

1. 05/18/2016 - Snohomish County Charter Review Commission - Final Agenda  
Documents: [2016\\_0518 AGENDA-B.PDF](#)
2. 05/18/2016 - Snohomish County Charter Review Commission - Appeals  
Documents: [2016-42 APPEALS.PDF](#)
3. 05/18/2016 - Snohomish County Charter Review Commission - Campaign Finance  
Documents: [2016-38 CAMPAIGN FINANCE.PDF](#)
4. 05/18/2016 - Snohomish County Charter Review Commission-Date Of County Elections  
Documents: [2016-39 DATE OF COUNTY ELECTIONS.PDF](#)
5. 05/18/2016 - Snohomish County Charter Review Commission - Independent Executives  
Documents: [2016-40 INDEPENDENT EXECUTIVES.PDF](#)
6. 05/18/2016 - Snohomish County Charter Review Commission - Public Safety  
Documents: [2016-41 PUBLIC SAFETY.PDF](#)
7. 05/18/2016 - Snohomish County Charter Review Commission Agenda  
Documents: [2016\\_0518 AGENDA.PDF](#)
8. 05182016- Charter Review Commission Extended Agenda

\* **May 18**

- Review of preliminary charter language
  1. Budget
  2. Confirmation of Department Heads
  3. Union Negotiations

**Snohomish County**  
**Charter Review Commission**  
8<sup>th</sup> Floor Robert J. Drewel Building  
Jackson Board Room  
Wednesday, May 18, 2016  
7:00 p.m. – 9:00 p.m.  
AGENDA

7:00 p.m. Call to Order

**Flag Salute/Roll Call**

**Agenda Order**

**Guest:** County Clerk Sonya Kraski

**Public Comments** (7:20 p.m.)

**Approval of the Minutes:**

**Chair's Report**

**Business Items**

1. Charter Amendment Study Items
  1. Proposal 2016-29 - Campaign Finance Reform
  2. Proposal 2016-38 - Change Date of County Elections
  3. Proposal 2016-39 - Proposal to Eliminate Certain Independent Executives
  4. Proposal 2016-40 - Coordination of Public Safety Services

**Old Business**

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

**New Business**

**Adjournment** 9:00 p.m.

*Next meeting is currently scheduled for May 25 at the Snohomish County Courthouse*

Agenda Topics

*Study Items*

*Review of Amendment Language*

*[NOTE: Times shown on Agenda are approximate]*

<b>SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-42</b>	
<b>SUBJECT TITLE:</b> Require Appeals of Hearing Examiner to go to Superior Court	<b>Meeting Date:</b> May 18, 2016
<b>Estimated Presentation Time:</b> 15 minutes	<b>Exhibits:</b>

**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 11, 2016 meeting of the Commission, the Commission unanimously tabled the discussion to the May 18 meeting.

During the May 4, 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.

**BACKGROUND:**

*Appeals of Hearing Examiner decisions*

The only types of appeal of the hearing examiner from 2006-2012 were land use appeals. Table 1 shows the list of appeals to either the county council or superior court and the disposition of those appeals.<sup>1</sup>

Table 1 Land Use Appeals of the Hearing Examiner 2009-2013

Year	Case	Outcome	Where Appealed
2009	05 121365 Seabrook	Denied	Council
2009	05 122348 Highbridge Estates	Denied	Council
2009	06 125856 Lake Goodwin RCS II	Denied	Council

<sup>1</sup> Outcome as stated in the annual report of the hearing examiner. Cases from 2009 that state “remain open” or “pending” have likely been decided.

Year	Case	Outcome	Where Appealed
2009	08 104140 Dubuque Wood Creek Estates	Granted	Council
2009	05 119515 Lake Armstrong	Remains open	Court
2009	06 125856 Lake Goodwin RCS II	Settled	Court
2009	06 127496 Degrazia	LUPA Dismissed	Court
2009	07 104292 Dubuque Ridge 1 & 2	Remains open	Court
2009	07 113862 Winter/DeJong	LUPA Dismissed	Court
2010	05 122348 Highbridge Estates RCS	Pending	Council
2010	06 125856 Lake Goodwin RCS II	Affirmed Decision w/ modifications	Council
2010	07 113123 Mustach #2	Affirmed Decision w/ modifications	Council
2010	09 100760 Hooper Tow Yard	Affirmed Decision w/ modifications	Council
2010	09 101888 Regency on Manor Way	Affirmed Decision	Council
2010	09 108076 David Holter	Appeal Settled	Court
2011	07 111239 SD Trombley Heights	Dismissed	Council
2011	08 108868 CT Riverside Topsoil	Dismissed	Council
2011	09 101644 LU Clearview Gospel Hall	Affirmed Decision w/ modifications	Council
2011	09 108959 LU Cedar Park Christian School	Pending in 2012	Council
2011	10 102951 SD Embella	Pending in 2012	Council
2011	08 108868 Riverside Topsoil	Hearing scheduled Feb. 2012	Court
2011	10 106208 Fred Zylstra	Pending in 2012	Court
2012	06 131306 SD Timber Creek Ranch	Pending in 2013	Council
2012	10 102951 SD Amalani, LLC - Embella	Reversed & remanded to Hearing Examiner	Council
2012	06 100727 SP William and Linda Legler	Working toward settlement	Court
2012	10 102951 SD Amalani, LLC - Embella	Council decision reversed & remanded	Court
2012	11 109782 LU Jane Lee	Appeal withdrawn	Court
2013	12 104580 LU Clearview Gospel Assembly	Affirmed with modification adding additional conditions requested by the applicant	Council

Table 2 shows the disposition of appeals from 2006-2008.

Table 2 Appeals of Hearing Examiner 2006-2008

	2008	2007	2006
Cases Appealed to Council	12	11	14
Appeals Summarily Dismissed			1
Appeals Remanded			5
Appeals Affirmed, Affirmed with Revisions			4
Appeals Reversed, Reversed in Part/ Affirmed in Part			3
Appeals to Superior Court	6	7	4

*Consequences of Proposal*

The consequences of the proposal may vary depending on which issues the hearing examiner has final authority over.<sup>2</sup> From the general public’s perspective, members of the public may talk to the council if the council no longer conducts quasi-judicial hearings. From a developer’s perspective, eliminating a step in the appeals process may lead to more timely, clear, or predictable decisions. From the council’s perspective, a change may lead to a reduction of its workload.<sup>3</sup>

Changes to the appeals process may have the effect of saving costs when one or both parties are committed to appealing the decision to superior court, regardless of the outcome. However, it is easier to file an appeal to the council than to appeal to Superior Court and may be less expensive.<sup>4</sup>

While Snohomish County is self-insured, municipal insurance providers have recommended that their members provide the hearing examiner with the final authority in quasi-judicial permit decisions and appeals. In a letter to the City of Shoreline, Washington Cities Insurance Authority legal council, Michael Walter, wrote:

“We strongly encourage the [town of city] to maintain its use of a professional hearing examiner for quasi-judicial land use decision making. And, in the interest of good legal risk management, economic efficiency, and customer service, we also recommend that the town consider modifying the [ordinance] to make the decision of the hearing examiner on those identified matters a “final” and binding decision, appealable only to Superior Court. We encourage the [town or city] to make the fullest use of a pro-

<sup>2</sup> State law requires the following quasi-judicial decisions remain with the council: quasi-judicial rezones, street vacations, and preliminary formal plats.

<sup>3</sup> At the current rate of 2-3 quasi-judicial decisions per year, the reduction of the council’s workload would be minimal.

<sup>4</sup> Commissioner Kelly stated that most parties involved in a quasi-judicial before the council utilize lawyers.

fessional hearing examiner for all quasi-judicial matters authorized by law and to make those hearing examiner decisions final decisions, appealable only to Court.”<sup>5</sup>

*Potential Amendment*

If the Commission were to move forward with a proposal to amend the Charter, the proposal would limit the authority of the county council.

The Commission could direct staff to prepare an amendment to require appeals of land use decisions from the hearing examiner, not authorized by state law, shall be filed in Superior Court.

