

1. 05/11/2016 - Snohomish County Charter Review Commission Agenda

Documents: [2016_05111 AGENDA.PDF](#)

2. 05/11/2016 - Snohomish County Charter Review Commission Appeals

Documents: [2016-39 APPEALS.PDF](#)

3. 05/11/2016 - Snohomish County Charter Review Commission Ballot Language

Documents: [2016-38 BALLOT LANGUAGE.PDF](#)

Snohomish County
Charter Review Commission
8th Floor Robert J. Drewel Building
Jackson Board Room
Wednesday, May 11, 2016
7:00 p.m. – 9:00 p.m.
AGENDA

7:00 p.m. Call to Order

Flag Salute/Roll Call

Agenda Order

Public Comments (7:10 p.m.)

Approval of the Minutes:

Report from Chair

Business Items

1. Review of Charter Amendment Language
 1. Proposal 2016-02 - Revisions to Districting Timeline and Procedures
 2. Proposal 2016-04 - Adding Office of Ombudsman to Charter
 3. Proposal 2016-18 - Timing of Budget Submission
 4. Proposal 2016-10 - Confirmation of Department Heads
 5. Proposal 2016-19 - Update Charter Language on Nondiscrimination
 6. Proposal 2016-42 - Make County Prosecutor Nonpartisan

Old Business

1. Charter Amendment Study Item
 1. Proposal 2016-31 - Require Appeals of Hearing Examiner to go to Superior Court

New Business

9:00 p.m. Adjournment

Next meeting is currently scheduled for May 18 at the Snohomish County Courthouse

Agenda Topics

Study Items

Proposal 2016-31 - Require Appeals of Hearing Examiner to go to Superior Court

Proposal 2016-29 - Campaign Finance Reform

Proposal 2016-39 - Proposal to Eliminate Certain Independent Executives

Proposal 2016-40 - Coordination of Public Safety Services

[NOTE: Times shown on Agenda are approximate]

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-39	
SUBJECT TITLE: Require Appeals of Hearing Examiner to go to Superior Court	Meeting Date: May 11, 2016
Estimated Presentation Time: 5 minutes	Exhibits:

RECOMMENDATION: The Commission should postpone discussion of Charter Amendment Proposal 2016-31, Require Appeals of the Hearing Examiner to go to Superior Court to the May 18 meeting.

SUMMARY:

At the May 4, 2016 meeting of the Commission, the Commission unanimously tabled the discussion to the May 11 meeting.

During the meeting, Commissioners asked for more information about the county council's role in hearing appeals of the hearing examiner. Specifically, Commissioner Chase asked about the consequences of the proposal, Commissioner Roulstone asked how often the council overturns a decision of the hearing examiner and Vice Chair Terwilliger asked what types of proposals are appealed. This information will not be ready for the Commission's meeting on May 11 and the recommendation of the Chair is to postpone this discussion until the May 18 meeting.

SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-38	
SUBJECT TITLE: Review of Charter Amendment Language	Meeting Date: May 4, 2016
Estimated Presentation Time: 60 minutes	Exhibits: 1. Revisions to Districting Timeline and Procedures 2. Adding Office of Ombudsman to Charter 3. Timing of Budget Submission 4. Confirmation of Department Heads 5. Update Charter Language on Nondiscrimination 6. Make County Prosecutor Nonpartisan

RECOMMENDATION: The Commission should review proposed amendments to the Charter for Charter Amendment Proposals 2016-02, Revisions to Districting Timeline and Procedures and 2016-04, Adding Office of Ombudsman to Charter, Proposal 2016-18, Timing of Budget Submission, Proposal 2016-10, Confirmation of Department Heads, Proposal 2016-19, Update Charter Language on Nondiscrimination, and Proposal 2016-42, Make County Prosecutor Nonpartisan.

SUMMARY:

At the March 16, 2016 meeting of the Commission, the Commission moved to review potential amendments to the Charter on two proposals. 2016-02, Revisions to Districting Timeline and Procedures and 2016-04, Adding Office of Ombudsman to Charter.

At the April 6, 2016 meeting of the Commission, the Commission moved to review potential amendments to the Charter on 2016-18, Timing of Budget Submission.

At the April 20, 2016 meeting, the Commission moved to review potential amendments to the Charter on three proposals, 2016-19, Update Charter Language on Nondiscrimination, Proposal 2016-42, Make County Prosecutor Nonpartisan, and Proposal 2016-10, Confirmation of Department Heads.

