



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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**Governmental Structure (GS) Subcommittee**  
**King County Charter Review Commission**  
**Meeting Minutes – October 15, 2007**  
NCOB, 5:00pm-8:00pm

The October 15, 2007 meeting of the Governmental Structure Subcommittee of the King County Charter Review Commission was called to order by Co-Chair Sarah Rindlaub at 5:10 p.m.

**Commission members in attendance:**

Tara Jo Heinecke (Co-chair)  
Sarah Rindlaub (Co-chair)  
Trisha Bennett  
Dan Gandara  
Mike Lowry  
Darcy Goodman  
Gregg Hirakawa  
Kirstin Haugen  
Lois North  
Gary Long (attending ad hoc)  
John Jensen

**Absent:**

None

**Staff:**

Mark Yango, Charter Review Coordinator  
Corrie Watterson Bryant, Project Manager, Charter Review Commission

**Council and PAO Staff:**

Ross Baker, Council Chief of Staff  
Rebecha Cusack, Council Liaison to the Commission  
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office  
Nick Wagner, Council Co-Liaison to the Commission

### **1. Opening Remarks and Meeting scheduling**

Sarah Rindlaub called the meeting to order and first went through the scheduling of meetings through February. Schedule meetings will occur: (All 5-8pm in NCOB)

- Tuesday, November 13 (New)
- Monday, November 19 (Already Scheduled)
- Monday, December 10 (Already Scheduled)
- Monday, January 14 (New)
- Monday, February 11 (New)

### **2. Presentation of Briefing Paper on Elected vs. Appointed Positions**

Mr. Yango gave a brief summary of the briefing paper. He began by summarizing the history of elected positions in our charter and the history of the assessor, the elections director, and the sheriff. Co-chair North added that the process of passing the first charter was a 'monumental uphill job' for the freeholders. 151 candidates for 15 freeholder positions made for an exciting first charter experience. Co-chair Lowry asked Mrs. North if running countywide was difficult and she suggested that it was not since it only cost \$101 for postcards to all LWV members in King County.

Mr. Yango then went through a summary of current input from the public (via public hearings, presentations, emails, and letters). Mr. Yango went into more detail explaining the rationale behind each of the positions taken by some of the civic groups and elected officials that addressed the commission.

Mr. Yango then gave a brief synopsis on three commissions that drafted reports on the elected/appointive issue:

- 1) Citizens Elections Oversight Committee (CEOC) – 2006 Report
- 2) King County Commission on Governance
- 3) King County Independent Task Force on Elections

Mr. Yango then went through the results of an analysis of the elected/appointive process from the 25 largest counties in the nation and all counties within Washington State. His findings showed that within the top 25 most populous counties in the nation, 76 percent have an appointed elections auditor, 76 percent elect their county assessor, and 80 percent have an elected sheriff.

The majority of counties in Washington State elect all three positions.

Finally, Mr. Yango gave a summary of the pros and cons of each side using commentary and analysis from each section of the briefing paper.

### 3. Questions, Answers, and Comments (paraphrased)

#### *Elections Director*

Mrs. Rindlaub recommended that we separate out consideration of the Elections Director position from other positions. Mrs. Rindlaub noted that reading the two main reports on elections was very helpful. Mr. Yango noted that he would send links out to those reports.

Mr. Yango also noted that the question of whether to consider I-25 is on the ballot this November.

Mr. Gandara thought it might be a waste of time to consider the elections director question now in light of the Initiative 25 vote. Governor Lowry then suggested that we work on the list of qualifications.

Mr. Sinsky advised us to avoid putting inconsistent or conflicting measures onto the ballot. But he notes that we'll know more after the November vote.

Mrs. North added that Council could put an alternative on the ballot that was just I-25, or I-25 plus qualifications. Mr. Sinsky cautioned us that the ballot would need to be crafted so that only one would pass.

Mr. Jensen asked if it is possible to put qualifications on the ballot that would apply regardless of whether I-25 passes, and Mr. Sinsky agreed that it was possible. Mr. Jensen expressed concern about whether it would hurt the CRC's credibility if it went against the recommendations of commissions that were focused entirely on elections.

Mr. Hirakawa added that he shares Mr. Gandara's concern that what we do on the issue may be irrelevant given I-25.