Alternatively, the Commission could direct staff to include in the transmittal letter a statement encouraging the council to adopt an ordinance provide the hearing examiner with the final decision authority of land use and other decisions.

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<sup>5</sup> <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2011/Staffreport112811-7c.pdf>

<b>SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-38</b>	
<b>SUBJECT TITLE:</b> Campaign Finance Reform	<b>Meeting Date:</b> May 18, 2016
<b>Estimated Presentation Time:</b> 40 minutes	<b>Exhibit:</b> 1) State Public Financing Options

**RECOMMENDATION:** The Commission should discuss Charter Amendment Proposal 2016-29, Campaign Finance Reform. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

**SUMMARY:**

At the March 30, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-29, Campaign Finance Reform. The proposal was initially proposed by Commissioner Liias.

In 2006, the state legislature adopted contribution limits on candidates for county offices.<sup>1</sup> Multiple jurisdictions in the state place additional limits on campaign contributions to candidates, including Seattle and Edmonds.

The three primary methods of limiting the power of money in campaigns are disclosure, contribution limits, and public financing. Enforcement of any campaign finance provisions that go beyond state law would be the responsibility of the county.

As an alternative to placing regulations in the Charter, the Commission could amend Section 2 of the Charter to enumerate the power of the council to enact campaign finance regulations.

Questions for Discussion:

- 1) Does the Commission wish to place campaign finance reform in the Charter?
- 2) If so, does the Commission wish to place contribution limits in the Charter, prohibit solicitation of county employees in the Charter or enact public financing in the Charter?
- 3) Alternatively, does the Commission wish the specifically grant the council the authority to enact campaign finance regulations?

**BACKGROUND:**

In 2015, candidates in Snohomish County raised \$663,879.93 for their elections. This equated to \$4.51 for every person who voted or \$1.56 for every voter in the county. This represented a fourteen percent decrease from 2011, when the same races were on the ballot. In addition, independent organizations spent more \$740,000 in Snohomish County races.

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<sup>1</sup> <http://lawfilesexternal.wa.gov/biennium/2005-06/Pdf/Bills/Session%20Laws/House/1226-S3.SL.pdf>

Supporters of regulating campaign finance state three main objectives. The first is to reduce corruption or the appearance of corruption. The second is to reduce the influence of concentrated money in elections.<sup>2</sup> The third objection is to reduce the costs of running for office, in the hope of encouraging more competition.<sup>3</sup>

As Senator Tom Udall wrote in 2010, the current campaign finance system “has a degenerative effect on the day-to-day functions of Congress. With each election the cost of campaigns ratchets up, creating an endless campaign cycle in which elected officials spend far too much time engaged in fundraising rather than doing the work the American people elect them to do. As the pressure to raise money increases, incumbents dedicate more and more of their time in office to fundraising, and the incentive to accept large contributions intensifies. When elected officials become dependent on the largesse of special interests, our representative democracy is distorted, and the integrity of the legislative process is endangered.”<sup>4</sup>

Lawrence Lessig wrote in 2015, “Our current system for funding campaigns is corrupt, but it is corrupt precisely because it violates a certain kind of equality. The violation is not an equality of speech, but an equality of citizenship.”<sup>5</sup>

Race	2011 Contributions	2015 Contributions
Assessor	\$39,458.30	\$27,597.19
Auditor	\$16,632.45	\$6,669.10
Clerk	\$21,633.21	\$374.45
County Council Position 2	\$86,413.65	\$314,801.50
County Council Position 3	\$72,341.11	\$7,983.00
Executive	\$498,576.64	\$294,127.53
Sheriff	\$36,090.15	\$12,327.16
Treasurer	\$0.00	\$0.00

<sup>2</sup> The literature is clear that raising large amounts of money will likely make a race more competitive, but does not necessarily guarantee victory. In 2014, seven of the biggest spenders running for the House won in 2014 while three lost. In 2010, only five of the ten-largest spenders won their election. Elizabeth Theiss-Morse et al. 2015. *Political Behavior in Midterm Elections*. CQ Press.

<sup>3</sup> There is a body of literature that wonders why there is so little money spent on campaigns e.g. Gordon Tullock (1972). “The Purchase of Politicians.” *Western Economic Journal* 10: 354-55. There are also scholars who wonder what the problem is with the current system.

<sup>4</sup> Tom Udall. 2010. “Amend the Constitution To Restore Public Trust in the Political System: A Practitioner’s Perspective on Campaign Finance Reform,” *Yale Law & Policy Review*. 29:1. <http://digitalcommons.law.yale.edu/ylpr/vol29/iss1/6>

<sup>5</sup> Lessig makes clear that Congress is not corrupt “in an individual sense,” but “corrupt in an institutional sense.” Lawrence Lessig. 2015. “Corrupt and Unequal, Both.” *Fordham Law Review*. 84:445 <http://ir.lawnet.fordham.edu/flr/vol84/iss2/4>



## Brief History of Campaign Finance Regulations

The first attempt to regulate campaign finance occurred in 1867, when Congress prohibited government officials from soliciting naval yard workers for money. In 1883, Congress passed the Pendleton Civil Service Reform Act prohibiting elected officials from soliciting contributions from any civil service worker. In 1907, the Tillman Act passed, making contributions from corporations and banks illegal. Additional reforms occurred in 1971, 1974, 1976, and 1979. Current campaign finance regulations are based on the McCain-Feingold Bipartisan Campaign Reform Act, passed in 2002.<sup>6</sup>

In general, the current state of the law is that spending prohibitions are unconstitutional, contribution limits are suspect, as are certain types of public financing, and disclosure laws have strong constitutional moorings.<sup>7</sup> In *McCutcheon v. FEC* (2014), Chief Justice Roberts wrote, “Money in politics may at times seem repugnant to some, but so too does much of what the First Amendment vigorously protects. If the First Amendment protects flag burning, funeral protests, and Nazi parades—despite the profound offense such spectacles cause—it surely protects political campaign speech despite popular opposition.” The Court in *McCutcheon* struck down restrictions on the total amount an individual may donate to candidates and party committees. In addition, the Court changed the rationale for limiting contributions.

In *Buckley v. Valeo*, the Court justified contribution limits as “a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.” In *McCutcheon*, the Court stated, “[A]ny regulation must instead target what we have called ‘quid pro quo’ corruption or its appearance. That Latin phrase captures the notion of a direct exchange of an official act for money.” “Campaign finance restrictions that pursue other objectives,... impermissibly inject the Government ‘into the debate over who should govern.’”

Ronald Collins and David Skover (2014) wrote for SCOTUSBlog following the announcement of *McCutcheon*, “The win for Shaun McCutcheon put the last nail in the coffin of any First-Amendment-sanctioned concept of systemic political corruption. A solid majority of the Supreme Court Justices now has ruled that the *only* legitimate justification for campaign finance regulation is prevention of political corruption narrowly understood - that is, *quid pro quo* corruption of a candidate virtually akin to bribery.”<sup>8</sup>

Other scholars had similar reactions to *McCutcheon*. Jan Baran wrote, “[t]he Court’s jurisprudence sends a clear message to Congress and state legislators: ‘You can impose a reasonable limit on how much a contributor can donate to a candidate’s campaign or to committees that donate to candidates, but you cannot limit or ban what else a donor does with money.’ .... Chief Justice Roberts, writing for the Court, suggested mandatory public disclosure, solicitation rules and restrictions on transfers between and among committees in addition to existing rules. Of course any laws must avoid vagueness and overbreadth. But the ultimate goal should

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<sup>6</sup> [https://ballotpedia.org/History\\_of\\_campaign\\_finance\\_reform](https://ballotpedia.org/History_of_campaign_finance_reform)

<sup>7</sup> Anthony Johnstone. 2013. “Recalibrating Campaign Finance Law.” *Yale Law and Policy Review*. <http://digitalcommons.law.yale.edu/ylpr/vol32/iss1/10>

<sup>8</sup> Ronald Collins and David Skover. 2014. “Foreword: It’s all forward now.” *SCOTUSBlog*. <http://www.scotusblog.com/2014/04/foreword-its-all-forward-now/>

be to promote transparency, avoid unnecessary burdens, and provide avenues for sufficient funding of political debate and associational activities.”<sup>9</sup>

## Options

The Commission discussed three options for campaign finance reform at the March 30 meeting. The first option is to reduce the campaign contribution limit. The second was to prohibit elected officials from soliciting campaign contributions. The third was to provide for public funding of campaigns.

