



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

*Mark Yango*  
*Charter Review Coordinator*

*701 Fifth Avenue, Suite 3210*  
*Seattle, Washington 98104*

**Regional Governance (RG) Subcommittee**  
**King County Charter Review Commission**  
**Meeting Minutes – December 5, 2007**  
Chinook Building, 5:00 pm-7:20pm

The December 5, 2007 meeting of the Regional Governance Subcommittee of the King County Charter Review Commission was called to order by Chair Bryan Glynn at 5:00 p.m.

**Commission members in attendance:**

Bryan Glynn, Co-Chair  
Kirstin Haugen  
John Jensen  
Gary Long  
Lois North  
Sharon Maeda

**Absent:**

Doreen Cato, Co-Chair  
Juan Bocanegra  
James Williams  
Mike Wilkins

**Staff:**

Becky Spithill, Project Manager, Charter Review Commission  
Mark Yango, Charter Review Coordinator

**Guest:**

- Bob Cowan, Director, Office of Management and Budget
- Vicky Henderson, Water and Sewer Districts

**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

Meeting was called to order by co-chair Bryan Glynn at 5:10 pm

## Overview of Subcommittee Actions.

1. Approved unanimously motions to issue three recommendations to the full commission at its next meeting, (Tuesday, December 11, 2007):
  - Strike Section 475 Work Programs and Allotments; and
  - Amend Section 840 Anti-Discrimination to include the words “sexual orientation” and to add to the entities with which the county “shall not enter into any contract” “other non-governmental entities.”
  - Strike 350.20.30 Metropolitan Service Department Transitory Provisions.
2. Tabled the proposed change that would strike most of Article 9 Transitory Provisions; requested that Mike Sinsky investigate whether any county employees might still be eligible for the preferential right afforded by 970.40 County Employees.
3. Approved the formation of a Regional Committees Stakeholder Group to determine the appropriate composition for Regional Committees. The Group will be expected to take up other issues facing the Regional Committees. Gary Long will lead this effort and facilitate the work of the Group, which is expected to convene in January.
4. Identified an increase from 75 to 90 days before the end of the fiscal year (from 45 to 60 days, respectively) as a possible change to Section 410 Presentation and Adoption of the Budget. The change would read “At least ~~seventy-five days~~ **ninety days** prior to the end of each fiscal year the county executive shall present to the county council a complete budget and budget message . . .” Council Staff will communicate this proposal to Council and report back to the RG Subcommittee at its January 7, 2008 meeting.
5. Established a plan for deliberating and/or taking action on the Sheriff’s issues. Members decided to request that the Sheriff and the Executive (or their designees) make presentations and respond to questions at the RG Subcommittee’s January 7<sup>th</sup> meeting. In addition, the Subcommittee will solicit formal written statements from labor [King County Police Officers Guild] and the King County Sheriff’s Blue Ribbon Panel. CRC staff will provide analysis of the Sheriff’s issues.

### 1. Opening Remarks and Issue Assignment Discussion

Minutes from October 1, and October 29, 2007 were not included and not adopted. Ms. Spithill agreed to provide the minutes of those meetings, in addition to minutes of the December 05, 2007 subcommittee meeting.

### 2. Regional Committees

Mr. Glynn called on Mr. Long to review his report on Regional Committees.

Mr. Long stated that the more fundamental issue for cities is the voting relationship among members of the Regional Committees. The Regional Governance Subcommittee can’t resolve that. He recommended that there be a discussion among representatives of the various organizations. The issues before the subcommittee are about more than just tweaking; they are about balance of power in how the voting works.

Mr. Long proposed establishing a committee of stakeholders that would negotiate about the composition of Regional Committees and other issues. This committee would then bring back a proposal to the subcommittee by end of January. Mr. Long stressed that feasibility would be the guiding principle. While the Seattle model of an operating board is interesting, it would not be useful in this instance. Deciding committee composition would be the first order of business.

Mr. Long volunteered to spearhead the committee. [Note: Subsequent to this meeting, Kirk Triplett said that the Executive didn't have a strong enough position on the issues of Regional Committees to send a representative.]

Mr. Jensen pointed out that the Coal Creek letter argued against Snohomish County representation. Mr. Sinsky indicated that, with more regional committee authority, there is more legal risk. While under the current charter language committee actions have legislative implications that go beyond a purely advisory role, actual authority over the adoption of policies is retained by the county council. Significant legal concerns would arise if this were not the case. The question was posed: Given council discretion and authority, how much authority do Regional Committees actually have?

