

Date Created:	May 8, 2019
Drafted by:	Patrick Hamacher
Sponsors:	Charter Review Commission
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the Preamble to the
3 King County Charter to include among the charter goals,
4 equitable government, a strong urban and rural economy,
5 and superior quality of life;² to replace the word “citizen”
6 with “public;”¹ and to make a grammatical correction; and
7 submitting the same to the voters of the county for their
8 ratification or rejection at the November 3, 2020 general
9 election.

10 ..Body

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. There shall be submitted to the qualified voters of King County for
13 their approval and ratification or rejection, at the November 3, 2020 general election, an
14 amendment to the Preamble to the King County Charter, as set forth herein:

15 **Preamble.**

16 We, the people of King County, Washington, in order to form a more just,
17 equitable and orderly government for all, establish separate legislative and executive
18 branches, ~~((insure))~~ ensure responsibility and accountability for local and regional county
19 governance and services, enable effective ~~((citizen))~~ public participation, preserve,
20 protect, and enhance a healthy rural and urban environment and economy, promote a
21 superior quality of life including recreational, arts and cultural opportunities and secure

22 the benefits of home rule and self-government, in accordance with the Constitution of the
23 State of Washington, do adopt this charter.

24 SECTION 2. The clerk of the council shall certify the proposition to the director
25 of elections, in substantially the following form, with such additions, deletions or
26 modifications as may be required by the prosecuting attorney:

27 Shall the Preamble of the King County Charter be amended to include among the
28 charter goals equitable government, a strong urban and rural economy, and
29 superior quality of life to replace the word “citizen” with “public” and to make a
30 grammatical correction?

Date Created:	_____, 2019
Drafted by:	Hamacher/Slonecker
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County
3 Charter to allow the King County council to designate
4 certain executive branch leadership positions and
5 confidential positions supporting leadership positions as
6 career service exempt by ordinance; amending Section 550
7 of the King County Charter; and submitting the same to the
8 voters of the county for their ratification or rejection at the
9 November 3, 2020 general election.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the qualified voters of King County for
12 their approval and ratification or rejection, at the November 3, 2020 general election, an
13 amendment to Section 550 of the King County Charter to read as follows:

14 **550. Career Service Positions.**

15 All county employees and officers shall be members of the career service except
16 those in the following positions: all elected officers; the county auditor; the clerk and all
17 other employees of the county council; the county administrative officer; the chief officer
18 of each executive department and administrative office and such other leadership positions
19 and confidential positions supporting leadership positions as may be designated by
20 ordinance; the members of all boards and commissions; the chief economist and other
21 employees of the office of economic and financial analysis; administrative assistants for the

22 county executive and one administrative assistant each for the county administrative
23 officer, the county auditor, the county assessor, the chief officer of each executive
24 department and administrative office and for each board and commission; a chief deputy
25 for the county assessor; one confidential secretary each for the county executive, the chief
26 officer of each executive department and administrative office, and for each administrative
27 assistant specified in this section; all employees of those officers who are exempted from
28 the provisions of this charter by the state constitution; persons employed in a professional
29 or scientific capacity to conduct a special inquiry, investigation or examination; part-time
30 and temporary employees; administrative interns; election precinct officials; all persons
31 serving the county without compensation; physicians; surgeons; dentists; medical interns;
32 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and
33 health departments of the county.

34 Part-time Employees. All part-time employees shall be exempted from career
35 service membership except, effective January 1, 1989, all part-time employees employed at
36 least half-time or more, as defined by ordinance, shall be members of the career service.

37 SECTION 2. The clerk of the council shall certify the proposition to the director
38 of elections, in substantially the following form, with such additions, deletions or
39 modifications as may be required by the prosecuting attorney:

40 Shall Section 550 of the King County Charter be amended to allow the
41 King County Council to designate additional executive branch leadership
42 positions and confidential positions supporting leadership positions as
43 career service exempt?

Date Created:	
Drafted by:	
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County
3 Charter to change references to citizen to either public or
4 resident where applicable in the king county charter;
5 amending the Preamble and Sections 260 and 800 of the
6 King County Charter; and submitting the same to the voters
7 of the county for their ratification or rejection at the next
8 general election to be held on November 3, 2020.

9 ..Body

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. There shall be submitted to the qualified voters of King County for
12 their approval and ratification or rejection, at the November 3, 2020 general election, an
13 amendment to the Preamble and to Section 260 and Section 800 of the King County
14 Charter to read as follows:

15 **Preamble**

16 We, the people of King County, Washington, in order to form a more just and orderly
17 government, establish separate legislative and executive branches, insure responsibility and
18 accountability for local and regional county governance and services, enable effective
19 ~~((citizen))~~ public participation, preserve a healthy rural and urban environment and economy
20 and secure the benefits of home rule and self-government, in accordance with the
21 Constitution of the State of Washington, do adopt this charter.

22 **Section 260 Office of ~~((Citizen))~~ Public Complaints.**

23 The county council shall establish by ordinance an office to receive complaints
24 concerning the operation of county government and shall grant it sufficient power to permit
25 it quickly and efficiently to investigate and to make and publicize recommendations
26 concerning its findings, including the power to subpoena witnesses, documents and other
27 evidence and to administer oaths. The subpoena power of the office of ~~((citizen))~~ public
28 complaints shall be limited to matters under written complaint by a ~~((citizen of the county))~~
29 member of the public, and any witness shall have the right to be represented by counsel. Any
30 individual who is the subject of a complaint shall have the right to present witnesses in the
31 individual's own behalf.