### *Campaign Contribution Limits*

One option discussed by the Commission was to reduce campaign contribution limits. “Contribution limits serve ‘to limit the actuality and appearance of corruption resulting from large individual financial contributions.’”<sup>10</sup>

Under current state law, candidates for county offices are limited to a contribution of \$1000 per candidate for a primary and for a general election. If a candidate does not have a primary, the candidate must refund any contributions in excess of \$1000. This limit is adjusted every two years.

The City of Seattle and the City of Edmonds enact a cap of \$500 per person for the entire election cycle.<sup>11</sup> The City of Seattle created the office of ethics and elections to oversee and enforce the City’s election laws. The City of Edmonds does not have its own office to enforce its code and relies upon published reports of the Public Disclosure Commission to monitor enforcement.<sup>12</sup> The Seattle limit will be reevaluated in 2019 and every election cycle thereafter to account for inflation.

In Seattle, nine council seats were up for election in 2015. Combined, those candidates raised \$3,846,724 or about \$427,000 per seat.<sup>13</sup> The average contribution size in 2015 was \$179. In addition to the amount raised by the candidates, an additional \$784,644 was spent as independent expenditures in 2015.

The results of campaign contribution limits appear to achieve a primary goal - to reduce the amount of money in politics. In 2015, Michael Barber concluded, when “states decrease limits, the average contribution given to candidates decreases, the number of donors hitting the maximum contribution amount increases, the average amount of money raised by candidates

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<sup>9</sup> Jan Baran. 2014. “Symposium: McCutcheon and the future of campaign finance regulation.” *SCOTUSBlog*. <http://www.scotusblog.com/2014/04/symposium-mccutcheon-and-the-future-of-campaign-finance-regulation/>

<sup>10</sup> Johnstone. 2013. “Recalibrating Campaign Finance Law.”

<sup>11</sup> <http://www2.seattle.gov/ethics/lawrules/lawrules.asp>

<sup>12</sup> <http://www.heraldnet.com/article/20151106/BLOG5207/151109320>

<sup>13</sup> Five candidates raised over \$200,000, Lorena González, Tim Burgess, Kshama Sawant, Pamela Banks, and Bruce Harrell. A more typical race was in District 1, where Lisa Herbold and Shannon Braddock raised \$124,384 and \$172,158 respectively.

from the limited source decreases, and the total amount of money raised in the state decreases.”<sup>14</sup>

The political science literature offers mixed results of the effect of campaign contribution limits on incumbents. Some authors find that decreasing limits helps to protect incumbents from strong challengers by limiting their spending (Stratmann and Aparicio-Castillo, 2006; La Raja, 2008). However, others find that contribution limits hurts incumbents who are usually much better than challengers at raising large amounts of money (Pastine and Pastine, 2010; Hamm and Hogan, 2008; Stratmann, 2009).<sup>15</sup> Justice Breyer has suggested that “too low a contribution limit ‘significantly increases the reputation-related or media-related advantages of incumbency and thereby insulates legislators from effective electoral challenge.’”<sup>16</sup>

Reducing contribution limits may reduce the amount of money received by candidates, but may have unintended consequences. At a national level, according to the Center for Responsive Politics, “campaign spending by non-disclosure groups increased from \$5.8 million in 2003-2004 to \$310.8 million in 2011-2012, representing an increase of more than 5000 percent. This money is often called “dark money” because of its unknown origins. In 2006, almost 100 percent of outside spending on campaigns was disclosed, but since the 2012 elections, that number is down to less than 50 percent. ‘The role played by outside groups that don’t disclose their donors is bigger than its ever been before and is historically significant,’ states Adam Skaggs, senior counsel to the Brennan Center for Justice’s Democracy Program.”<sup>17</sup>

There is some support suggesting the growth of independent expenditures is also occurring in Washington. Independent expenditures grew from in Snohomish County from \$83,046 in 2011 to \$746,585 in 2015. This represented nearly a 900% increase in the amount of independent spending. In Seattle, there were no independent expenditures in 2011, \$556,385 in 2013, and \$784,644 in 2015. This represented a 30% increase in just two years.

The growth in independent expenditures has the effect of taking control of campaign spending out of the hands of candidates. In 2015, independent expenditures in support of Dave Somers totaled more than \$126,000 and over independent expenditures in support of John Lovick totaled more than \$56,000. In both cases, the amount of independent spending equated to over 60% of each candidate’s total spending.

In addition, some authors suggest that reducing campaign contributions increases the time candidates must fundraise. “Buckley’s contribution/expenditure distinction also causes well-noted practical issues. Striking down limits on spending while upholding limits on donations

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<sup>14</sup> Michael Barber. 2015. “Online Supplemental Materials: Ideological Donors, Contribution Limits, and the Polarization of American Legislatures” <http://static1.squarespace.com/static/51841c73e4b04fc5ce6e8f15/t/56c77b6907eaa0772e0c7de7/1455913836853/Limits+Online+Materials.pdf>

<sup>15</sup> Barber 2015.

<sup>16</sup> Johnstone. 2013. “Recalibrating Campaign Finance Law.”

<sup>17</sup> Scott Theer. 2014. “Campaign Finance Reform, Reformed.” <http://www.brownpoliticalreview.org/2014/10/campaign-finance-reform-reformed/>

creates a system where politicians spend an inordinate amount of time fundraising instead of legislating.”<sup>18</sup>

A third consideration for the Commission to consider was raised by Commoner Koster. During the discussion of the proposal, Commissioner Koster suggested that the costs of campaigning might be greater in rural areas rather than in urban areas. Staff was unable to find any scholarly literature relating to the difference in campaign costs between rural and urban areas. There are differences in the costs of advertising across media markets, but those differences may not have a practical effect within a county.

#### *Prohibiting Solicitation of County Employees.*

A second suggestion of the Commission was to prohibit solicitation of county employees for campaign contributions.

The solicitation of contributions by public officials is already prohibited under RCW 42.17A.565.

Solicitation of contributions by public officials or employees.

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

In addition to state law, the City of Seattle prohibits an elected official or candidate from knowingly soliciting a contribution to a candidate for public office, except as part of a general solicitation that does not target city employees.<sup>19</sup>

#### *Public Financing*

A third option discussed by the Commission is public financing of campaigns. The National Conference of State Legislators has a brief background on public financing options.

Thirteen states provide some form of public financing option for campaigns. Each of these plans require the candidate to accept public money for his or her campaign in

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<sup>18</sup> Ilya Shapiro. 2014. “Symposium: The First Amendment’s protection of political speech extends to both donations and spending.” *SCOTUSBlog*. <http://www.scotusblog.com/2014/04/symposium-the-first-amendments-protection-of-political-speech-extends-to-both-donations-and-spending/>

<sup>19</sup> SeCity of Seattle Code 2.04.280

exchange for a promise to limit both how much the candidate spends on the election and how much they receive in donations from any one group or individual.<sup>20</sup>

The two main types of programs states offer for public financing of elections are the clean elections programs offered in states such as Maine and Arizona, and programs that provide a candidate with matching funds for each qualifying contribution they receive. The “clean election states” offer full funding for the campaign, and the matching funds programs provide a candidate with a portion of the funds needed to run the campaign.

In the clean elections programs offered only in Arizona, Connecticut, Maine, candidates are encouraged to collect small contributions (no more than \$5) from a number of individuals (depending on the position sought) to demonstrate that he or she has enough public support to warrant public funding of his or her campaign. In return, the commission established for the program gives the candidate a sum of money equal to the expenditure limit set for the election. New Mexico offers a similar program, but only for judicial candidates.

