

**POSSIBLE CHARTER AMENDMENTS  
AFFECTING REGIONAL COMMITTEES  
(Prepared by Regional Governance Subcommittee)**

**Preface**

As a result of voter approved propositions in the late 1950s and early 1970s, the Municipality of Metropolitan Seattle (Metro) was created and assumed the powers to operate sewage treatment and public transportation systems in an area whose boundaries were co-terminus with King County's. The newly formed regional government was governed by a federated legislative body composed of elected officials from King County government, city governments within King County and sewer districts within King County. The service area for sewage treatment has since been expanded by contract to include part of Snohomish County.

In 1990, the U.S. District Court for the Western District ruled that the federated governing body of Metro violated a U.S. constitutional requirement that it meet the "one person, one vote" test of representation. As a result, the elected leaders from local governments who formed Metro's governing body convened a "summit" to discuss the court mandated changes to Metro's governance. The leaders decided that, rather than modify the governance structure of Metro or create a new government entity with directly elected officials, King County would assume the powers and duties of Metro. King County would satisfy the "one person, one vote" test of representation.

In 1992, voters approved a proposition that authorized King County to assume the powers and duties to operate sewage treatment and public transportation. This included the creation of three regional committees:

1. a regional water quality committee to consider regional policies and plans affecting sewage treatment and related water quality issues;
2. a regional transit committee to consider regional policies and plans affecting public transportation; and
3. a regional policy committee to consider other kinds of regional policies and plans.

The compromise was a deliberate attempt to preserve some elements of the federated governance structure of the old Metro, i.e., inclusion of officials from cities and sewer districts among committee membership. Because the Regional Committees were advisory to the King County Council, the federated composition of the committees did not have to meet the constitutional test of "one person, one vote."

## **Existing Composition of the Regional Committees (Charter Section 270.10)**

Each Regional Committee consists of 12 voting members, six of whom are from the County Council appointed by the chair of the council. These six members include councilmembers from districts that have residents living in unincorporated areas. The remaining membership on the Regional Committees is composed of the following:

For the Transit Committee and the Regional Issues Committee

- Six members that are local elected city officials appointed from and in proportion to the relative population of:
  1. The city with the largest population in the county appointed by the legislative authority of that city; and
  2. The other cities and towns in the county.

For the Water Quality Committee

- Two members appointed by the special purpose districts providing sewer service in the county in districts representing a majority of the population within the county
- Four members from local government appointed from and in proportion to the relative population of
  1. The city with the largest population in the county appointed by the legislative authority of that city; and
  2. The other cities and towns in the county.

The equal number of King County Council members and other government representatives on the committees was intended to give both the appearance and the substance of balance in voting power to each to the two sets of members. Despite passage of the initiative that reduced the number of King County Council from 13 to nine members, the size and composition of the Regional Committees has remained the same.

In brief summary, key components of the political compromise embodied in the charter language creating the Regional Committees were:

- Equal voting power between directly elected King County Council members and elected officials of cities and sewer districts appointed to serve on the committees;
- Scope of subject matter within the purview of the committees limited to “regional policies and plans” which in application has excluded budget, operational, labor and personnel matters;
- Requirement for re-referral of proposed legislation back to a Regional Committee if the full council votes to amend legislation proposed by the committee.

Since their creation, cities, good government groups, and individual citizens have raised concerns that the Regional Committees are not working to meet their primary objective, that is, giving cities and sewer districts a serious voice in the consideration of regional policies and plans acted on the King County Council. Many, if not most, of the amendments related to the Regional Committees that were proposed by interested parties during the CRC's public outreach are intended to strengthen the voice of cities and, in the case of water quality, sewer districts. In two cases, possible amendments would give voice to two groups not considered when the Regional Committees were created: American Indian Tribes and parts of Snohomish County served or affected by sewage treatment capital expansion and operations.

The following is a list and summary of possible charter amendments along with a brief discussion of the issues involved in each.

### **Proposals for Composition of the Regional Committees**

The CRC heard multiple proposals for changing the size and composition of the regional committees from citizens and organizations. Each has political implications that must be taken into account.

#### **Add tribal representation to one or more Regional Committee(s)**

The CRC has various options for addressing tribal representation:

- On the issue of which Regional Committee(s) should have tribal representation, the CRC could recommend adding representation to any one or all of the committees. The extent to which tribes have an interest in various committees is unknown. They may have an interest in the Regional Water Quality Committee because sewage treatment affects tribal fisheries. In addition, they may have an interest in the Regional Policy Committee because it may consider regional open space and other regional issues which may affect tribal land and animal habitat.
- On the issue of how many and how to select tribal representatives, there are at least two alternative approaches:
  1. allow tribes to pick one person to represent all tribes who assert treaty rights in King County; and
  2. allow each tribe to appoint a member to the regional committee.
- The most difficult issue is whether to add tribal representation as non-voting or voting members. Adding voting membership has significant implications for the voting balance in the original compromise.