Exhibits 1 through 6 contain potential amendments to the Charter that reflect the intent of the Commission.

The Commission should review the potential amendments and, if necessary, direct staff to conduct additional analysis on each proposal.

The proposed ballot titles in each exhibit will be drafted by the Prosecuting Attorney, not the Commission. The ballot title in each exhibit is illustrative of what the ballot title may look like.

A final vote on each proposition to send it to the voters will occur at a future meeting of the Commission.

BACKGROUND:

Revisions to Districting Timeline and Procedures

On March 16, the Commission held a discussion on Charter Amendment Proposal 2016-02, Revisions to Districting Timeline and Procedures.

Exhibit 1 shows potential language for amending the Charter.

Discussion

At the March 16 meeting, the Commission directed staff to come back with revisions to the procedures of the districting committee and come back with options of the role the county council may play in the adoption of the districting plan.

On April 28, Commission staff met with the county auditor with the draft language as prepared by the Commission attorney. The auditor found no problems with the proposed language.

Exhibit 1 shows five different options for the role the council would play in adoption of the districting plan. Each option includes the same language requiring the districting master to submit the plan to the districting committee by November 1 and setting the adoption date of the districting plan eight months after the receipt of federal decennial census data or other such period established by state law.

Option 1 provides timing and terminology changes only. The council adopts the districting plan recommended by the districting committee.

Option 2 provides that the districting committee plan adopts the final plan and files the plan with the county auditor. The auditor would need to develop policies for acceptance of the districting plan. In discussions with the auditor, the auditor would also need to develop policies to resolve minor errors in the plan.

Option 3 provides that the council adopts the districting plan, but cannot amend the plan submitted by the districting committee by more than two percent of the population in any council district.

Option 4 provides that the council adopts the districting plan, but can only amend the plan submitted by the districting committee through the affirmative vote of four members of the council.

Option 5 provides that the council adopts the districting plan, but can only amend the plan submitted by the districting committee through the affirmative vote of four members of the council but cannot amend the plan submitted by the districting committee by more than two percent of the population in any council district.

In order to proceed, the Commission will need to select which option for the role the council would play in the adoption of the districting plan.

Adding Office of Ombudsman to Charter

On March 16, the Commission held a discussion on Charter Amendment Proposal 2016-04, Adding Office of Ombudsman to Charter. During the discussion, the Commission asked for the Charter to be amended to include the office as part of the Charter.

Exhibit 2 shows potential language for amending the Charter.

Based on the Commission's decision to move forward with gender-neutral language, Commission staff suggests that the office be entitled "Office of Citizen Complaints" in the Charter. This is the title of the office found in the King County Charter. The state generally and in state law refers to the office as the Office of the Ombud or Ombuds.

At the May 4, 2016 meeting of the Commission, representatives from the League of Women Voters suggested the office should be called "Citizen Advocate."

The language also includes a provision stating that the office would monitor certain whistleblower, ethics, and human rights proceedings.

Timing of Budget Submission

On April 6, the Commission held a discussion on Charter Amendment Proposal 2016-18, Timing of Budget Submission. During the discussion, the Commission directed staff to prepare an amendment the Charter to require the county executive to submit the budget by September 1 from October 1.

The draft language also includes some clarifying language that the September 1 deadline exists whether the council uses a biennial or annual budget.

Exhibit 3 shows potential language for amending the Charter.

Confirmation of Department Heads

On April 20, the Commission held a discussion on Charter Amendment Proposal 2016-19, Confirmation of Department Heads. During the discussion, the Commission directed staff to prepare an amendment the Charter requiring the county council to act on an appointment from the executive within a certain time period and to clarify that in the event an appointment is not confirmed, the appointee can no longer serve in that position for a period of time.

Exhibit 4 shows potential language for amending the Charter.

Update Charter Language on Nondiscrimination

On April 20, the Commission held a discussion on Charter Amendment Proposal 2016-19, Update Charter Language on Nondiscrimination. The Commission unanimously directed staff to prepare an amendment to the Charter to remove "race, creed, color, sex, age or handicap," and replace the enumerated list with a reference to state and federal law.

Exhibit 5 shows potential language for amending the Charter.

Make County Prosecutor Nonpartisan

On April 20, the Commission held a discussion on Charter Amendment Proposal 2016-42, Make the County Prosecutor Nonpartisan. During the discussion, the Commission directed staff to prepare an amendment making the office a nonpartisan office.

Exhibit 6 shows potential language for amending the Charter.