**MOTION:** Mrs. North moved to establish a committee to be created with participants from the county council, county executive, suburban cities, City of Seattle, City of Bellevue, fire and sewer districts and the CRC regional subcommittee, activated in early January to develop practical solutions that people would be willing to support by building consensus among stakeholders.

Motion was seconded.                      VOTE:                      Approved - unanimous

Discussion: It was agreed that Mr. Long would work with staff to facilitate the process. It was noted that Council is in favor of the same proportional representation, although councilmembers are not in lockstep in their stance on certain positions; Council members are elected and as such represent the citizens of the county as a whole. The purpose of the Ad Hoc group would be to take the suggestions from each of the stakeholders, cities, council & executive to try and negotiate a compromise between all the issues. Staff has information from the cities on what they want but it is at odds with the county, so the goal would be to get some give and take to reach possible practical solutions. The commission can't make recommendations that will stick without the input of those stakeholders.

Issues Relating to Regional Committees:

- Increasing the authority of the regional committees
- Increasing their representation
- Making them more responsive and efficient

Probably will need to add in water quality committee issues as the make-up is slightly different from other regional committees. Another issue may be the reduction of county councilmember as it seems participation of councilmembers are now at a breaking point since their numbers were reduced and they've had to take on more commitments. Balance of power issues probably need to be worked out.

### 3. CRC amendments and proposed charter language (Mike Sinsky)

Mike Sinsky briefed the subcommittee on the proposed amendments and charter language, which fall into three different categories of possible amendments:

- Allotment budget process – outmoded, not necessary or useful
  - Budget Office concurs and agrees it could do without allotment process in its entirety.
  - Can be a simple strikeout of that section in the charter
- Anti-discrimination Provision, section 840
  - Proposal to add the term “sexual orientation”
- Eliminate all or part of the transitory provisions in Article 9 and section 350.20.30.
  - No longer relevant

Discussion focused on the anti-discrimination provision and noted that the first part of that provision regarding non-discrimination regarding county employees reflects what’s in county code now. The second part of the provision looks at the issue of contracting. Currently, the county code prohibits contracting with other entities that discriminate on the basis of sexual orientation. The code includes an exception for contracts with governmental entities. While State and local governments are currently prohibited by law from discriminating against employees on the basis of sexual orientation, there is no explicit federal restriction to that effect. In order to avoid risk that this proposed amendment might be misread to preclude contracts with federal government, language is added to clarify that the provision applies to "non-governmental entities." Ms. Maeda indicated surprise that the federal standard is lower than any other governmental standard.

Mr. Glynn asked what kind of federal government contracts would potentially be at issue. Mr. Sinsky said that the county has multiple contracts with the federal government, including agreements relating to roads, housing, and other important county functions.

Language for the amendment could have 2 options, both could be kept in the same place: 1) add sexual orientation language to both the first and second clause in section 840 but limit the second clause to non-governmental entities; or 2) include “sexual orientation” in the first clause only.

**MOTION:** move to present to the full commission language revising Section 840 amendment - *Anti-Discrimination*, in the charter, to read:

*There shall be no discrimination in employment or compensation, county offices or employees on account of sex, race, color, national origin, religious affiliation, sexual orientation, or age except by minimum age and retirement provisions; and the county shall not enter into any contract with any person, firm, organization, ~~or~~ corporation, or other non-government entity which discriminates on the basis of sex, ..... religious affiliation, sexual orientation, .....*

Motion was seconded.           **VOTE:** Approved: unanimous

Mr. Glynn asked if there was any reason to believe that changing Section 475 would amount to more than eliminating the allotment system. Mr. Sinsky said that he had conferred with Bob

Cowan (OMB Director) about whether any components of Section 475 were useful or needed to be retained, and Mr. Cowan indicated no. Council **staff???** agreed that this is a true consensus item.

**MOTION:** Moved to adopt strike Section 475 in its entirety and present as a recommended amendment to the full commission.

Motion was seconded. **VOTE:** Approved: unanimous

**Transitory Provisions:** Mr. Glynn discussed Article 9, transitory provisions and identified them as historical artifacts from the time when Metro was being merged into King County. Most of the provisions dealt with pre-charter government and how it would transition to the new form. In addition, the last part of Section 990 Transition can be struck as well. Mike Sinsky suggested that most of the sections in this article could be stricken out up to very end in Section 990, where there are still some actions in effect, i.e. resolutions that are codified and codes and ordinances that pertain to the section.

