August 24, 1992
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Introduced by: Sims, Laing, Sullivan, Phillips, Nickels, Gruger

Proposed No.: 92-595

ORDINANCE NO. 10530

AN ORDINANCE proposing an amendment to Articles 2, 3, 4, and 6 of the King County Charter concerning the legislative branch and elections; providing for thirteen county council members and for regional committees to recommend and review ordinances adopting county-wide policies; establishing special referendum and initiative requirements for ordinances affecting only unincorporated areas of the county; granting cities the power to initiate ordinances; and submitting the same to the voters of the county and establishing a date of election; amending provisions of Article 2, Sections 210, 220, 220.10, 230.10, 230.20, 230.30, 230.40, 230.50; adding new sections 230.50.10, and 270, amending provisions of Article 3, adding new section 350.20.30; amending provisions of Article 4, Section 460 and amending provisions of Article 6, Section 650.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of the county for their approval and ratification or rejection at the next general election to be held in the county the following amendment to the King County Charter:

Article 2. **Section 210. Composition.**

The legislative branch shall be composed of the metropolitan county council.

Section 220. The Metropolitan County Council.

220.10. Composition and Terms of Office.

The metropolitan county council shall consist of ((~~nine~~)) thirteen members. The county shall be divided into ((~~nine~~)) thirteen districts, and one council((~~man~~))member shall be nominated and elected by the voters of each district. The term of office of each council((~~man~~))member shall be four years and until his or her successor is elected and qualified.

Section 230. Ordinances.

230.10. Introduction and Adoption.

Proposed ordinances shall be limited to one subject and may be introduced by any council((~~man~~)) member ((~~or~~)), by initiative petition or by institutional initiative. At least seven days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption or enactment, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Except as otherwise provided in this charter, a minimum of ((~~five~~)) seven affirmative votes shall be required to adopt an ordinance.

New Section. Section 230.10.010. Each metropolitan municipal function authorized to be performed by the county pursuant to RCW ch. 35.58 shall be operated as a distinct functional unit. Revenues or property received for such functions shall never be used for any purposes other than the operating expenses thereof, interest on and redemption of the outstanding debt thereof, capital improvements, and the reduction of rates and charges for such functions.

230.20. Executive Veto.

Except as otherwise provided in this charter, the county executive shall have the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for his or her veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for his or her partial veto. If an ordinance is not returned by the county executive within ten days after its presentation it shall be deemed enacted without his or her signature. Within thirty

days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of ((~~six~~))nine affirmative votes.

230.30. Emergency Ordinances.

Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that an emergency exists and that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of ((~~seven~~)) nine affirmative votes shall be required to enact an emergency ordinance; and unless it is an emergency appropriation ordinance, it shall not be subject to the veto power of the county executive.

230.40. Referendum.

Except as provided herein, an enacted ordinance may be subjected to a referendum by the voters of the county by filing with the county council prior to the effective date of the ordinance petitions bearing signatures of registered voters of the county equal in number to not less than eight percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, except as provided herein, an enacted ordinance which pursuant to state law is effective only in unincorporated areas of the county may be subjected to a referendum by the voters of the unincorporated areas of the county by filing with the county council prior to the effective date of the ordinance petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than eight percent of the votes cast at the last preceding election for county executive, provided however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such

petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the ordinance to be referred. The ordinance to be referred shall be placed on the ballot at the special or general election occurring more than forty-five days after the petitions are filed, provided that in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

An appropriation ordinance; an ordinance necessary for the immediate preservation of the public peace, health or safety or for the support of county government and its existing public institutions; an ordinance proposing amendments to this charter; an ordinance providing for collective bargaining; an ordinance approving a collective bargaining agreement; an ordinance providing for the compensation or working conditions of county employees; or an ordinance which has been approved by the voters by referendum or initiative shall not be subject to a referendum.

230.50. Initiative.

Ordinances except ordinances providing for the compensation or working conditions of county employees may be proposed by filing with the county council petitions bearing signatures of registered voters of the county equal in number to not less than ten percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, an ordinance which pursuant to state law is effective only in unincorporated areas of the county, except an ordinance providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less

than ten percent of the votes cast at the last preceding election for county executive, provided, however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the proposed ordinance.

The county council shall consider the proposed ordinance. If the proposed ordinance is not enacted within ninety days after the petitions are presented, it shall be placed on the ballot at the next regular or special election occurring more than one hundred thirty-five days after the petitions are filed or at an earlier election designated by the county council. However, if the proposed ordinance is enacted at any time prior to the election, it shall not be placed on the ballot or be voted on unless it is subjected to referendum.