32 **Section 800 Charter Review and Amendments.**

33 At least every ten years after the adoption of this charter, the county executive shall
34 appoint a ~~((citizen))~~ resident commission of not less than fifteen members whose mandate
35 shall be to review the charter and present, or cause to be presented, to the county council a
36 written report recommending those amendments, if any, which should be made to the
37 charter. Appointees shall be subject to confirmation by a majority of the county
38 council. This ~~((citizen))~~ resident commission shall be composed of at least one
39 representative from each of the county council districts. The county council shall consider
40 the commission's report and recommendations and decide at an open public meeting how to
41 proceed on each of the commission's recommended charter amendments, as provided by
42 ordinance.

43 The county council may propose amendments to this charter by enacting an ordinance
44 to submit a proposed amendment to the voters of the county at the next general election

45 occurring more than forty-five days after the enactment of the ordinance. An ordinance
46 proposing an amendment to the charter shall not be subject to the veto power of the county
47 executive. Publication of a proposed amendment and notice of its submission to the voters
48 of the county shall be made in accordance with the state constitution and general law. If the
49 proposed amendment is approved by a majority of the voters voting on the issue, it shall
50 become effective ten days after the results of the election are certified unless a later date is
51 specified in the amendment.

52 SECTION 2. The clerk of the council shall certify the proposition to the director
53 of elections in substantially the following form, with such additions, deletions or
54 modifications as may be required by the prosecuting attorney:

55 Shall the Preamble and Sections 260 and 800 of the King County Charter
56 be amended to replace citizen with public and resident where appropriate?

Date Created:	May 29, 2019
Drafted by:	Nick Bowman and Patrick Hamacher
Sponsors:	
Attachments:	

1 ..Title

2 AN ORDINANCE proposing to amend the King County
3 Charter to reestablish the office of county sheriff as an
4 executive appointed position represented by the executive
5 in collective bargaining with department of public safety
6 employees; amending Sections 350.20.40, 680.10, and 890
7 of the King County Charter and repealing Sections 645 and
8 898 of the King County Charter; and submitting the same
9 to the voters of the county for their ratification or rejection
10 at the next general election to be held in this county on
11 November 3, 2020.

12 ..Body

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. There shall be submitted to the qualified voters of King County for
15 their approval and ratification or rejection, at the next general election to be held in this
16 county on November 3, 2020, an amendment to Sections 350.20.40 and 680.10 of the
17 King County Charter and a repeal of Section 645 of the King County Charter, as set forth
18 herein:

19 **Section 350.20.40 Department of Public Safety.**

20 The department of public safety shall be administered by the county sheriff who
21 shall perform the duties specified by general law. The county sheriff shall be ~~((elected by~~

22 ~~the voters of the county, and the sheriff's term of office shall be four years))~~ appointed by
23 the county executive and confirmed by county council. Once appointed and confirmed,
24 the county sheriff shall have a term of five years from the date of confirmation and shall
25 only be removed for misfeasance, malfeasance or violations of the oath of office as
26 determined by a supermajority vote of the county council. The county sheriff may be
27 reappointed and confirmed for additional five year terms. The department of public safety
28 shall be an executive department subject to the civil service personnel system and shall
29 utilize the services of the administrative offices and the executive departments, but it
30 shall not be abolished or combined with any other executive department or administrative
31 office and shall not have its duties decreased by the county council.

32 **Section 645 repealed.** Section 645 of the King County Charter, "Sheriff;
33 Election, Term of Office and Compensation, is hereby repealed.

34 **680.10 Designation, Appointment and Election to Fill Vacancy.**

35 Immediately upon commencing their terms of office, the county executive, county
36 assessor, county director of elections(~~(;)~~) and county prosecuting attorney (~~(and county~~
37 ~~sheriff))~~) shall each designate one or more employees who serve as a deputy or assistant in
38 such office to serve as an interim official in the event of a vacancy in the elective office of
39 the county executive, county assessor, county director of elections(~~(;)~~) or county
40 prosecuting attorney(~~(or county sheriff))~~), respectively.

41 Except for a designation made by the metropolitan county council, a designation of
42 an interim official shall only be effective if the county executive, county assessor, county
43 director of elections(~~(;)~~) and county prosecuting attorney (~~(and county sheriff))~~), each for
44 that officer's elective office, complies with the following procedure; commits the

45 designation to writing; identifies the order of precedence if more than one county officer or
46 employee is designated; signs the written designation; has the written designation
47 notarized; files the written designation with the county office responsible for records; and
48 provides a copy of the written designation to the chair of the metropolitan county council.
49 The county executive, county assessor, county director of elections(~~(;)~~) and county
50 prosecuting attorney (~~(and county sheriff)~~) may, at any time, amend such designation by
51 complying with the same procedure established for making the designation.

52 In the event the county executive, county assessor, county director of elections(~~(;)~~)
53 and county prosecuting attorney (~~(and county sheriff)~~) neglects or fails to make such a
54 designation within seven calendar days of commencing his or her term of office, the
55 metropolitan county council may by ordinance designate one or more employees who serve
56 as a deputy or assistant in such office to serve as an interim official in the event of a
57 vacancy in the elective office of the county executive, county assessor, county director of
58 elections(~~(;)~~) or county prosecuting attorney(~~(and county sheriff)~~), respectively. A
59 designation made by the metropolitan county council shall be effective upon adoption of
60 the ordinance therefor and may be amended by ordinance; provided that a designation by
61 the county executive, county assessor, county director of elections(~~(;)~~) or county
62 prosecuting attorney(~~(and county sheriff)~~) which occurs subsequent to the adoption of an
63 ordinance shall take precedence over the designation by ordinance.

64 The designated county officer or employee shall immediately upon the occurrence
65 of a vacancy serve as the interim official and shall exercise all the powers and duties of the
66 office granted by this charter and general law until an acting official is appointed as
67 provided in this section.