As an example of a clean elections program, a candidate for state office in Arizona must raise \$5 contributions from at least 200 people in order to qualify for the program. In return, the state provides the candidate with public money in an amount equal to the expenditure limit. In the 2014 election, the expenditure limit for gubernatorial candidates was \$1,130,424, and the limit for legislative positions was \$22,880.

The other type of public financing program, offered in states such as Florida and Hawaii, provide matching funds for candidates up to a certain amount. In Hawaii, candidates are encouraged to limit their contributions and expenditures to an amount set by the legislature. For the 2014 election, the expenditure limit for the general election was \$1,597,208. The candidate who participates in the matching funds program is eligible to receive 10 percent of this limit in public funds, or \$159,721. A candidate must first receive \$100,000 in qualifying contributions during the primary season for the state to provide a matching \$100,000 during the general election. The candidate can then raise an additional \$59,721 in qualifying contributions that the state will match, for a total of \$319,442. The candidate can then raise additional money from other sources, like PACs, parties, or individuals, to reach the expenditure limit of \$1,597,208.<sup>21</sup>

Exhibit 1 shows the different methods of public financing in the states.

Research from the Campaign Finance Institute suggest that not all matching programs are similar and the policies that work in some areas and for some races may not have the same effect on other races and in other jurisdictions.<sup>22</sup> Perceived importance of the race, amount of matching funds, and other factors influence the success of public financing.

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<sup>20</sup> OVERVIEW OF STATE LAWS ON PUBLIC FINANCING. <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>

<sup>21</sup> NCSL “OVERVIEW OF STATE LAWS ON PUBLIC FINANCING” <http://www.ncsl.org/research/elections-and-campaigns/public-financing-of-campaigns-overview.aspx>

<sup>22</sup> [http://www.cfinst.org/pdf/presentations/CFI\\_LA-NYC-Slides\\_Malbin-Parrott.pdf](http://www.cfinst.org/pdf/presentations/CFI_LA-NYC-Slides_Malbin-Parrott.pdf)

Researchers reached differing conclusions on the effect of public financing on the behavior of legislators and responsiveness to campaign donors. Morgan Hazleton, et al, found that “public financing reduced responsiveness to donors among participating justices.”<sup>23</sup> However, Jeffery Harden and Justin Kirkland argued, “while public financing programs may be normatively beneficial for increasing electoral competition and/or reducing corruption in government, they do not appear to alter the voting behavior of legislators.”<sup>24</sup>

Public financing of campaigns may “may change attitudes about the cost of running, but they have little direct impact on the decision to run because other factors are much more salient,” wrote Raymond La Raja and David Wiltse.<sup>25</sup>

With all public financing options, candidates may elect not to participate in the program. If candidates do not voluntarily opt in to public financing programs because of the threat of independent expenditures or self-funded campaigns, research suggests the public financing programs will not work as intended. Any public finance program needs to ensure that candidates have the ability to sufficiently fund their campaign.

**ALTERNATIVES:**

The Commission delays discussion to a future meeting.

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<sup>23</sup> Morgan Hazelton, Jacob Montgomery, and Brendan Nyhan. 2015. “Does Public Financing Affect Judicial Behavior? Evidence From the North Carolina Supreme Court.” *American Politics Research*.

<sup>24</sup> Jeffrey J. Harden<sup>1</sup> and Justin H. Kirkland. 2016. “Do Campaign Donors Influence Polarization? Evidence from Public Financing in the American States.” *Legislative Studies Quarterly*.

<sup>25</sup> Raymond J. La Raja and David L. Wiltse. 2015. “Money That Draws No Interest: Public Financing of Legislative Elections and Candidate Emergence.” *Election Law Journal: Rules, Politics, and Policy*.



NATIONAL CONFERENCE OF STATE LEGISLATURES

*The Forum for America's Ideas*

## State Public Financing Options 2015-2016 Election Cycle

State	Who qualifies?	Amount a Candidate Can Raise from a Single Source	Number of Contributions Needed to Qualify	Promise	Funding Level
<b>Arizona</b> 16 AZ ST Ch. 6, Art. 2	All statewide and legislative offices	\$5	200	No contributions from PACs, labor unions, corporations, or political parties	full
<b>Connecticut</b> C.G.S.A. § 9-157	All statewide and legislative offices	\$5-\$10	From 150 (state representative) to 900 (governor)	No contributions in excess of \$100 from any one source, give any excess contributions to the general fund	full
<b>Florida</b> West's F.S.A. §106.30	Governor and Cabinet members	\$250	600 (governor) to 400 (cabinet)	Limit expenditures to \$2/registered voter for governor and \$1/registered voter for cabinet, limit loans and contributions from political parties	partial
<b>Hawaii</b> HRS § 11-421	Governor, Mayor, Prosecutor, County Council, State legislative offices	\$100	From 15 (state representative) to 1,000 (governor)	Limit expenditures to numbers found in HRS § 11-423	partial
<b>Maine</b> 21-A M.R.S.A. § 1121	Governor, State Senate, State House	\$5	60-3,250 individuals	After choosing to participate, candidates cannot receive private contributions	full

Source: National Conference of State Legislatures

Last updated July 17, 2015

This data is presented for information purposes only and should not be considered legal advice.

State	Who qualifies?	Amount a Candidate Can Raise from a Single Source	Number of Contributions Needed to Qualify	Promise	Funding Level
<b>Maryland</b> MD Code, Election Law, § 15-103	Governor, Lieutenant Governor	\$250	Must raise 10 percent of the maximum campaign expenditure limit	Must not exceed the maximum campaign expenditure limit; repay funds not used	partial
<b>Massachusetts</b> M.G.L.A. 55C § 1	Statewide offices	\$250	500	Must agree to spending limits, not solicit outside contributions	partial
<b>Michigan</b> M.C.L.A. 169.261	Governor	\$100	750	Spend no more than \$2 million on the election, can only make qualified expenditures	partial
<b>Minnesota</b> M.S.A. § 10A.31	Statewide and legislative offices	\$50	From 30 (state representative) to 70 (governor)	Agree to spend no more than a specific amount, listed in Minn. Stat. § 290.06, subd. 23	partial
<b>New Mexico</b> N. M. S. A. 1978, §1-19A-10	Public Regulation Commissioner, Supreme Court Justices	\$100	For statewide, need contributions from 1/10 of 1 percent of voters in state, for public regulation, need contributions from 1/10 of 1 percent of voters in the district	Agree to spending requirements and not to raise money from other sources	Full
<b>Rhode Island</b> Gen. Laws 1956, §17-25-18	Statewide Offices	\$500	1,500	Agrees to only spend the money raised through public matching, and agrees to expenditure limits	partial
<b>Vermont</b> 17 V.S.A. § 2981	Governor/Lieutenant Governor	\$50	750 (lieutenant governor) to 1,500 (governor)	Agrees to solicit no donations except qualifying contributions	partial

Source: National Conference of State Legislatures

Last updated July 17, 2015

This data is presented for information purposes only and should not be considered legal advice.



State	Who qualifies?	Amount a Candidate Can Raise from a Single Source	Number of Contributions Needed to Qualify	Promise	Funding Level
<b>West Virginia</b> W. Va. Code, §3-12-1	Supreme Court Justices	\$100	350-500	Agrees to contribution and expenditure requirements, must not have raised more than \$20,000 before applying for public financing	partial

Source: National Conference of State Legislatures

Last updated July 17, 2015

This data is presented for information purposes only and should not be considered legal advice.

<b>SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-39</b>	
<b>SUBJECT TITLE:</b> Change Date of County Elections	<b>Meeting Date:</b> May 18, 2016
<b>Estimated Presentation Time:</b> 20 minutes	<b>Exhibit:</b> 1) Clark County Charter

**RECOMMENDATION:** The Commission should discuss Charter Amendment Proposal 2016-38, Change Date of County Elections. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

**SUMMARY:**

At the April 20, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-38, Change Date of County Elections. The proposal was initially proposed by Commissioner Barton. On May 4, the Commission postponed discussion to a future meeting.