Mr. Glynn expressed concern about part of 990 dealing with county employees being grandfathered or transitioned into career service after a specific amount of employment time and asked whether there was anyone in the county who had a vested right relative to this provision; someone in an exempt position for many, many years might have a right to be reinstated into career service (see Section 970.40).

It was felt that it is relatively safe to strike this section without having an affect on an employees vested rights. Mike Sinsky indicated that this section deals mainly with appointments back at the time of the initial charter adoption, but that he would follow up with human resources to see whether the provision had any continuing relevance.

**DECISION:** The subcommittee decided to forward to full commission, with any necessary revisions addressed at the full commission, depending on information from Mr. Sinsky.

**MOTION:** Moved to strike Section 350.20.30 which was a transitory provision on the move of METRO into county government

Motion was seconded. **VOTE:** Approved: unanimous

**MOTION:** Moved that all the transitory recommendations to strike go to the full commission for review upon further information from Mr. Sinsky.

Motion was seconded. **VOTE:** Approved: unanimous

#### **4. Guest Speaker – Bob Cowan, Director, Office of Management and Budget**

Mr. Cowan reviewed the current charter budget timelines. The executive delivers the budget at least 75 days prior to the beginning of the year and Council adopts the budget no more than 30 days prior to the beginning of the year. From the charter perspective the minimum amount of

time that is currently embedded in the charter would provide the county council 45 calendar days to review and adopt the executive's proposed budget. The latest that the executive can submit the budget is October 17 and the latest the council can actually adopt the proposed budget is December 1. In practice, the executive has submitted the budget to the council 75 days or more days prior to the beginning of the following year and the council has adopted the budget on the Monday before Thanksgiving, which can be anywhere between the 22<sup>nd</sup> of November and 29<sup>th</sup> of November. This practice was instituted in 1991.

Mr. Cowan proposes changing the charter to no less than 90 days for the executive to submit the proposed budget but keeping the timeline for Council approval. This provides an additional two-week's time for Council review. The executive as well as OMB will support the amendment to the charter which would extend the timeline by 15 days. Given that the current timeline is six weeks, this proposal gives Council one-third more time. The change would mean that OMB sends out its budget instructions to county agencies by the first of May and the agencies have about seven weeks to prepare proposals to be submitted late June. The current target date for delivering the proposed budget to the printer is October 1; under the proposal, that date would move up to September 15.

Ms. Cusack gave the subcommittee a perspective of the council's budget timeline. From the time that Council staff receives the proposed budget books, staff has only about two-to-three days to do its analysis to prepare for presentation the next week when the council panel hearings begin. Additional analysis is done based on questions raised in panel through the third week of meeting. By week four, the panel moves forward into its council reconciliation process which looks at all the recommendations coming out of the panel and will usually last until the Thursday before the Thanksgiving deadline. Council then takes its vote on the budget the Monday before Thanksgiving.

Ms. Cusack presented a trend graph of the budget size back to 1971 to show how the budget has grown over the years. This has impacted Council's ability to do in-depth analysis on the proposed budget.

Effectively, Council has 45 days, and the convention of completing the budget review before Thanksgiving is not just for the convenience of staff but to ensure that Council has time to respond to a possible executive veto. If the budget is vetoed, Council needs time to override or rewrite the budget before the beginning of the year.

Ms. Maeda asked if Council had a timeline in mind that was longer than 90 days.

Mr. Cowan responded that extending the budget timeline more than 90 days would be very difficult. Before developing the budget, OMB needs to know the financial status of the county and the final comprehensive financial report does not come out until June. It's difficult to make reasonable preliminary decisions on budget instructions without sufficient information. The Metro merger has complicated the budget process.

Mr. Long asked if Council had in mind a specific number of days. Ms. Cusack said that Council had not proposed anything, but that by the end of February, the county has enough information to proceed with developing a budget.

Mr. Cowan said the expense budget is somewhat dependent on the COLA and the labor provision for the COLA. OMB updates budget numbers on a month-to-month basis.

On the revenue side, there are variations in sales tax and property tax; estimates are only for new construction. Sales tax is volatile, as is real estate excise tax. Sales tax and real estate tax constitute about 40 percent of the county's revenue. The farther the budget process is backed up, the less reliable and useful the data are for both expense and revenue but for most of the other revenue sources, backing up another 15 days wouldn't have a significant impact.

Mr. Cowan pointed out another issue in terms of what happens when Council gets the budget. All other council business stops for the most part except for emergent issues and COW. The day-to-day business stops and policy committees don't meet. With a prolonged budget timeline would come a prolonged stoppage of county business. As the process exists right now, any business that is backed up has to be considered in shortened time frame before the holidays or wait until the New Year.