68 The metropolitan county council shall, after being appraised of a vacancy in the
69 elective office of county executive, county assessor, county director of elections(;) or
70 county prosecuting attorney (~~and county sheriff~~), fill the vacancy by the appointment of
71 an employee who served as a deputy or assistant in such office at the time the vacancy
72 occurred as an acting official to perform all necessary duties to continue normal office
73 operations. The acting official shall serve until the vacancy is filled by appointment
74 pursuant to general law for nonpartisan county elective offices.

75 A vacancy in an elective county office shall be filled at the next primary and
76 general elections which occur in the county; provided that an election to fill the vacancy
77 shall not be held if the successor to the vacated office will be elected at the next general
78 election as provided in Section(s) 640 (~~and 645~~) of this charter. The term of office of an
79 officer who has been elected to fill a vacancy shall only be for the unexpired portion of the
80 term of the officer whose office has become vacant and shall commence as soon as he or
81 she is elected and qualified.

82 A majority of the county council may temporarily fill a vacancy by appointment
83 until the vacancy has been filled by election or the successor to the office has been elected
84 and qualified.

85 **Section 890 Employee Representation.**

86 The county council may enact an ordinance providing for collective bargaining by
87 the county with county employees covered by the personnel system. If an ordinance
88 providing for collective bargaining is enacted, it shall not be subject to the veto power of
89 the county executive; and, (~~except with respect to bargaining by the county with~~
90 ~~employees of the department of public safety pursuant to Section 898 of this charter*~~), it

91 shall designate the county executive as the bargaining agent of the county. Any
92 agreement reached as a result of negotiations by the county bargaining agent with county
93 employees shall not have the force of law unless enacted by ordinance.

94 **Section 898 repealed.** Section 898 of the King County Charter, "Department of
95 Public Safety Employee Collective Bargaining", is hereby repealed.

96 SECTION 2. The clerk of the council shall certify the proposition to the Director
97 of the Department of Elections, in substantially the following form, with such additions,
98 deletions or modifications as may be required by the prosecuting attorney:

99 Shall the King County Charter be amended to reestablish the office of
100 county sheriff as an executive appointed position represented by the
101 executive in collective bargaining with department of public safety
102 employees?



King County

**2019 King County Charter Review Commission:
Report to The King County Council**

v. 10/29/19

Commented [MP1]: Editors to date:

Commissioner Nixon
Commissioner Heller
Commissioner Saka
Commissioner Hershensohn

Revisers to date:

Commissioner Lewis
Commissioner Larson

King County, Washington

November 2019

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1. Letter to the Council



Honorable Rod Dembowski, Chair
Metropolitan King County Council

DateXXXXXX

Commented [MP2]: Highlighted sections are placeholders.

Dear Councilmember Dembowski,

Attached for the Council's review and action is the report of the 2018-2019 King County Charter Review Commission. Over the course of our deliberations, the Commission convened seven town hall style public meetings, held X meetings of the full commission, and used X subcommittee meetings to inform our work.

The Commission is recommending the 11 amendments that are included in this report. These include the three early action items that we transmitted to the Council in May of 2019. The Commission focused its work, and recommended amendments, on the changing population and demographics of King County, conforming the Charter to changes that have occurred in state law, and acknowledging the needs of the various branches of County government.

Commented [NT3]: its

The Commission operated on a consensus model, and these recommendations reflect the consensus of the Commission. We recommend that the Council forward each of these amendments to the voters. We understand that it is unlikely that all of them could be on the same ballot, so we defer to your political judgement on when and how many amendments are appropriately included in future general elections.

Commented [NT4]: Two spaces should be one

We are happy to answer any questions, and we thank you for your continued support of the Commission throughout the process.

Sincerely,

Louise Miller
Co-Chair Charter Review Commission

Ron Sims
Co-Chair Charter Review Commission

2. Executive Summary

King County is a home-rule county¹ with authority from the Washington State Constitution to establish and amend a charter form of government as its voters see fit. The King County Charter provides the basic structure for King County government. The Charter institutionalizes core values of checks and balances, accountability and oversight, and seeks to promote an effective, efficient, and responsive government. According to the Charter and King County Code, a Charter Review Commission is convened every ten years to review and recommend Charter amendments to the County Council. The Council then determines which proposed amendments to bring before the voters². This process is intended to preserve the integrity of the charter document as values and local governance issues shift over time.

The 2018-2019 Charter Review Commission, comprised of twenty-three³ citizen volunteers appointed by the King County Executive and confirmed by the King County Council, met from July 2018 to November 2019. The Commission developed its attached Charter amendment recommendations by gathering information on priority issues relevant to the Charter review process from a variety of sources, including elected and appointed King County officials and staff persons, interested organizations, members of the general public, and Commissioners' own perspectives and experiences. The Commission initially held three in-person Town Hall meetings and hosted an online Town Hall to gauge interest from the public on issues of particular concern or importance. Once an initial set of priority issues were identified, the Commission established subcommittees to develop proposed Charter amendments for the broader Commission's consideration.

Another round of Town Halls was conducted in October, 2019, to solicit public feedback on specific proposed amendments that the Commission deemed appropriate for further Council consideration. Town Halls were held in Bellevue, Shoreline, Federal Way, and Seattle.

In May of 2019, the Commission forwarded three "early action" Charter amendments to the Council to facilitate their potential inclusion on the 2019 general election ballot if the Council so desired. These three expedited recommendations are discussed in section 5 of this report. The ordinances resulting from these interim recommendations are included as Attachment C, H and I of this report.

The Commission has completed its work and now transmits its recommendations to the King County Council via this report. The Charter requires the Council to take action on each of the recommended amendments⁴. A majority vote of the people is required to pass a Charter amendment. In addition to the ordinances recommended by the Commission, this report also includes a number of additional areas where the Commission believes the public would benefit from further analysis by the Council and Executive.

The proposed amendments are as follows:

1. Preamble: Add discussion here to be expanded upon once/if a preamble amendment is included.
2. Updates and Clarifications to the Initiative and Referendum Process: Establish technical changes aligning the timelines in the Charter with changes in state election law and clarify the initiative and referendum process.