Co-chair Heinecke asked if we should table the issue until after the November elections. She asked whether, in jurisdictions where the position is elective, there are minimum qualifications for the elections director.

Mr. Gandara added that we should focus on the qualifications issues for now. He suggested that it would not be prudent if we overrule the decisions of two distinguished commissions who focused solely on this issue but the qualifications issue is brand new.

Mrs. North suggested we need more factual background going into the discussion of qualifications and Ms. Heinecke asked if King County Human Resources has published a job announcement for the elections director position. Mr. Baker also added if other counties in Washington counties have qualifications for their elected positions.

The general consensus was to move forward with educating ourselves on qualifications. And Mr. Yango agreed to investigate whether top-25 counties and Washington counties prescribe

qualifications for the offices of elections director, sheriff, assessor, and auditor. The task may be to focus on an amendment that specifies qualifications for the elected positions. Mike Sinsky stressed that if an amendment of this type is done, the language will have to be exact. It was also suggested to have other King county Democrats and Republicans speak on this issue.

*Sheriff*

Ms. Cusack briefed the subcommittee on her presentation of the Sheriff's issues at a meeting of the Council's Committee of the Whole earlier that day. She said that some councilmembers had seemed cautious about restoring the civil service commission and giving the sheriff greater authority over collective bargaining, as requested by the sheriff, in part because of the inefficiency and additional cost that might flow from the balkanization of staff that such changes might entail.

Mr. Long suggested that the subcommittee should hear from the Executive and the Prosecuting Attorney's Office on the issues raised by the sheriff.

Ms. Heinecke asked whether, if the sheriff were given the additional authority that she was requesting, other county elected officials should receive comparable authority. She suggested that Anita Whitfield [director of King County's Human Resources Division] or Kathleen Oglesby [King County Labor Liaison] should be invited to speak to the subcommittee, as well as an attorney from the PAO.

Ms. Heinecke asked how other jurisdictions where the sheriff is elected deal with issues such as the ones raised by the King County Sheriff.

Mr. Gandara commented that if we have elected officials, we need to give them the tools they need to do the job, even if it costs more.

Ms. Haugen said she would like to hear from the Executive about why he wants the sheriff to be an appointive position.

Mr. Lowry commented that his concerns about having an elective sheriff are not based on any concerns about the current incumbent. He observed that there have been some great appointed police chiefs and that the head of the Washington State Patrol is appointed.

Mr. Hirakawa expressed concern that having an office like sheriff be elective might discourage good candidates who don't want to run for office.

Mr. Gandara said that public confidence in law enforcement is a key factor. He said a problem with having the sheriff appointed by a partisan elected official is that citizens might assume that the sheriff will be beholden to the official who appointed him or her. He said this applies to both the sheriff and the prosecuting attorney.

Ms. Heinecke expressed concern about the time off that would be required to run for re-election and whether that would have any impact on job performance.

Ms. Rindlaub asked which issues led to the position of King County Sheriff becoming an elective office.

Mr. Long observed that King County has never had a sheriff who was not appointed initially, including the current elected sheriff.

Mr. Jensen asked whether rural residents might object to the position of sheriff being appointive.

There was further discussion of whether or not to elect or appoint the sheriff, but no consensus was reached at this time.

#### **4. Going Forward**

For the November meeting, Mr. Yango agreed to provide briefing papers for the issue of partisanship and the initiative process. Mr. Yango also agreed to contact the King County Democrats and Republicans to speak at the subcommittee's upcoming meeting.

Regarding the Sheriff's issues, the group agreed that consensus maybe considered later, once we determine if we are going to recommend the position be elected or appointed.

Mr. Lowry raised the issue of electing the charter review commission in order to have their proposed amendments go directly to the ballot. Mrs. North followed up with a question if you would need a standing election to place amendments directly on the ballot.

Mr. Sinsky replied that the constitution says that amendments need to come from the 'legislative authority'. This gives us additional argument that your recommendation is that of a legislative authority if commissioners are elected.

It was finally agreed that we would need research on what other Washington State home rule charters counties did in terms of electing their charter Review Commissioners. The committee agreed to consider both issues together as suggested by Mr. Lowry.

Meeting was adjourned at 7:30 p.m.

Next meeting: Tuesday, November 13, 2007.

Respectfully submitted by Mark Yango