The County currently conducts elections on a staggered schedule in odd-numbered years, with judges and the prosecuting attorney in even-numbered years. Most counties across the state elect their county officials in even numbered years in accordance with state law.

Moving to elections in even-numbered years should save the county money and increase turnout for county officers.

When Clark County expanded its council, it placed in its Charter language that provided for a transition to a new election cycle. The Charter provided that council members would be elected to a shortened term of office. The full effective date of the new cycle is four years after adoption of the charter.

Questions for Discussion:

- 1) Does the Commission wish to switch to holding all county office elections in even-numbered years?
- 2) If so, should the transition to even-numbered year elections begin with the 2017 elections?
- 3) If the Commission chooses the even-year cycle, should the transition to that allow for: a) all positions serve a 3 year term in their next cycle or b) reset all Councilmember terms in 2022 to the new cycle?

**BACKGROUND:**

RCW 36.32.030 states the term of office of county commissioners shall be four years and that the terms shall be staggered, and they will be elected at a general election held in an even numbered year. Counties with a home rule charter may specify the dates of elections for its elected officials.

Currently, officers are elected in Snohomish County on the schedule described in Table 1. The Charter states that elections for the executive, assessor, auditor, county clerk, sheriff, treasurer and the council occur in odd-numbered years. During every general election, there is at least one county position on the ballot, as the prosecuting attorney, superior court and district court judges are elected in even-numbered years.

**Table 1 - Election Dates of County Officials**

Presidential Election year	e.g. 2016	Superior Court Judges
Year following Presidential Election	e.g. 2013	Council Positions 1, 3 and 5
Midterm Election year	e.g. 2014	County Prosecuting Attorney, District Court Judges
Year before Presidential Election	e.g. 2015	Executive, Council Districts 2 and 3, Assessor, Auditor, County Clerk, Sheriff, Treasurer
Years Ending in a 5	e.g. 2015	Charter Review Commission

**Voter Turnout**

Voter turnout is higher in even numbered years. In 2003, Zoltan Hajnal and Paul Lewis published in *Urban Affairs Review*, “holding city elections on the same day as national or statewide contests could essentially double voter turnout over existing rates in off-cycle city elections. Thus, if expanded participation is the primary goal, the best tool for the job is peak-cycle elections.”<sup>1</sup>

They continue:

Historically there have been real objections to holding local elections concurrently with national contests, and many of these normative concerns remain today. In particular, a move to concurrent elections raises, for some observers, several concerns about voter attentiveness and knowledge. On-cycle local elections might mean that more citizens with only limited knowledge of and interest in local elections would vote in local contests. The coupling of local elections with national or statewide contests would also lead to longer, more complex ballots that might increase voter confusion. Yet another worry is that on-cycle elections would draw attention away from local politics. Finally, by coupling local elections with national contests, political parties might begin to play a larger role in local elections—a potential change that would likely draw both strongly positive and negative reactions, depending on the observer.

Overall, these concerns are solid arguments for civic education, voter outreach campaigns, higher quality media coverage of local races, and intensive campaigning by candidates for mayor and council. They are, in our view, not good arguments for scheduling local elections so as to knowingly reduce public participation.

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<sup>1</sup> Zoltan Hajnal and Paul Lewis. 2003. “Municipal Institutions and Voter Turnout in Local Elections.” *Urban Affairs Review*. <http://www.sarasotagov.com/InsideCityGovernment/Content/CAC/PDF/UofCalifornia.pdf>

These conclusions are echoed in the current literature. “Moving mayoral elections so they coincide with presidential or congressional midterm elections would go a long way toward increasing voter turnout,” write Thomas Holbrook and Aaron Weinschenk. “Most elected officials are probably not interested in better-financed opponents or other mechanisms that would increase electoral competition; and in the case of Progressive reforms that result in low turnout (nonpartisan and off-cycle elections), the potential ills of low turnout need to be balanced against gains that are realized as a result of insulating local politics from national and partisan politics. There are clear trade-offs for policymakers to consider.”<sup>2</sup>

A study of mayoral elections in California shows “where mayoral elections coincide with the presidential elections, voter turnout is more than double that of cities where mayoral elections are conducted off cycle.” Melissa Marschall and John Lappie conclude for the Center for Local Elections in American Politics, “Municipalities that want to include as many residents as possible in this important decision would clearly do best to hold their mayoral elections concurrently, during presidential elections.”<sup>3</sup> Their findings show that cities which on an even-numbered year cycle had similar levels of competitiveness, and similar levels of incumbents winning election, but a slight decrease in the number of candidates running for election.<sup>4</sup>

Recent research indicates that even-numbered year elections may better reflect the demographics of the community than in odd-numbered year elections. A 2015 report from researchers at Portland State suggests that voter turnout in Portland is more consistent across precincts than cities that hold elections in odd-numbered years.<sup>5</sup>

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<sup>2</sup> Thomas Holbrook and Aaron Weinschenk. 2013. “Campaigns, Mobilization and Turnout in Mayoral Elections. *Political Research Quarterly*. <http://prq.sagepub.com/content/early/2013/07/15/1065912913494018>

<sup>3</sup> Melissa Marschall and John Lappie. 2016. “Mayoral Elections in California: 1995-2014.” <https://pdfs.semanticscholar.org/5913/cf06ac24cb25f98be972247b2626d75414dc.pdf>

<sup>4</sup> The authors hypothesis that the difference could be based on city size. Larger cities in California were more likely to hold elections in odd-numbered years and had more candidates running in those cities.

<sup>5</sup> In comparison with Charlotte, North Carolina, Detroit, and St. Paul, Minnesota, voter turnout in Portland varies less across precincts. This suggests that in odd-numbered year elections, the demographics of who typically votes may play a larger role in the outcome of elections. Jason Jurjevich et. al. 2015. “Who Votes For Mayor.” *PDXScholar* [http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1007&context=publicservice\\_pub&sei-redir=1](http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1007&context=publicservice_pub&sei-redir=1)

## Local Effects on Turnout

Table 2 - Snohomish County Voter Turnout

Year	Turnout
2006	62.28%
2007	51.18%
2008	87.00%
2009	48.61%
2010	71.65%
2011	52.09%
2012	80.54%
2013	41.53%
2014	51.31%
2015	34.76%

There is some evidence in Snohomish County that the amount of undervotes decreases when elections are held in even-numbered years, further boosting participation. Between 2006 and 2015, the cities of Everett (twice), Marysville, Lynnwood, Mill Creek, Monroe (twice), Mukilteo, and Mountlake Terrace each held an election in an even-numbered year. In every case except the City of Everett, the undervote in the even-numbered year was below the average of the undervote of that jurisdiction of the top elected position on the ballot in odd-numbered years.<sup>6</sup>

Staff has not found research to indicate if the lack of a county-wide race has an effect on turnout on other jurisdictions. The literature suggests that candidate quality, voter education and mobilization efforts play significant roles on turnout.

### Costs

Holding county elections in even-numbered years would save the county money. In the current method of allocating costs to each municipality and district holding elections, the county allocated itself the cost of \$137,431.17 for the general election in 2015. For comparative purposes, the county's estimated cost for the 2016 general election is \$279,118.64.

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<sup>6</sup> As examples, the undervote on a 2012 measure in Mukilteo was 5.11%. Comparatively, the undervote for Mayor in 2013 was 3.08% and in 2009, 3.59%. The undervote for council position 4 in 2007, 2011, and 2015 was 29.35%, 11.73% and 10.84%, respectively. The undervote on a 2010 measure in Mountlake Terrace was 8.20%. The undervote for Mayor in 2009 was 14.55% and in 2013 was 25.28%. The undervote for council position 5 in 2007, 2011, and 2013 was 9.84%, 14.23% and 25.52%, respectively.