¹ Home rule charter counties have constitutional authority to establish a form of County government that differs from the commission model otherwise prescribed by statute. See [Article XI Section 4, Article XI Section 5, of the Washington State Constitution](#) (link).

² [King County Charter, Section 800](#) (link)

³ A complete list of Charter Review Commissioners is included in Section 4 of this report. Three Commissioners resigned during the process.

⁴ [King County Charter](#) (link)

Commented [NT5]: relevant

Commented [NT6]: two spaces should be one

Commented [NT7]: Should be "was", because "round" is singular

Commented [NT8]: lower case for consistency

Commented [NT9]: Capitalize

Commented [NT10]: three spaces should be one

Commented [SR11]: Query if we need to incorporate by reference the May 2019 early action report as an attachment to this report (to the extent it's not already).

Commented [NT12]: Delete apostrophe

Commented [NT13]: two spaces should be one

3. **Office of Law Enforcement Oversight (OLEO) Subpoena Power (Early Action Item):** Include subpoena power for OLEO in the Charter. This authority currently only exists in the County Code.
4. **Addition of Leadership Positions to the Exemptions from Career Service:** Create a process whereby the Council and Executive can increase the number of positions, by ordinance, that are exempt from the career service system.
5. **Removal Process for Elected Officials:** Provide a process to remove elected officials from office for malfeasance, misfeasance or violations of their oaths of office. Currently the only course of action is a recall election.
6. **County Sheriff as an Appointed Position:** Reestablish the office of County Sheriff as a ~~position nominated by the Executive appointed position and confirmed by the Council.~~
7. **Anti-discrimination:** Prohibit discrimination in county employment and contracting based on status as a family caregiver, military status, or status as ~~a~~ veteran who was honorably discharged ~~or discharged solely as a result of sexual orientation or gender~~ identity .
8. **Inquests (Early Action Item):** Specify that inquests should be performed for in-custody deaths and ~~provide grant families the family of the deceased with~~ legal representation during the inquest process.
9. **Affordable Housing (Early Action Item):** Remove a charter impediment to the sale of county property below market value for affordable housing purposes, in accordance with recent amendments to state law.
10. **Cleanup of Typographical and Grammatical Errors:** The commission has included a recommended “cleanup” amendment that makes typographical and grammatical corrections to various sections of the charter.
11. **Revise “Citizen” to “Resident”:** The charter makes several references to the concept of citizenship being necessary to access certain aspects of County Government. This amendment converts those references from citizenship to either public or resident, depending on the context.

Commented [NT14]: a position nominated by the Executive and confirmed by the council

Commented [NT15]: two spaces should be one

Commented [NT16]: the family of the deceased

3. Introduction

KING COUNTY CHARTER

In 1968 the voters of King County shifted the structure of the County from a Commission to a home rule charter form of government. As a result, the three County Commissioner structure was replaced with a County Executive and a nine-member County Council. The Charter became the guiding document for County governance by acting as a constitution and providing voter-approved direction on the operation of King County government, which serves its 2.1 million residents.

Commented [NT17]: two spaces should be one

Commented [NT18]: adjective phrase should be hyphenated

Under the King County Charter, the County Executive and County Council are required to convene a Charter Review Commission (CRC, or Commission) every ten years. The 2018-2019 CRC is comprised of 23 citizen volunteers appointed by the King County Executive and confirmed by the County Council. The Commission has regularly convened for 16 months, beginning July 2018. The Commission was tasked with developing recommendations for Charter amendments for the County Council’s consideration. This resulting report was developed by King County staff in coordination with and on behalf of the Charter Review Commission. The report describes the Commission’s recommended Charter amendments and rationale. Based on this report, the County Council may then decide to place recommended Charter changes on a general election ballot.

Commented [NT19]: two spaces should be one

Commented [NT20]: Correct spelling

Commented [NT21]: Should this mention that the Council has to prerogative to amend the recommended changes?

Commented [MP22R21]: Michael Hershensohn: It would be more tactful.

2018-2019 CHARTER REVIEW PROCESS

The process to develop recommendations consisted of several phases of review, including information gathering, subcommittee evaluation and synthesis of data and information, drafting proposed Charter amendments, determining final proposals, and gathering final input from the public. A summary of the approach is included below.

Commented [NT23]: two spaces should be one

Commented [NT24]: two spaces should be one (I am going to stop flagging these from here on -- please do a global search and replace to fix all of them)

Information Gathering: The Commission first convened in the summer of 2018 to develop an understanding of its role and of the key issues related to the Charter. The Commission's analysis was based on ideas from County Councilmembers and other King County officials and staff, feedback from the public, and perspective gained from the Commission members' own experiences. In February 2019, the Commission held three Town Hall meetings across King County (Magnuson Park, Seattle; Federal Way Community Center, Federal Way; and Chief Kanim Middle School, Redmond-Fall City) to gather input on a range of suggested issues and to identify new issues for consideration. The Commission also reached out to over one hundred interest groups and organizations to collect viewpoints on a range of priority issues.

Commented [NT25]: We should just say Fall City. It is not in Redmond at all.

Convene Subcommittees: Following the town hall meetings, the Commission established four subcommittees to further study the priority issues: Equity for All, Access, Transparency and Accountability, and Regional Coordination. Each subcommittee had two designated Co-Chairs to provide oversight and coordinate with County staff on proposed amendments that fell within the scope of its subject area. The majorityMost of the deliberation regarding the rationale and need for the proposals occurred in the subcommittees.