If the county council rejects the proposed ordinance and adopts a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance; and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other, provided that in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county. If a majority of the voters voting on the first issue is for either, then the ordinance receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue.

New Section. Section 230.50.10. Institutional Initiative. Any city or town located within the county may, after

securing the consent, by motion or resolution, of at least one half of the cities within the county, propose an ordinance of county-wide significance directly to the metropolitan county council, except an ordinance which is not subject to a referendum under the provisions of Section 230.40 of this charter. Such proposed legislation shall be in ordinance form. The metropolitan county council shall take action on such proposed legislation within ninety (90) days of its filing with the county council.

New Section. Section 270. Regional Committees

270.10. Regional Committees.

Three regional committees shall be established by ordinance to develop, recommend and review regional policies and plans for consideration by the metropolitan county council: one for transit, one for water quality and one for other regional policies and plans.

Section 270.20. Composition of regional committees.

Each regional committee shall consist of twelve voting members. Six members shall be metropolitan county councilmembers appointed by the chair of the council, and shall include councilmembers from districts with unincorporated residents. The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (i) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two

representatives for each allocated committee membership, each with fractional (1/2) voting rights.

The special purpose districts providing sewer service in the county shall appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics.

In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for all purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas.

270.30. Powers and Duties.

Each regional committee shall develop, review and recommend ordinances and motions adopting, repealing, or amending county-wide policies and plans relating to the subject matter area for which a regional committee has been established. The regional policies committee may, by majority vote, request that the county council assign to the committee proposed policies and plans concerning other regional issues including but not limited to public health, human services, regional services financial policies, criminal justice and jails, and regional facilities siting.

The metropolitan county council shall assign each such proposed ordinance or motion to a regional committee for review. When a proposed policy or plan is referred to a regional committee for review, a time limit for such review shall be 120 days or such other time as is jointly established by the metropolitan county council and the committee, which shall be confirmed in the form of a motion by the metropolitan county council. If the committee fails to act upon the proposed policy or plan within the established time limit, the metropolitan county council may adopt the proposed policy or plan upon eight affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed policy or plan recommended by a regional committee may be adopted, without amendment, by the metropolitan county council by seven affirmative votes. If the metropolitan county council votes prior to final passage thereof to amend a proposed policy or plan that has been reviewed or recommended by a regional committee, the proposed policy or plan, as amended, shall be referred back to the appropriate committee for further review and recommendation. The committee may concur in, dissent from, or recommend additional amendments to the policy or plan. After the regional committee has had the opportunity to review all metropolitan county council amendments, final action to adopt any proposed policy or plan which differs from the committee recommendation shall require eight affirmative votes of the metropolitan county council.

The council shall not call a special election to authorize the performance of an additional metropolitan municipal function under state law unless such additional function is recommended by a regional policy committee, notwithstanding the provisions of Section 230.50.10 of this charter. Such recommendation shall require an affirmative vote of at least two-thirds of the

membership of each of: (1) metropolitan councilmembers of the committee; (2) members from the city with the largest population in the county; and (3) other city or town members of the committee. Nothing in this section prohibits the metropolitan county council from calling a special election on the authorization of the performance of one or more additional metropolitan functions after receiving a valid resolution adopted by city councils as permitted by RCW 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by RCW 35.58.100(2).

270.40. If any provision of section 270 of this charter is declared invalid, the metropolitan county council shall initiate a process with representatives of cities and towns within the county to develop a proposed charter amendment providing for effective city, town, and unincorporated area participation in regional decisions.

Article 3 New Section Section 350.20.30. Metropolitan Services Department Transitory Provisions.

The metropolitan services department shall be independent of all other executive departments and administrative offices of county government. The metropolitan services department shall operate the metropolitan services in order to perform the metropolitan functions of public transportation and water pollution abatement performed by the Municipality of Metropolitan Seattle (METRO) prior to county assumption of METRO's metropolitan functions, and shall perform all additional metropolitan functions hereafter authorized under authority of RCW 35.58. Upon county assumption of the rights, powers, functions and obligations of METRO, the metropolitan services department shall take jurisdiction of all the assets and property, real and personal, of METRO.

The metropolitan services department shall initially have the same organizational and reporting structure as has METRO immediately prior to county assumption of METRO's functions. Notwithstanding any other provision of this charter, for a period of two years after January 1, 1994, the county council shall not abolish, combine, or divide the administrative divisions of the metropolitan services department, nor shall it transfer the personnel or powers or duties or property of that department from one division to another, either within the metropolitan services department or to another executive department or administrative office of county government. Thereafter, any organizational changes shall not adversely affect the provision of metropolitan function services.