ALTERNATIVES:

The Commission may delays a vote to a subsequent meeting or elect to consider combining a proposal with another proposal.

PROPOSITION NO. ____

Redistricting Process

A. Proposed Ballot Title:

The Snohomish County Charter Review Commission has proposed amendments to the Snohomish County Charter concerning the redistricting process for county council districts. This proposition would revise deadlines for appointing the districting committee and districting master and _____ [to be completed following review of options below] _____. Should this proposition be:

Approved

Rejected

B. Charter Amendments Required:

Section 4.60 Districting Committee

~~((Within thirty days after each federal decennial census data is received from the state redistricting commission or its successor))~~ During the month of January 2021, and by January 31 of each tenth year thereafter, a five-member districting committee shall be appointed. The county council shall appoint four persons to the committee, two members from each major political party from a list of five submitted by the party's central committee, the four members to appoint the fifth member who shall be chair. Members of the districting committee shall serve without salary but shall be compensated for reasonable-out-of-pocket expenses. The districting committee shall ~~((within thirty days of its appointment, meet and))~~ appoint a districting master who shall be qualified by education, training and experience to draw a redistricting plan. If the districting committee is unable to agree upon the appointment of a districting master ~~((within thirty days))~~ by April 1, the county council shall appoint a districting master.

Section 4.60 Districting Plan

Option 1 - Timing/Terminology Changes Only

~~((Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption.))~~ The districting master shall draw a districting plan for the county which shall be submitted to the districting committee by November 1. Following public hearing at least ~~((one week))~~ seven days in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as

amended by at least four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by the districting committee. No later than ~~((the first day of June))~~ eight months following the county's receipt of ((the)) federal decennial census data from the state, or within such other period as may be established by state law, the county council shall adopt by ordinance a districting plan.

Option 2 – Districting Committee Adopts Final Plan (No Council Action), plus Timing/Terminology

~~((Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption.))~~ The districting master shall draw a districting plan for the county which shall be submitted to the districting committee by November 1. Following public hearing at least ((one week)) seven days in advance, the districting committee shall adopt the districting plan ((within thirty days)) as submitted or as amended by at least four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by the districting committee. ((No later than the first day of June following the receipt of the census data from the state, the county council shall adopt by ordinance a districting plan.)) The districting plan shall be adopted and filed no later than eight months following the county's receipt of federal decennial data from the state, or within such other period as may be established by state law, and shall take effect upon filing.

Option 3 – Council Adopts Final Plan with Two Percent Limitation on Amendments, plus Timing/Terminology

~~((Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption.))~~ The districting master shall draw a districting plan for the county which shall be submitted to the districting committee by November 1. Following public hearing at least ((one week)) seven days in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as amended by at least four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by the districting committee. No later than ((the first day of June)) eight months following the county's receipt of ((the)) federal decennial census data from the state, or within such other period as may be established by state law, the county council shall adopt by ordinance a districting plan, provided that if the council amends the plan adopted by the districting committee the area amended may not include more than two percent of the population of any council district.

Option 4 - Council Adopts Final Plan with Supermajority

Requirement for Amendments, plus Timing/Terminology

~~((Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption.))~~ The districting master shall draw a districting plan for the county which shall be submitted to the districting committee by November 1. Following public hearing at least ~~((one week))~~ seven days in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as amended by at least four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by the districting committee. No later than ~~((the first day of June))~~ eight months following the county's receipt of ~~((the))~~ federal decennial census data from the state, or within such other period as may be established by state law, the county council shall adopt by ordinance a districting plan, provided that any amendment to the plan adopted by the districting committee must be approved by at least four affirmative votes.

Option 5 - Council Adopts Plan with Both Two Percent Limitation and Supermajority Requirement, plus Timing/Terminology

~~((Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption.))~~ The districting master shall draw a districting plan for the county which shall be submitted to the districting committee by November 1. Following public hearing at least ~~((one week))~~ seven days in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as amended by at least four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by the districting committee. No later than ~~((the first day of June))~~ eight months following the county's receipt of ~~((the))~~ federal decennial census data from the state, or within such other period as may be established by state law, the county council shall adopt by ordinance a districting plan, provided that any amendment to the plan adopted by the districting committee must be approved by at least four affirmative votes and the area amended may not include more than two percent of the population of any council district.