#### **Add representation from south Snohomish County, possibly reducing sewer district representation on the Regional Water Quality Committee**

The County Executive through his Department of Natural Resources and Parks has proposed adding one individual to represent the interests of that area of south Snohomish County that is served and/or affected by King County's sewage treatment capital expansion and operation. The proposal also would reduce from two to one existing sewer district representation, so that the overall size of the voting membership would be unchanged. Such an amendment raises the following issues:

- Do the State Metropolitan Municipal Corporation enabling statute and other applicable laws under which King County assumed Metro's sewage treatment responsibilities allow adding membership to a King County legislative subcommittee from outside King County's boundaries?
- Proponents argue the proposed changes are justified in part by the projected increases in share of sewer service provided inside Snohomish County and decreases in share of service to King County sewer districts. There is little doubt that King County sewer districts would oppose a reduction in sewer district voting membership.
- Depending on legal advice and political considerations, one alternative is to leave untouched the sewer district representation and add Snohomish County representation to the committee as non-voting. This approach would avoid upsetting the existing balance of voting power, but it would likely not satisfy Snohomish County interests in securing a seat at the table.

### **Reduce the total number of committee members**

This idea was presented by a representative of the King County Council and also was expressed by at least one CRC member. Reducing the membership of the Regional Committees from 12 to 10 or eight members would accommodate the nine-member King County Council, which is currently spread too thin to serve as effectively as its members would prefer. The argument is that while the workload burden was reasonable with a 13 member Council, it is not reasonable with only 9 members to whom the workload now must be distributed. If a reduction were proportional, i.e., if city/sewer district representation were also reduced, cities and sewer districts would might oppose the change.

### **Selection of leaders of Regional Committees**

The Charter is silent on this subject. Since the creation of Regional Committees, the chairs have been selected by the King County Council as part of its usually annual selection of the Council Chair, Vice Chair and other standing committee chairs and vice chairs. The Suburban Cities Association (SCA) and some members of the public at large have proposed that each Regional Committee select its own chair and vice chair.

### **Approval of Regional Committee work programs**

The SCA has proposed that the Regional Committees set and approve their own work programs. The Charter is silent on how work programs are approved. There is, however, Charter language on powers and duties of Regional Committees which addresses referral by the full council of “proposed ordinances and motions” to Regional Committees (270.30). The language may be ambiguous regarding whether and to what extent Regional Committees may decide to initiate ordinances or motions which have not been referred by the full council.

**Full King County Council consideration of and vote on all legislation recommended by Regional Committees**

There was public testimony that the King County Council in practice “pocket vetoes” legislation proposed by regional committees. The Charter language on powers and duties of regional committees requires the full council to refer back to a Regional Committee any amendments the full council wants to make to legislation reviewed or proposed by that committee before the full council takes final action (270.30). The Charter is silent, however, about whether the full council may choose simply not to consider and bring to a vote proposed legislation from a Regional Committee.

To consider these issues, the Regional Governance Subcommittee may seek the following:

- clarification from the SCA about whether it seeks a Charter amendment giving Regional Committees the explicit right to initiative legislation as part of their requested right to approve work plans;
- clarification from the SCA about whether it seeks a Charter amendment that would obligate the full council to consider and bring to a vote legislation proposed by a regional committee; and
- clarification from the King County Council about its interpretation of the Charter and the actual practices with regard to Regional Committees’ right to initiate legislation.

**Dual referrals of proposed legislation**

Even before the creation of the Regional Committees, the King County Council has had a long standing practice of occasionally referring proposed legislation to more than one committee. That practice also has applied in the case of some legislation referred to Regional Committees. The SCA has asked that the Charter be amended to require the King Council to establish criteria for dual referrals consistent with the intent of Charter provisions for the Regional Committees. The Regional Governance Subcommittee will seek clarification from the SCA about the language that it believes would satisfy its request.

**Explicit assignment to the regional policy committee of the review of policies and standards for levels of local services in urbanized unincorporated King County**

The SCA letter requested a Charter amendment to make such an assignment in order to encourage the County to phase out the subsidy of services to urbanized, unincorporated King County provided by the tax payers and rate payers of cities. That there is a sizeable subsidy seems to be well documented by the King County Budget Office. The SCA argued that so long as property owners and voters in urbanized, unincorporated

King County receive services in excess of the taxes and fees they pay, they will have little incentive to approve measures which will annex them to cities which require a higher level of taxes overall.