Article 4. **Section 460. Consideration and Adoption of Appropriation Ordinances.**

Prior to the adoption of any appropriation ordinances for the next fiscal year, the county council shall hold a public hearing to consider the budget presented by the county executive and shall hold any other public hearing on the budget or any part thereof that it deems advisable. The county council in considering the appropriations ordinances proposed by the county executive may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditures of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the county executive. The appropriation ordinances adopted by the county council shall not exceed the estimated revenues of the county for the next fiscal year for each fund including surpluses and reserves, but the county council may increase the amount of the estimated revenues contained in the budget presented by the county executive by reestimating the amount by motion passed by a minimum of ((~~six~~)) nine affirmative votes or by creating additional

sources of revenue which were not included in the proposed tax and revenue ordinances presented by the county executive.

Article 6. Section 650. Council((~~men~~))members.

650.10. Districts.

The county shall be divided into ((~~nine)~~) thirteen districts numbered one through ((~~nine)~~) thirteen.

New Section. Section 650.40 Transitional Provisions.

650.40.10. Districting in 1993.

Notwithstanding any other provision of this charter, the districting committee called for in Section 650.30 of this charter also shall be appointed and shall perform its duties in 1993 according to the months and days specified in Section 650.30 to prepare a districting plan for thirteen council districts.

650.40.20. Initial elections and terms of office for districts ten, eleven, twelve and thirteen.

Notwithstanding any other provision of this charter, the initial primary and general elections for council districts ten, eleven, twelve, and thirteen shall be held in 1993, with members elected at such general election to commence their term of office January 1, 1994. Councilmembers elected at that election to represent districts ten and twelve each shall serve an initial term of two years. Councilmembers elected at that election to represent districts eleven and thirteen each shall serve full terms. Districts ten, eleven, twelve and thirteen shall not be deemed vacant during 1993. All subsequent elections shall be held according to the existing provisions of this charter.

SECTION 2. It is hereby found that an urgent need exists for consideration by the electors of King County of the proposition set forth in this ordinance. Pursuant to RCW 29.13.010, it is hereby deemed that an emergency exists requiring the submission to the qualified electors of the county at a special election to be held therein on November 3, 1992, in conjunction with the

statewide general election to be held on the same date, of the proposition set forth in this ordinance. The manager of the division of records and elections shall cause notice of this proposed amendment of the King County Charter to be published in accordance with the state constitution and general law, and shall place it upon the ballot of the county-wide general election on November 3, 1992. The ballot title for this proposed amendment shall be in substantially the following form:

> Shall the King County Charter be amended to provide for (1) a thirteen member metropolitan county council beginning in 1994, (2) with regional committees made up of councilmembers and local government representatives to review county-wide policies and (3) unincorporated area initiative and referendum procedures, such amendment to be contingent upon voter approval of the county's assumption of the rights, powers, functions, and obligations of the Municipality of Metropolitan Seattle (METRO), all as provided for in Ordinance No. 10530 ?

SECTION 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 4. Effective date. Upon approval by the voters at the November 3, 1992 county-wide general election of the amendment to Articles 2, 3, 4 and 6 of the charter as provided in Ordinance No. 10530, and the approval by the voters of the proposed assumption by King County of the rights, powers, functions and obligations of the Municipality of Metropolitan Seattle pursuant to RCW Ch. 36.56, such amendment shall take effect on January 1, 1993; provided, however, that new sections 230.50.10, 270 and 350.20.30 and amendments to sections 220.10, 230.10, 230.20,

230.30, 230.50 and 460 of the charter shall take effect on January 1, 1994.

In the event that the amendment to Articles 2, 3, 4 and 6 of the charter is approved by the voters at the November, 1992 general election, and the proposed assumption of the rights, powers, functions and obligations of the Municipality of Metropolitan Seattle is approved by a majority of voters voting thereon countywide, but not by separate majorities within Seattle and within the remainder of the county, then new section 650.40.010 providing for preparation of a districting plan shall take effect on January 1, 1993, and remaining sections of such amendment shall take effect upon the earlier of either the effective date of legislation passed on or before May 31, 1993 by the Legislature of the State of Washington conferring the powers of the Municipality on King County or the date of voter approval at a special election in 1993 of the assumption by King County of the functions of the Municipality; provided, however, that new sections 230.50.10, 270 and 350.20.30 and amendments to sections 220.10, 230.10, 230.20, 230.30, 230.50 and 460 of the charter shall take effect on January 1, 1994.

INTRODUCED AND READ for the first time this 17th day of August, 1992.

PASSED this 24th day of August, 1992.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gerald Ames
ACTING Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

APPROVED this 4 day of September, 1992.

King County Executive