judges. The direction of that responsibility is the issue. In nearly every case that responsibility should be directed toward the public, in my view. And I have no doubt that the voters will agree, and that downgrading a position from elected to appointed will be viewed by them with disapproval.

Biennial Budgeting

The suggestion of "biennial budgeting" calls to mind the question "How many legs would a dog have if you called his tail a leg?" Answer: "Four; because calling the tail a leg doesn't make it one." Likewise, there is going to be annual budgeting whether or not we call it "biennial". It is simply in the nature of things that the rapidly changing economic and fiscal environment in which the county is forced to function necessitates a more rapid county budget response than biennial budgeting would allow. For example, the county must promptly adapt its budget to rapidly changing federal and state grant policies, as approximately 97% of the county's human services funding is through federal and state grants.

Just look at the State of Washington. It claims to have a Biennial Budget, but that is a misnomer. The state's annual Supplemental Budget is no shrinking violet. The state *in fact* budgets annually.

Although the Executive apparently believes that biennial budgeting will allow a greater historical basis for projections, the fact is that the projections will be less secure because they will have to extend farther into the future. With annual budgeting the county must project 18 months into the future; biennial budgeting requires a projection of 30 months into the future!! Hence biennial budgeting significantly magnifies the risk of projection error.

Consider the following specific difficulties with biennial budgeting:

1. With biennial budgeting, the county's risk of erroneous revenue and cost forecast will be magnified. The inevitable unforeseen events will have greater play to create havoc and instability. This is part of the reason that the larger cities in Washington, including Seattle and Spokane avoid biennial budgeting. In fact, only 4 counties in the state (Clark, Kitsap, Cowlitz, and Whatcom) do biennial budgets, even though it's been authorized since 1995. There is certainly no rush to biennial budgeting.

2. With biennial budgeting, the false promise of time and personnel savings will lead to disappointment, as departments must still forecast expenditures and maintain annual budgets to manage case-flow, and the Finance Department must still review departmental performances and prepare the Comprehensive Annual Financial Report (state-mandated and subject to annual state audit), and the 6-month, 9-month, and 36-month budget projections, as well as the quarterly Financial Status Report. Thus has Clark County staff told our staff that although Clark County has gone biennial, they have realized no savings in FTEs, salary, overtime, or compensation time.

3. With biennial budgeting, the stakes of budget negotiations (e.g., labor contracts) are magnified, and hence the stress involved, time consumed, and costs associated with modifying budgeting and accounting practices could well be significant.

The idea that biennial budgeting might improve projections appears to have been conceived in unfamiliarity with current practice. Under our current practice, the proposed budget delivered by the Finance Department to the council already includes a projected 2nd year ripple impact, plus 5-year projections for General Fund revenue and expenditures, and 6-year projections of other programs, including County Road, Solid Waste, and Surface Water.

Finally, It should also be recognized that moving to biennial budgeting will require a revamp of our present financial systems to facilitate biennial budgeting. Before seriously considering such a change, a fiscal analysis of the cost of this revamp should be undertaken and reviewed.

Term limits

Although it can be said that we have term limits every election cycle, I seriously doubt the voters will choose to overturn the term limits we have built into county law.

Fiscal Notes on legislation

Mandating fiscal notes on every bill of legislation is an unusual suggestion, because our ECAF form that accompanies every ordinance and motion contains a fiscal analysis form.

Spending Lid for Gen Fund

The Executive has proposed a “spending lid” on the county general fund. Most people will assume that by a “spending lid” he means a lid on spending, and would be surprised to learn that he only means a designated reserve, not a lid on spending. But the tacit implication that we currently have no designated reserve is completely false.

In 1993 the county council created the “Revenue Stabilization Fund” in Chapter 4.90A of the county code. This fund is commonly referred to as the “designated reserve in general fund”. The council from time to time sets the target in this fund as a percent of the prior year’s general fund revenues. In 2000 this figure was set at 11%, and that figure has been most recently confirmed in Motion 05-565.

Codification of Ordinances

It is a fact, as has been noted by previous speakers, that many adopted ordinances are not codified. I was not aware that this is a problem. But if it is viewed by the commission as a problem, the solution is not to have the noncodified ordinance vanish after a period of time, but to create an index to the ordinances, so that they can be easily located.

Vacancies when elected official charged with crime

Mandating the vacation of office when an elected official is charged with a crime is subject to abuse. Our system of law presumes innocence until guilt is proven. Yet the filing of criminal charges is a purely discretionary act. There is no necessary connection between filing charges and guilt. No one knows whether the accused is guilty until the jury verdict. So an elected official facing election in November could well have his campaign destroyed by charges filed in October of which he is acquitted in December.

Eminent Domain

I agree that the county should never exercise the eminent domain power as was done by the city of New London, Connecticut in the *Kelo* case. I would support placing a prohibition on such exercise in the county charter.

Once again, I thank you for your devotion to this very important work, and I wish you every success in your effort.

Best Wishes,

A handwritten signature in black ink that reads "John Koster". The signature is written in a cursive style with a large, looped initial "J".

John Koster, Councilman
Snohomish County Council

C: Steve Reinig, Analyst/Snohomish County Charter Review Commission