Commented [NT26]: Remove extraneous "t"

The Commission agreed to conduct an expedited process to review and forward to the Council for early consideration certain Charter amendments that both received prompt consensus from Commissioners and were deemed time sensitive to the Council for early consideration. These Charter amendments were labeled Early Action Items and included the following:

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- language removing a charter impediment to the sale of county property at below market value for affordable housing purposes, in keeping with recent state law amendments;
- language supporting the Office of Law Enforcement Oversight's subpoena power; and
- language establishing A) that inquests should be performed for deaths occurring in in-custody situations, and B) that familiesthe family of the deceased should receive county-provided legal representation during the inquest process.

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Commented [NT27]: This should be "power; and," (swap positions of semicolon and comma)

Commented [NT28]: the family of the deceased

The Charter amendments for the Early Action Items were developed by the Equity for All and Regional Coordination subcommittees and approved by the Commission to include in a separate report to Council. Because this report serves as the official record of the Charter Review Commission's work, the Early Action Items are also included in this report.

Commented [NT29]: Fix spelling

Prioritization: The Commission reviewed the remaining subcommittee proposals at subsequent commission meetings, and collectively determined which issues were to move forward as Charter amendment proposals, and which issues the subcommittees should continue to evaluate.

Draft Charter Amendments: In preparation for the second winnowing Commission meeting, subcommittees developed a position and a Charter amendment proposal for each of the approved issue items. Proposals were either tabled within the subcommittee or approved to move to the full Commission for consideration. Although this process varied by subcommittee, each proposal generally had one or two lead persons who coordinated with County staff to draft proposed language and rationale. The proposals were then circulated among the subcommittee for review. The subcommittee structure helped narrow down the list of proposals for the full Commission to consider by ensuring that proposals were well developed and had the support of the relevant subcommittee.

Determine Final Proposals: During the subsequent Commission meetings, the Commission considered the proposals and determined which recommendations would be included in the final report. The Commission also decided to include several proposals as issues warranting further research by the Council or by future Charter Review Commissions.

Commented [NT30]: fix punctuation

Final Input Gathering: Once the Commission reached consensus on the slate of Charter amendments to include in the final report, the Commission held four more Town Hall meetings in Bellevue, Shoreline, Federal Way, and Seattle in October of 2019 to gather additional public input on the proposed recommendations.

Commented [NT31]: We named the specific venues for the first three town halls. Should we do the same here for consistency? Or remove the named venues from the first set of town halls for consistency?

4. King County Charter Review Commission Members

Commented [HP32]: Commissioners, please review affiliation and title.

Member	Affiliation	Title
Louise Miller (Co-Chair)	King County Council	Former Councilmember
Ron Sims (Co-Chair)	U.S. Department of Housing and Urban Development	Former Deputy Secretary Former King County Executive
Tim Ceis	Ceis Bayne East Strategies	Partner
Joe Fain	Bellevue Chamber of Commerce	CEO
Elizabeth Ford	Seattle University School of Law	Distinguished Practitioner in Residence
Ian Goodhew	University of Washington Medicine	Directory of Government Relations
David Heller	Heller Law Firm, PLLC	Owner and Attorney
Michael Herschensohn	Queen Anne Historical Society	President
Sean Kelly	City of Maple Valley	Mayor
Linda Larson	Nossaman, LLP, Seattle	Partner
Clayton Lewis	Arivale	CEO and Co-Founder
Marcos Martinez	Casa Latina	Executive Director
Nat Morales	US Senator Patty Murray	King County Outreach
Toby Nixon	City of Kirkland; Washington Coalition for Open Government	Councilmember; President
Nikkita Oliver	Creative Justice	Advocacy Director
Rob Saka	Perkins Coie LLP Microsoft	Associate Attorney
Beth Sigall	Eastside Educations Network	Founder
Alejandra Tres	Municipal League of King County Foundation	Executive Director
Kinnon Williams	Inslee Best Doezier and Rider, PS	Attorney/Shareholder
Sung Yang	Pacific Public Affairs	Principal
William Ibershof (resigned)	Waste Management, Kirkland	Public Sector Manager
Jeff Natter (resigned)	Pacific Hospital Preservation and Development Authority	Executive Director
Brooks Salazar (resigned)	State of Washington	Judicial Clerk

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ii

5. Proposed Charter Amendments

Preamble:

Adding language to economic development (culture, tourism, venues, sports, parks, open space for the growing population).

Commented [MP33]: Mac coordinating

This proposed ordinance is included as Attachment A to this report.

Initiative and Referendum Process Updates and Clarifications: The CRC's proposals regarding the initiative and referendum process are mostly technical. The proposed changes align timelines in the Charter with those expressed in state election law, and include other clarifications to the Charter's initiative and referendum process.

Proposed Charter edits are summarized as follows:

- §230.40 – Clarify that it is the *intent to file* a referendum that must be submitted before the original effective date of an ordinance, not the *signed petitions*.
- §230.40 – Specify that referenda should appear only on general election ballots, to avoid the cost of a countywide special election, unless the Council specifies an earlier date.
- §230.40 – Change the number of days before an election by which the referendum must be referred to the ballot to match the state election timeline (which is now three months before the election instead of 45 days). The deadline for submission of signed petitions should be far enough ahead of the referral date to allow adequate time for signature verification.
- §230.40 – Simplify the language in this section to use the term “emergency ordinance” defined in §230.30, instead of the full description “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”.
- §230.50 – Clarify that if the council adopts a submitted initiative, it may not immediately amend the ordinance in order to avoid having to put both the original language and the alternative language on the ballot.
- §230.50 – Specify that initiatives should appear only on a general election ballot to avoid the cost of a countywide special election, unless the Council specifies an earlier date.
- §230.50.10 – Clarify that when the Council “take(s) action” on an initiative proposed by cities, it has the option to approve, amend and approve, or reject the initiative.
- §230.75 – Clarify that, if the Council adopts an ordinance submitted as an initiative, it cannot amend it before the two-year window that would have applied if the voters had approved the ordinance at the ballot.