Ms. Maeda commented on the biennial budget. Given that Transit is a pilot biennial budget process, perhaps it would work to pilot another departmental budget, and then proceed to roll them out gradually over time. Mr. Cowan said that the Executive supports a biennial budget, but currently the county has two separate payroll systems and a phase-in county wide of some sort is necessary.

Mr. Glynn asked what affect a biennial budget would have on the time it takes to prepare a budget. Mr. Cowan responded that it remains to be seen with the pilot. Certainly, the budgetary process will be less intense. How best to approach various issues will be borne out by the results of the pilot. Ms. Cusack added that it is hoped that policy debate and consideration will be richer as a result of the biennial budget.

Mr. Glynn asked when the phase in would occur. Mr. Cowan said it would be phased in and implemented 2010-2011. Ms. Cusack countered that 2012-2013 was a more realistic prediction. Mr. Cowan said that the system is in place, and moving to a full biennial budget could happen quickly.

Mr. Glynn asked if any additional information would be needed in order to make a decision. Push to the 90 days.

Becky Spithill quickly went over the briefing memo comparing municipalities in the state of WA. Some findings were:

- Issue with most municipalities in WA is that they are not comparable in size to KC
- An issue of whether those councils have an elected or appointed executive

In looking at comparable counties nation-wide, you will find timelines that are probably more appropriate to the situation here in KC. KC seems to fall below the mean for its current 45 day budget timeline and legislative review. Sixty days would put KC closer to the mean.

Ms. Spithill noted that according to the recommendation from the BATF, it was recommended that the charter review commission consider the issue. It didn't recommend a specific number of days for the extension.

Mr. Jensen asked why Council couldn't do the budget in less time and maybe going to a short timeframe would be preferable. Ms. Cusack said "absolutely not." Council needs more time for substantive analysis. Mr. Cowan agreed that giving staff more time to work on the budget is of great value to Council. The notion of the last three percent that must be debated is attractive, but in reality there is no consensus on what falls into that three percent.

#### DECISION:

Ms. Haugen recommended that the subcommittee look for some response from Council, now that it is clear what the executive is thinking.

Since Mr. Long had to leave, the group no longer had a quorum; Ms. Maeda agreed with Ms. Haugen that it may be best to table discussion on the budget until the subcommittee receives a reaction from Council. The subcommittee agreed and Ms. Cusack was asked to get council's reaction back to the committee by the next full commission meeting.

### **5. Issues to Move Forward**

All items discussed and agreed upon at this meeting will be moved forward to the full commission.

### **6. Sheriff's Issues**

Ms. Spithill gave an overview of the Sheriff's positions:

- Reinstatement of the Civil Service Commission
- Having full independence from the Executive

The sheriff feels that the office cannot advance some of the recommendations from the Blue Ribbon Panel unless she can be in charge of collective bargaining for the people who work for her. The Blue Ribbon Panel has reconvened to discuss the extent to which their recommendations have been implemented and as a whole there is some support for the sheriff's proposals. The Executive intends to argue for maintaining control over collective bargaining and labor agreements. The head of the labor union and Kathi Oglesby, Executive Office Labor Liaison are both not in favor of the sheriff's proposal.

At the January meeting it's hoped to have the Executive's senior representative and the Sheriff speak again on the issues. Staff will solicit written statements from the Blue Ribbon Panel and the Police Officer's Guild on the sheriff's proposals.

Mr. Baker questioned the extent to which the Sheriff should have financial and fiscal oversight to encumber resources and that it fails to consider the big picture of the county as a whole. For example, the assessor is not given this authority, nor does the judiciary have the right to negotiate its budget. All of them, including the prosecutor, have to coordinate their budgets with the executive and to some extent so does the council.

Mr. Glynn states that as an elected official, the Sheriff should be given a modicum of power to be accountable. Question is how to balance that power. Ms. Maeda questioned what constituted the bottle neck such that the Sheriff was prevented from taking disciplinary action. If the process is slow, why is that? Part of that may be the labor process and the steps that must be taken to show due diligence. It can sometimes be very onerous. But, terms are negotiated whether the official is appointed or elected.

Mr. Sinsky was asked to consider and advise the subcommittee on the legality of some of the Sheriff's issues.

Meeting adjourned at 7:20 p.m.

Respectfully submitted by Becky Spithill and Charlotte Ohashi.