PROPOSITION NO. ____
Office of Citizen Complaints

A. Proposed Ballot Title:

The Snohomish County Charter Review Commission has proposed an amendment to the Snohomish County Charter concerning creation of an office to investigate complaints about county government. This proposition would direct the County Council to establish an Office of Citizen Complaints to investigate and make recommendations on complaints concerning county government, and monitor certain whistleblower, ethics, and human rights proceedings. Should this proposition be:

Approved

Rejected

B. Charter Amendment Required:

New Section:

Section 2.160 Office of Citizen Complaints

The county council shall establish by ordinance within the legislative branch an office of citizen complaints for the purpose of receiving, investigating, and making recommendations to the council and appropriate county agencies on complaints concerning the operation of county government. The office shall have appropriate legal authority and adequate funding, as determined by the council, and shall use generally accepted standards for similar offices. In addition to other duties prescribed by ordinance, the office shall monitor and report to the council on the nature and disposition of all whistleblower, ethics, and human rights complaints filed pursuant to other county ordinances or procedures.

PROPOSITION NO. ____
Annual or Biennial Budget Process

A. Proposed Ballot Title

The Snohomish County Charter Review Commission has proposed amendments to the Snohomish County Charter concerning the annual or biennial budget process. This proposition would establish a deadline of September 1 for the County Executive to present proposed annual or biennial budgets and related material to the County Council. Should this proposition be:

Approved

Rejected

B. Proposed Charter Amendments

Section 6.20 Presentation of Proposed Budget

~~((At least seventy five days prior to the end))~~ By September 1 of each fiscal year ~~((preceding the preparation of))~~ subject to an annual budget, or ~~((one hundred days prior to the end of each fiscal))~~ the second year ~~((preceding the preparation of a biennial budget))~~ of each fiscal biennium, the county executive shall present to the county council a complete proposed budget and budget message, including a budget ordinance which identifies proposed operating and capital appropriations and estimated revenues and reserves necessary to balance the budget for the next fiscal year or biennium, as determined by the council. The county executive shall present to the county council proposed tax and revenue ordinances which may be necessary to generate additional resources not being collected in the current year. The county executive also shall present to the county council a proposed capital improvement program for the next six fiscal years. Copies of the proposed budget, budget message, ordinances and capital improvement program shall be delivered to each council member. Copies of the

proposed budget, budget message and ordinances shall be furnished by the county executive to any interested person for a reasonable fee as established by ordinance and shall be available for public inspection at the office of the county executive.

DRAFT

PROPOSITION NO. ____

Confirmation of Chief Executive Officers

A. Proposed Ballot Title:

The Snohomish County Charter Review Commission has proposed amendments to the Snohomish County Charter concerning County Council confirmation of chief officers of executive departments. This proposition would establish a ninety-day deadline for County Council action to confirm or reject appointments by the County Executive and prohibit reappointment of rejected appointees for a period of one year. Should this proposition be:

Approved

Rejected

B. Charter Amendment Required:

Section 3.40 Appointments by County Executive and Confirmation

The county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office, except the separately elected offices. The executive shall inform the council upon making an appointment. The council shall confirm or reject the appointment by motion within ninety days of the appointment. Failure by the council to confirm or reject an appointment within ninety days shall constitute council consent to the appointment. An appointee whose appointment is rejected by the council shall not be reappointed to the same position for a period of one year from the date of council action. The county executive may appoint a confidential secretary and a deputy county executive without council confirmation.

PROPOSITION NO. ____

Nondiscrimination

A. Proposed Ballot Title:

The Snohomish County Charter Review Commission has proposed an amendment to the Snohomish County Charter concerning the County's policy of nondiscrimination. This proposition would simplify charter language concerning nondiscrimination to incorporate protections provided by state and federal anti-discrimination laws and eliminate outdated or incomplete references to protected classes. Should this proposition be:

Approved

Rejected

B. Charter Amendments Required:

Section 9.05 Nondiscrimination

In the exercise of its powers and in the performance of its duties, the county shall ensure that no person is discriminated against ~~((because of race, creed, color, sex, age, handicap))~~ in violation of state or federal anti-discrimination law, or on any other basis not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.

PROPOSITION NO. ____

Office of Prosecuting Attorney

A. Proposed Ballot Title:

The Snohomish County Charter Review Commission has proposed an amendment to the Snohomish County Charter concerning the office of County Prosecuting Attorney. This proposition would convert the office of County Prosecuting Attorney from a partisan office to a non-partisan office. Should this proposition be:

Approved

Rejected

B. Charter Amendment Required:

Section 4.15 Non-Partisan Offices

The offices of county treasurer, county auditor, county assessor, county sheriff, county prosecuting attorney, and county clerk shall be non-partisan offices.