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This proposed ordinance is included as Attachment B to this report.

Office of Law Enforcement Oversight (OLEO) Subpoena Power (previously recommended as an Early Action Item): The Charter Review Commission recommends that the Office of Law Enforcement Oversight (OLEO) have explicit Charter-based subpoena power as one option to make sure that OLEO can effectively carry out its mandate. ~~While OLEO subpoena authority currently exists in County Code, the Commission determined that inclusion of subpoena power in the Charter itself sends a strong signal that this important office should have all the investigatory tools necessary to complete its work, even though it is our hope and expectation that a subpoena would rarely need to be used. The CRC understands that inclusion of this item in the Charter doesn't immediately create the authority; however, there was a compelling reason to not provide the office with a compelling reason to not provide the office with this power that other county agencies currently possess.~~ While OLEO subpoena authority currently exists in County Code, the Commission determined that inclusion of subpoena power in the Charter itself sends a strong signal that this important office should have all the investigatory tools necessary to complete its work, even though it is our hope and expectation that a subpoena would rarely need to be used.

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This proposed ordinance is included as Attachment C to this report.

Addition of Leadership Positions to the Exemptions from Career Service: The Career Service System is intended to insulate day-to-day employees from political pressure and patronage. Also known as a civil service system, King County's Career Service System covers most non-executive level employees who work for King County. The County's exclusions from Career Service coverage are individually defined by the Charter. While they are not included in the Charter's list of exemptions, positions like Division Directors and their confidential secretaries are excluded by county code. Thus, there is a risk that these exemptions could be viewed as being inconsistent with the Charter.

The Commission wanted to recognize the need to conform the Charter to the reality of modern-day management, where positions like Division Director, Deputy Director, Chief Financial Officer or Chief of Staff may be outside of the traditional scope of career service, and in fact are senior leadership positions within the Executive branch.

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Commented [NT38]: adjective phrase should be hyphenated

Commented [NT39]: the hyphens before and after "in fact" are not necessary

The Commission recommends that Section 550 of the Charter be amended to include "other leadership positions as defined by ordinance." This will afford the Legislative and Executive branches of County Government sufficient flexibility to determine the particular leadership positions that are appropriate for civil service coverage.

This proposed ordinance is included as Attachment D.

Removal Process for Elected Officials: The Charter Review Commission recommends a Charter amendment that would provide a process to remove elected officials for cause. The possibility of removal of an elected official is an extremely serious issue and the Commission believes there should accordingly be a very high standard for conduct justifying removal. As such, the Commission recommends that misfeasance, malfeasance, or violation of the oath of office should be the standard for removal. This standard is parallel to the one that which applies to the recall of elected officials pursuant to Chapter 29A.56 RCW

Commented [NT40]: add "and Article I Section 33 of the Washington state constitution". This provides more weight to the recommendation.

The Commission recommends the following section be added to the Charter:

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Any officer holding an elective county office may be removed from office, and the office shall be deemed vacant, when it is determined by an ordinance approved by an affirmative vote of at least seven council members that the officer has committed an act or acts of malfeasance or misfeasance while in office, or has violated his or her oath of office. A councilmember

shall not vote on his or her own removal. The council shall provide the officer with due notice setting forth the charges upon which the proposed removal is based and indicating the time and place of the council's consideration. The officer shall have the right to be present, to be assisted by counsel, to offer evidence, and to be heard in the officer's own defense. The county council shall adopt by ordinance rules of procedure governing the time, place and conduct of such hearings. An ordinance directing removal shall not be subject to veto or referendum.

This proposed ordinance is included as Attachment E to this report.

County Sheriff as an Appointed Position: The Charter Review Commission recommends a Charter amendment that would reestablish the office of County Sheriff as an Executive appointed position. The Commission believes that an appointed sheriff would better serve the county at this time because:

- Integrity, impartiality, and professionalism are promoted by removing politics from the office of sheriff.
- Current laws foster transparency and access to information in a manner that was not true when concerns about corruption led to an elected sheriff.
- The candidate pool would be national rather than restricted to registered King County voters who have lived in the County for a year or more. In practice, the present system limits the candidate pool to current deputies of the King County Sheriff's Office. Experienced, qualified law enforcement professionals would be more likely to apply for an appointed position.
- The sheriff could be removed for cause if needed; currently there is no process for doing so other than a contested election (either the next election or a recall election).
- The sheriff's department would avoid internal negative effects from an election contest between two internal candidates.
- The Commission is aware that other Washington counties elect their sheriffs. However, King County had an appointed sheriff for decades, until 1996. Also, throughout the state, chief law enforcement officers other than sheriffs, i.e., police chiefs, are appointed.

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This proposed ordinance is included as Attachment F to this report.

Anti-Discrimination Language: The Commission recommends that additional antidiscrimination language be added to Section 840 of the King County Charter. The antidiscrimination language would apply to King County as an employer and as a contract party and would prohibit discrimination based on a) status as a family caregiver; and b) military status or status as a veteran who was honorably discharged or who was discharged solely as a result of sexual orientation or gender identity.

Many families are dealing with the very real implications of having an elderly parent or an infant child that requires care to be provided by another family member or professional care provider. Since very few individuals can afford to pay out-of-pocket for care, this responsibility often falls to other family members. The Commission believes that those required by circumstances to be that provider of care should not be discriminated against in county hiring or contracting.

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In addition, the Commission believes that those that have served our country through military service should be protected against discrimination in hiring and contracting. Those having been honorably discharged or other than honorably discharged due to their sexual identification or gender identity also should be protected and honored, not discriminated against.

This proposed ordinance is included as Attachment G to this report.