Unlike the other jurisdictions, the even-year elections in Everett were elections to fill the remainder of a council term, rather than a ballot measure or advisory vote which was the case in the other jurisdictions.

If the county were to move its elections to county offices to even-numbered years, the county would save approximately \$548,000 in costs over a ten year period, and save additional money for not conducting elections for primaries in an odd-numbered year.<sup>7</sup>

Moving to county elections in even-numbered years would likely lead to increases in costs on city and special purpose districts. Cities and special purpose districts elect their officers in odd-numbered years in accordance with state law. If the county no longer conducts elections in odd-numbered years, then the proportionate share of the election costs in those years would increase in those jurisdictions.

### Transitioning to a new cycle

If the Commission were to move forward to changing to even-numbered year elections, there would need to be a transitional period to adjust to a new cycle.

When Clark County switched to new, five member districts, their charter provided, as an interim measure, certain council members would serve initial terms of three years (as shown in Exhibit 1). Similar transition provisions would need to take place in the Snohomish County Charter. As an example, a transition period could look like those shown in Table 3.

**Table 3 - Potential Transitions**

	Next Election	Term Length	Subsequent Election
Executive	2019	3 years	2022
Assessor	2019	3 years	2022
Auditor	2019	3 years	2022
Clerk	2019	3 years	2022
Sheriff	2019	3 years	2022
Treasurer	2019	3 years	2022
Council Position 1	2017	3 years	2020
Council Position 2	2019	3 years	2022
Council Position 3	2019	3 years	2022
Council Position 4	2017	3 years	2020
Council Position 5	2017	3 years	2020

<sup>7</sup> The auditor develops a cost factor for each jurisdiction that has an election on the ballot. The current practice is for the auditor to charge each jurisdiction the same rate if it had one issue or race on the ballot or multiple issues or races.

Unless changed, members of the Charter Review Commission would still be elected in years ending in 5.

If the county were to add additional council members following the 2020 census, additional adjustments may be necessary.

An alternative to Table 3 could be all members of the council have terms end in 2022. Under this scenario, the terms of each council position would reset following the next districting cycle. This would allow the opportunity for any new council positions to be on the appropriate cycle as shown in Table 4.<sup>8</sup>

Table 4 - Potential Transitions-1

	Next Election	Subsequent Election	Subsequent Election	New Cycle
Council Position 1	2017	2020	2022	2024
Council Position 2	2019	2022	2022	2024
Council Position 3	2019	2022	2022	2024
Council Position 4	2017	2020	2022	2026
Council Position 5	2017	2020	2022	2026
Council Position 6		2022	2022	2026
Council Position 7		2022	2022	2026

*Term Limits*

The Charter states, “No person shall be eligible to be elected to more than three consecutive full terms for any office (emphasis added).” A term of office is defined in Charter sections 2.40, 3.30 and 3.100, but may be modified as part of a transitional provision.

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<sup>8</sup> Some states require that their entire legislature run in the election following a new districting plan, including Senators who would normally be in the middle of a four-year term. In Arkansas, Illinois, Texas, after the elections immediately following reapportionment, state senators are randomly assigned to different groups or “classes” according to whether they will serve four or two years in the legislative period immediately following the enactment of new districts. In Florida, while each senate seat is up for reelection in the election immediately following reapportionment, each senate district will have a short, two-year, term once every twenty years.

The reason for requiring elections following redistricting is that due to changes in district lines, some citizens vote on an accelerated schedule, or vote for a councilmember two cycles in a row (i.e. 2010 and 2012), and some citizens live in deferred areas, where voters do not have an elected representative on the council until the new districts come into effect.

If a transitional provision states that the term of office for a position elected in 2017 was for three years, a full term would, therefore, be three years. The effect, absent additional modifications, would mean that an individual elected during this transitional period could only serve eleven years consecutively in that office.

**ALTERNATIVES:**

The Commission delays discussion to a future meeting.



Exhibit 1  
Clark County Charter

**Section 10.6 Transition to council districts, elections and terms of office**

- A. On the effective date, the county council shall be three (3) members, with council districts being the same as existing county commissioner districts. Members shall elect a chair. Transition to a five (5) member council shall occur on January 1, 2016.
- B. On the effective date, each county commissioner whose position was filled by election in 2012 shall continue in office as a county council member for the remainder of the term to which he or she was elected. The person elected in the 2014 general election for Commissioner District 3 shall serve as a county council member until December 31, 2018, when the term of that position shall expire.
- C. In the 2015 primary and general elections, the voters of the county shall elect two (2) council members to take office January 1, 2016. One (1) council member shall be nominated and elected countywide. The council member elected countywide shall be the chair of the council beginning January 2016. The other member shall be elected from either Council District 1 or District 2, whichever is the vacant council seat remaining after the November 2014 election. These two (2) council members shall serve initial terms of three (3) years, which shall expire December 31, 2018. Subsequently, the full term of office for county council members shall be four (4) years.
- D. On January 1, 2016, former county commissioners serving on the three (3) member council shall transition to represent a district established under this charter as follows : 1. Commissioner District 1 representative shall represent Council District 4. 2. Commissioner District 2 representative shall represent Council District 3 subject to the exception under 4. of this section. 3. Commissioner District 3 representative shall represent either Council District 1 or District 2, depending on the residence of the candidate winning the November 2014 county commissioner election . 4. If two council members reside in the same district, the council member residing closest to another council district, other than their district in common, shall represent the other district for the remainder of the term for which they are elected. The council member residing further from any other district shall represent the district in which the council member resides.
- E. In the event of a vacancy in a county council position between the effective date and the January 2016 assignments to council districts, the person appointed to fill the vacancy shall reside in the same council district as the original council member.

<b>SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-40</b>	
<b>SUBJECT TITLE:</b> Proposal to Eliminate Certain Independent Executives	<b>Meeting Date:</b> May 18, 2016
<b>Estimated Presentation Time:</b> 25 minutes	<b>Exhibit:</b> 1) RE: Snohomish County Clerk

**RECOMMENDATION:** The Commission should discuss Charter Amendment Proposal 2016-39, Proposal to Eliminate Certain Independent Executives. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

**SUMMARY:**

At the April 20, 2016 meeting of the Commission, the Commission decided to move forward with further analysis and discussion of Charter Amendment Proposal 2016-39, Proposal to Eliminate Certain Independent Executives. The proposal was initially proposed by Jim Jonnet.

A home rule county possesses the authority to make changes to which offices are elected and which are appointed. Snohomish County currently elects an executive, assessor, auditor, prosecuting attorney, sheriff, and treasurer.

During the April 20 meeting, Commissioners discussed the potential of combining positions, including a combination of the treasurer and finance director and the assessor and treasurer.

Question for discussion:

Does the Commission wish to combine or eliminate as separately elected positions any of the current positions elected in charter?

**BACKGROUND:**

The Snohomish County Charter states that the voters of the county shall elect an executive, assessor, auditor, prosecuting attorney, sheriff, and treasurer.<sup>1</sup>

A home rule county possesses the authority to make changes to which offices are elected and which are appointed. RCW 36.16.030 enumerates the elective county officers. Table 1 shows the elective officers for the county under the Charter and without the Charter.

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<sup>1</sup> Section 3.100

Table 1 - Comparison between Charter and State Law

Elected Position	Snohomish Charter	RCW 36.16.030
Executive	X	
Assessor	X	X
Auditor	X	X
Clerk	X	X
Prosecuting Attorney	X	X
Sheriff	X	X
Treasurer	X	X
Coroner		Allowed or Appointed medical examiner

Within Charter counties, there is more variation in the county elected officials, as shown in Table 2.

### Combining Offices

There is no prohibition against combining offices. During the April 20 meeting, the Commission frequently discussed the possibility of combining the treasurer and the finance director and the assessor and the treasurer.

### *Department of Finance*

The Department of Finance is described in Snohomish County Code 2.100. The principle purpose of the department is “to establish and operate an integrated financial management system or systems to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of county government shall be properly and systematically accounted for.”