Inquests (previously recommended as an Early Action Item): The Charter Review Commission recommends that the King County Charter be amended to add the following two provisions: 1) guarantee the right to counsel (at County expense) to families of the decedent for an inquest; and 2) require an inquest to be held where a death might have resulted from a member of any law enforcement agency's action, decision, or possible failure to offer the appropriate care. "Member of any law enforcement agency" includes noncommissioned staff and agents of detention facilities or corrections facilities, to encompass deaths relating to a person's in-custody status. The Commission felt that understanding in-custody deaths, learning from each death, and using information to make positive changes to the system, outweighed any concern about cost or about having too many inquests.

This proposed Charter amendment ordinance is included as Attachment H to this report.

Affordable Housing language (previously recommended as an Early Action Item): The Commission recognizes the importance of affordable housing and believes the County should have access to all options available under the law to address the affordable housing shortage. Washington state law changed in 2018 to allow local governments, in some circumstances, to sell publicly-owned land for less than full market value, for affordable housing purposes. The Charter Review process affords the County the opportunity to revise the Charter to reflect this change in State statute, and to remove a charter based impediment to such sales. Thus, the Commission recommends eliminating the existing Charter language that prohibits such an action, bringing the Charter into line with state law. While there may still be a number of other restrictions preventing such sales, removing the Charter prohibition will allow the County to exercise have that option should it otherwise be legally permissible otherwise legally allowable. The Commission recognizes the importance of County A report from the Regional Coordination subcommittee is also included as Attachment I to this report; it contains a number of additional matters the Council would need to consider before prior to undertaking actual below-market land sales, should this amendment pass.

This proposed ordinance is included as Attachment I to this report.

Cleanup of Typographical and Grammatical Errors:

As part of its initial work, the Commission identified a number of typographical and grammatical errors in the Charter. While not as pressing as the policy issues contained within this report. The Commission believes this amendment should be forwarded to voters to clarify and correct those errors.

This proposed Charter amendment ordinance is included as Attachment J to this report.

Revise "Citizen" to "Resident":

There are many instances in the charter where the word "citizen" is used generally to mean "person who lives in King County." This is not surprising due to the fact that the Charter was written more than 50 years ago. It may be that the word "Ceitizen" was used in those days as a synonym for "civilian", i.e., a person who is not employed by the government. However, the Commission believes

Commented [NT45]: Propose moving this sentence to the end of this section for consistency with other sections

Commented [NT46]: In a previous section, we used "(a)" and "(b)" instead of "(1)" and "(2)" for such a list. Should we scan the whole document for consistency?

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Commented [NT52]: Put quotes around both "Citizen" and "Resident" separately

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~~that Citizenship is not actually a requirement- itizenship is not and should not be a requirement to access the services and institutions of County government.~~

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- Commented [NT55]: put quotes around "resident"
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- Commented [NT57]: fix spelling

This amendment converts references to citizenship to either "public" (instances like public participations) or to "resident" (description of those living in the county). The ~~amendment also would actually create is a renaming of~~ the "Office of Citizen Complaints" to the "Office of Public Complaints."

There is one reference to citizenship that will remain in the Charter if this amendment is passed. Currently State law requires citizenship to hold elective office in ~~Washington the State~~. The Commission has not recommended removing this reference ~~at this time unless and until the State law changes.~~

6. Topics Encouraged for Further Consideration by the Council

Items for Further Council Study (areas where the Commission spent some time but couldn't get to consensus):

i. Ranked Choice Voting – there was extensive discussion about ways to increase participation in the election process, increase the number of candidates running for office (particularly persons of color), ~~make elections more efficient, and reduce the level of partisanship in the County. One approach which was specifically discussed by the Commission was the adoption of Ranked Choice Voting. The pros and cons of this idea are complex. Therefore the~~ Commission recommends ~~that~~ the County convene a non-partisan workgroup to examine the implementation of Ranked Choice Voting in King County. ~~A discussion and staff work surrounding this concept is included as Appendix I.~~

Commented [NT58]: recommending putting these words in parentheses instead of setting off with a hyphen.

ii. ~~Additional Non-Discrimination language: (immigration status, criminal history, natural hair.)~~ In addition to the amendment that has been forwarded to the Council, the Commission believes that the County should study ~~the possibility of adding immigration status, criminal history, and choices about styling of hair to the list of protected classes in the Charter. (The Commission notes that in June, 2019, California banned discrimination against individuals based upon the expression of their natural hair.) Particularly with regard to immigration protections status and criminal history, there are potential legal and policy situations-iderations that would need careful analysis; if such non-discrimination language were adopted, it might be necessary to carve out certain exceptions. June, 2019, California banned discrimination against individuals based upon the expression of their natural hair. The Commission believe King County should also study this protection.~~

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Items Worth Consideration (that the Commission did not have time for):

i. Public Advocate or Community Advocate – ~~Late during the CRC process, a recommendation came from the community, that the County a recommendation from the Community came in late during the CRC process. This recommendation was that the County look at creating a community advocate position, potentially similar to based on the Public Advocate position that has long existed within New York City Government. The Commission thought this idea might be worthy of further consideration work, but did not have time to study or template this idea or its implications.~~

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7. Conclusion

The Commission thanks the Council and Executive for the support ~~you have shown~~ to us throughout the process. We were excited to work on real policy issues that impact the 2.1 million residents of King County.

We recommend that you forward each of the ~~X~~ amendments to the voters. We do not express a preference on order or ranking of the amendments as we believe each should be forwarded. The Commission would be happy to address any questions you might have about our work.

We would also like to thank the County Staff and Triangle Associates, who supported our work throughout the process.

Finally, Triangle ~~and~~ Associates will be doing some close-out work on this project and will be interviewing those Commissioners who are interested. We recommend that ~~you~~ the County Council provide that feedback to the next Charter Review Commission so that some of what we have learned throughout this process can be passed on to the next Commission. We believe this might help the next Commission “avoid having to “re-invent the wheel”.

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8. Attachments

ATTACHMENT A – PREAMBLE ORDINANCE

ATTACHMENT B – INITIATIVE AND REFERENDUM PETITIONS ORDINANCE AND STAFF REPORT

ATTACHMENT C – OFFICE OF LAW ENFORCEMENT OVERSIGHT ORDINANCE AND STAFF REPORT

ATTACHMENT D – ADDITION OF LEADERSHIP POSITIONS TO THE EXEMPTIONS FROM CAREER SERVICE ORDINANCE

ATTACHMENT E – ELECTED OFFICIAL REMOVAL ORDINANCE

ATTACHMENT F – APPOINTED SHERIFF ORDINANCE AND STAFF REPORT

ATTACHMENT G – NON-DISCRIMINATION ORDINANCE AND STAFF REPORT

ATTACHMENT H – INQUESTS ORDINANCE AND STAFF REPORT

ATTACHMENT I – HOUSING ORDINANCE, COMMISSIONER REPORT, AND STAFF REPORT

ATTACHMENT J – CLEANUP OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS ORDINANCE

ATTACHMENT K – REVISE “CITIZEN” TO “RESIDENT” ORDINANCE

9. Appendices

APPENDIX I – ITEMS RECOMMENDED FOR FURTHER COUNCIL STUDY

- A. RANKED CHOICE VOTING
- B. NON-DISCRIMINATION: IMMIGRATION STATUS, CRIMINAL HISTORY, AND NATURAL HAIR
- C. PUBLIC ADVOCATE OR COMMUNITY ADVOCATE

APPENDIX II – STAFF REPORTS ON TOPICS NOT PROPOSED BY THE COMMISSION

- A. STAFF REPORT ON RANKED CHOICE VOTING
- B. STAFF REPORT ON SIZE OF COUNTY COUNCIL
- C. STAFF REPORT ON COUNTY’S REGIONAL COMMITTEES
- D. STAFF REPORT ON ELECTED PUBLIC DEFENDER
- F. STAFF REPORT ON PUBLIC FINANCING OF CAMPAIGNS

APPENDIX III – WRITTEN PUBLIC COMMENTS RECEIVED BY THE COMMISSION

- A. PUBLIC COMMENTS RECEIVED THROUGH OCTOBER 22, 2019
- B. LETTERS FROM COUNTY COUNCILMEMBERS, BOARDS, AND OFFICES
- C. FEBRUARY 2019 TOWN HALL SIGN INS AND TABLE NOTES
- D. OCTOBER 2019 TOWN HALL SIGN INS AND TESTIMONIES

To: King County Charter Review Commission

From: George Cheung, More Equitable Democracy

RE: Proposals for King County Charter Amendments

Date: November 5, 2019

This memo lays out a series of potential amendments to the King County Charter. Ideally, the King County Charter Review Commission would have a robust public process so that residents like myself would have an opportunity to learn, deliberate, and recommend a series of meaningful structural reforms. However, I have been extremely disappointed in the lack of effort to engage the public, which has resulted in a series of dismally attended events. I hope you will incorporate these ideas into your final report as you complete your work.

1. **Deliberative democracy for future charter review commissions.** Instead of an appointed body of political insiders, King County should use a modified jury process to seat an assembly of around 50 residents who are truly reflected of the broader community. The body should have an opportunity to learn about the charter, deliberate, and send recommendations directly to the ballot.
2. **Ranked choice voting for county-wide offices.** As all offices are nonpartisan, the top-two primary only serves to whittle down the field. However, turnout in these primaries is incredible low and not reflective of the broader electorate. By implementing ranked-choice voting, the county can dispense with this costly process and have one high-turnout general election where voters will not have to vote strategically.
3. **Proportional representation for county council.** Races for county council can be described as non-competitive and result in a very undiverse body. In fact, only three people of color have ever been elected to that body, all from South Seattle. By switching to three 3-member districts with ranked choice voting, all seats become instantly competitive and would very likely result in better representation, particularly for communities of color in South King County.
4. **Moving to even election years.** Turnout in odd-year elections is always lower than even-year elections. Though there is some limited value in having local races separate so that there is more public attention paid, more participation in those election creates more legitimacy and accountability. King County should follow Pierce County and move all county elections to even numbered years. Countywide offices can be timed for the midterm elections so as not to conflict with the presidential elections.

5. **Independent redistricting commission for county council.** Council districts, whether three (as proposed above) or nine, ought to be drawn by a truly independent body and not by the council or its proxies. In fact, the council has a history of attempting to draw lines to punish a councilmember who dared challenge and defeat an incumbent.
6. **Limits to political fundraising.** Similar to the state legislature, there should be a freeze on fundraising during years when councilmembers are not up for election. This could address potential pay-to-play dynamics where political contributions have a large impact on public policy. Further, candidates should not be able to surplus funds for future campaigns.
7. **Revolving door ban.** Former councilmembers should have a “cooling off” period of 2-4 years after public service. During this time, these individuals should be banned from actively lobbying their former colleagues.
8. **Resign to run.** If a county elected official decides to run for another office, they should be forced to resign. Many such officials spend much of their time focused on the campaign and not on the work of running county government.
9. **Expanding the franchise.** King County should increase the franchise by allowing 16 and 17 year olds as well as non-citizen residents to vote for county offices.

Survey got 40 responses

1/14 Executive
1/14 Lambert
2/14 Nixon
2/15 Oliver
2/15 King County Council
2/16 King County
2/19 King County
2/19 Baldacci
2/20 King County
2/20 King County Council
3/7 Salazar
6/3 King County Council
7/3 Nixon

Twitter

2/15 Oliver
2/15 King County Council
2/15 King County
2/15 Ames Lake Community Center (rt)
2/18 Oliver
2/26 Morita
2/27 Morita
5/10 Municipal League

David Perez
Margaret Morales
Michael Byun