The director of the department is subject to confirmation by the council. The director has the power to:

- (1) Supervise and administer the activities of the department subject to the delegation of authority and supervision vested in the executive;
- (2) Exercise all the powers and perform all the duties prescribed by ordinance with respect to the administration of the financial management system;
- (3) Advise the county executive and the county council with respect to matters affecting the financial management of public funds;
- (4) Appoint all officers and employees of the department in accordance with the rules of the county personnel system, the exempt personnel system and charter section 3.60;
- (5) Act as the county’s auditing officer pursuant to RCW 42.24.080;

Table 2 - List of Independent Executives

	Snohomish	King	Pierce	What-com	Clark	Clallam	San Juan
<b>Population</b>	<b>757,600</b>	2,052,800	830,120	209,790	451,820	72,560	16,180
<b>Executive</b>	<b>Elected</b>	Elected	Elected	Elected	None	None	None
<b>Assessor</b>	<b>Elected</b>	Elected	Elected, combined with Treasurer	Elected	Elected	Elected	Elected
<b>Auditor</b>	<b>Elected</b>	Elected, Elections Director	Elected	Elected	Elected	Elected	Elected
<b>Clerk</b>	<b>Elected</b>	Appointed	Appointed	Appointed	Elected	Appointed	Elected
<b>Prosecuting Attorney</b>	<b>Elected</b>	Elected	Elected	Elected	Elected	Elected	Elected
<b>Sheriff</b>	<b>Elected</b>	Elected	Elected	Elected	Elected	Elected	Elected
<b>Treasurer</b>	<b>Elected</b>	Appointed	Elected, combined with Assessor	Elected	Elected	Elected	Elected
<b>Director of Community Development</b>	<b>Appointed</b>	Appointed	Appointed	Appointed	Appointed	Elected	Appointed

(6) In accordance with chapter 2.10 SCC and amendment thereto the director may, upon approval by the county executive, enter into contracts on behalf of the county to carry out the purposes of this chapter. The director may act for the county initiating or participating in any intra or inter governmental agency program relative to the purpose of this chapter and may accept, on behalf of the county, grants, entitlements and shared revenue of every kind and nature. The director may delegate functions, powers and duties to other officers and employees of the department as (s)he deems expedient to further the purposes of this chapter.<sup>2</sup>

### *Treasurer*

The general duties of the treasurer are described in RCW 36.29.010.

- (1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor and electronic funds transfer under RCW 39.58.750 as attested by the county auditor;
  - (2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;
  - (3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;
  - (4) Shall endorse, before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." When there are funds to redeem outstanding warrants, the county treasurer shall give notice:
    - (a) By publication in a legal newspaper published or circulated in the county; or
    - (b) By posting at three public places in the county if there is no such newspaper; or
    - (c) By notification to the financial institution holding the warrant;
  - (5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;
  - (6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;
  - (7) Shall account for and pay all bonded indebtedness for the county and all special districts for which the county treasurer acts as treasurer;
  - (8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and
  - (9) May provide certain collection services for county departments.
- The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.
- Money received by all entities for whom the county treasurer serves as treasurer must be deposited within twenty-four hours in an account designated by the county trea-

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<sup>2</sup> Snohomish County Code 2.100.040.

surer unless a waiver is granted by the county treasurer in accordance with RCW 43.09.240.

Snohomish County Code 2.100 reserves certain powers to the Treasurer.

- (a) All powers and duties with respect to tax collections and administration as provided by state law;
- (b) All powers and duties with respect to the collection, disbursement and management of junior taxing district funds, including the duties of fiscal agent as provided by state law.
- (c) All powers and duties with respect to cash management and the management of short and long term investment of all public funds of the county and funds of special purpose taxing districts that are in the treasurer's custody but are not needed for immediate expenditure. The treasurer shall release county funds including redeeming county warrants issued, in accordance with the established financial controls of the department of finance.
- (d) Except for the management of nonbanking related purchase cards, all powers and duties associated with contracting for banking services, including other forms of financial transactions or services offered through banking agreements.<sup>3</sup>

#### *History of the Treasurer Post-Charter*

The Charter states that the powers and duties of each executive office are those powers established by ordinance. In 1981, the council adopted an ordinance creating the office of financial management. The office was "responsible for the operation and management of such financial activities of the county as are delegated by Ordinance." The financial director was "responsible for the preparation of a plan or plans for the reorganization of county financial operations with a single efficient system, ... the performance of such financial duties as are delegated by the Executive, and the performance of other such duties as are delegated to him by Ordinance."<sup>4</sup>

In 1982, the council repealed the ordinance adopted in 1981 and created the Department of Finance. Among the new powers of the department was the responsibility to develop the annual operations and capital improvement budget.<sup>5</sup> In addition, this ordinance transferred powers and duties from the auditor and the Treasurer to the new department. Specifically, all powers and duties and functions of the county treasurer relating to the collection, disbursement and financial management of public funds are hereby transferred to the department of finance as the county executive may direct.

The timing of the ordinance creating the department of finance suggests that the council wished to provide more budgetary and financial authority in the executive rather than in the

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<sup>3</sup> Snohomish County Code 2.100.080.

<sup>4</sup> <http://www.codepublishing.com/WA/SnohomishCounty/ords/1981/Ord%2081-100.pdf>

<sup>5</sup> <http://www.codepublishing.com/WA/SnohomishCounty/ords/1982/Ord%2082-133.pdf>. A later ordinance took away this duty.

independently elected treasurer.<sup>6</sup> Combining the director of finance and the treasurer in an independent executive would have the effect of stripping financial authority from the executive.

### *Assessor*

The county assessor is described in RCW 36.21. The assessors' primary duty is determining the value of all taxable real and personal property within their jurisdiction for the purpose of equitable distribution of the tax liabilities of property owners for various districts.

In addition to the tens and even hundreds of thousands of appraisal reports maintained on properties in the counties, the assessor is required to keep numerous other records. A detailed series of maps showing all properties within the county must be maintained, and a set of aerial survey photos are also a vital part of the mapping system in most counties. Each time a parcel of property is sold or divided, or a new plat filed, the transaction is shown in the assessor's records. The assessor maintains the assessment roll of the county, listing ownership, description, tax code area, location, and the assessed valuation for all property within the county.

The Snohomish County Code states the assessor "shall have all the powers, authorities and duties granted to and imposed upon an assessor by state law."<sup>7</sup>

Pierce County combines the position of assessor and treasurer. The position was created in 1980 with the adoption of its original Charter. The department of assessor-treasurer in the county has the following functions:

1. Operations includes departmental payroll and inventory; appraisal of personal and real property and assessment of new construction; defense of assessment values at the County Board of Equalization and the State Board of Tax Appeals; preferential assessment programs for current use/open space properties, timberlands, exemptions granted by the State Department of Revenue, public entities exemptions, and three-year assessment deferrals for improvements to single-family dwellings; and maintains adjustments for destroyed properties.
2. Administrative includes listing of property, maintaining ownership lists, and detailed maps reflecting all property developments, parcel numbers, and boundaries of taxing districts; processing of annexations, assigning tax levy codes, calculation of levy rates, mailing of tax and special assessment statements, and processing tax adjustments such as strike-offs, supplements and refunds of tax; management of foreclosure on real property for both delinquent tax and ULID assessments; operation of tax exemption programs for senior and disabled persons for taxes and special assessments; administering federal, state and County-funded extra hire programs to augment present staff; and providing public information and statistics on assessment and tax information.

Combining the assessor and the treasurer may have the effect of adding to the workload of the assessor.

In King County, the role of treasurer is performed by the county administrative officer who is the director of executive services (KCC 2.16.035).

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<sup>6</sup> The Charter creating an independent executive was adopted in 1979

<sup>7</sup> Snohomish County Code 2.10.020

### *Other Offices*

The Commission may decide to eliminate or combine other offices, except the prosecuting attorney. In King County, the county split the duties of the auditor. Licensing is a function of the executive, while the administration of elections is managed by an independently elected director of elections.

During the 2006 Commission, the Commission heard a proposal to make the clerk an appointed position. On February 23, 2006, the judges of the Snohomish County Superior Court wrote a letter to the Charter Review Commission recommending that the “elected position of County Clerk, established by the charter, be eliminated, and that the Clerk be appointed by, and serve at the pleasure of the Superior Court Judges. In addition, that all functions of the Clerk’s office and the staff who perform them be placed under the administrative direction of the Superior Court.” A copy of that letter is seen as Exhibit 1 and more information about the clerk is available at <http://wa-snohomishcounty.civicplus.com/Archive.aspx?AMID=54>.

### **ALTERNATIVES:**

The Commission delays discussion to a future meeting.



# Superior Court of the State of Washington for Snohomish County

## JUDGES

GERALD L. KNIGHT  
RICHARD J. THORPE  
JAMES H. ALLENDOERFER  
LARRY E. MC KEEMAN  
RONALD L. CASTLEBERRY  
THOMAS J. WYNNE  
ANITA L. FARRIS  
LINDA C. KRESE  
GEORGE N. BOWDEN  
ELLEN J. FAIR  
KENNETH L. COWSERT  
MICHAEL T. DOWNES  
ERIC Z. LUCAS  
DAVID A. KURTZ

## SNOHOMISH COUNTY COURTHOUSE

M/S #502  
3000 Rockefeller Avenue  
Everett, WA 98201-4060  
(425) 388-3421 (425) 388-3536

PRESIDING JUDGE  
THOMAS J. WYNNE

COURT COMMISSIONERS  
ARDEN J. BEDLE  
LESTER H. STEWART  
JACALYN D. BRUDVIK  
TRACY G. WAGGONER  
BRUCE I. WEISS

COURT ADMINISTRATOR  
SUPERIOR AND JUVENILE COURT  
RICHARD E. CARLSON

February 23, 2006

Mike Cooper, Chair  
Snohomish County Charter Review Commission

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RE: Snohomish County Clerk

Dear Members of the Charter Review Commission:

As you may be aware, the Snohomish County Superior Court bench has for some time questioned the need for the Superior Court Clerk to be a separately elected entity under the county charter. Snohomish County is the only *Home Rule Charter* county with an elected County Clerk. In the four other *Home Rule Charter* counties, the Clerk of the Court is appointed. In support of the court's concerns, we offer the following:

- **The Superior Court and the Superior Court Clerk are closely related functionally, and it no longer makes sense to separate them organizationally. The current organization is a vestige of a bygone era when Superior Court Judges “rode circuit”, and access to court records required a local contact such as the Clerk’s office could provide. Consolidation of the County Clerk’s office into the Superior Court offers greater operational and budgetary efficiency.**

*Discussion: The primary function of the elected clerk of the Superior Court is to serve and support the Superior Court and those using the court by receiving and processing court documents, assisting in court proceedings, maintaining court files, and records, and receipting and disbursing funds (paraphrase of clerk’s office description and related statute). In essence, the clerk is the Court’s accountant and record keeper. We see no reason why these functions should be administered independently of the court.*

*On a daily basis, the operations of the clerk and superior court are intertwined to the point that maintaining them as separate entities no longer makes sense:*

*1.) Courtroom clerks spend their time in courtrooms on a daily basis, taking direction from, and providing support to the Judge, and yet they are not court employees.*

2.) *The administration of the jury system is split between the clerk and the court: the clerk summons jurors, and the court assigns, orients, and pays them.*

3.) *Courthouse facilitators report to the clerk, but provide assistance and information to people moving through the family court process.*

4.) *Because of the current situation, each budget request for a new judicial officer contains separate proposals from the Superior Court, and the clerk.*

5.) *Frequently, the court must “negotiate” with the clerk the “how’s and whys” of the court’s need for access to court records.*

6.) *The clerk’s office prepares the calendars for the court, but is not administratively responsible to the court for that function.*

*These are but a few examples of current practices made necessary by the bifurcation of the court and the clerk. It is our belief that these would be better addressed through a system wherein the clerk was appointed by, and served at the pleasure of the Superior Court judges.*

- **For unity of purpose and direction, the essential administrative and ministerial functions of record keeping and accounting can and should be directed by the court.**

*Discussion: Communication and decision making with regard to the court’s records is unnecessarily complicated by having to work through another elected official. In addition, the Superior Court promulgates many of the rules that govern the records maintained by the clerk, but does not direct the implementation of those rules. This is inconsistent with every other level of court in the state.*

*Recent legislative changes with regard to the collection of legal financial obligations provide but one example of the unnecessary complexity resulting from coordinating effort between two separate organizations.*

- **For internal administrative efficiency, there should be no duplication of internal support functions that currently exists: payroll, personnel, purchasing, planning, budgeting, and financial management, research and advisory services, facilities management, jury management, cases scheduling, and calendar management, and technology management.**

*Discussion: The adoption of General Rule 29 by Washington’s Supreme Court in 2002 clearly place responsibility for administration of the court’s personnel, fiscal, and operational functions under the direction of the Presiding Judge. The clerk’s office functions are an important aspect of that mandate.*

*Greater efficiency in administrative functions could be achieved by moving the clerk’s*

*functions under the Superior Court. Superior Court already has successful experience in this area through the administrative consolidation of its Superior and Juvenile Court support functions. In that effort, separate budgeting, personnel, technology, planning, and other business functions were combined into a single unit supporting both organizations. The Superior Court is now comprised of 237 FTE, and beyond its in-court responsibilities, administers a wide variety of programs. These include its highly successful drug courts, juvenile detention and probation, family court, juvenile indigent defense, and a host of other programs. It successfully administers multiple funding sources, and large numbers of contracts. In short, it is a professional, administratively sophisticated organization that is fully capable of managing the current responsibilities of the clerk's office, and enhancing the coordination of effort and service to the people of Snohomish County.*

**Recommendations:** At its annual planning and operations retreat on February 11, 2006, the bench adopted the following recommendation:

***It is the unanimous recommendation of the Snohomish County Superior Court that the elected position of County Clerk, established by the charter, be eliminated, and that the Clerk be appointed by, and serve at the pleasure of the Superior Court Judges. In addition, that all functions of the Clerk's office and the staff who perform them be placed under the administrative direction of the Superior Court.***

Judge Gerald L. Knight \_\_\_\_\_

Judge Richard J. Thorpe \_\_\_\_\_

Judge James H. Allendoerfer \_\_\_\_\_

Judge Larry E. McKeeman \_\_\_\_\_

Judge Ronald L. Castleberry \_\_\_\_\_

Judge Thomas J. Wynne (Presiding) \_\_\_\_\_

Judge Anita L. Farris \_\_\_\_\_

Judge Linda C. Krese \_\_\_\_\_

Judge George N. Bowden \_\_\_\_\_

Judge Ellen J. Fair \_\_\_\_\_

Judge Kenneth L. Cowser \_\_\_\_\_

Judge Michael T. Downes \_\_\_\_\_

Judge Eric Z. Lucas \_\_\_\_\_

Judge David A. Kurtz \_\_\_\_\_

<b>SNOHOMISH COUNTY CHARTER REVIEW COMMISSION AGENDA ITEM 2016-41</b>	
<b>SUBJECT TITLE:</b> Coordination of Public Safety Services	<b>Meeting Date:</b> May 11, 2016
<b>Estimated Presentation Time:</b> 25 minutes	<b>Exhibits:</b> 1) Snohomish County Code 2.13 2) 2015 Budget Instructions 3) Descriptions of Therapeutic Courts

**RECOMMENDATION:** The Commission should discuss Charter Amendment Proposal 2016-40, Coordination of Public Safety Services. If the Commission wishes to move forward with the proposal, the Commission should direct staff to prepare a draft proposition.

**SUMMARY:**

At the April 20, 2016 meeting of the Commission, the Commission moved forward with further discussion of Charter Amendment Proposal 2016-40, Coordination of Public Safety Services. The idea was initially brought up by Councilmember Sullivan and moved forward by Commissioner Liias.

In conversations with Councilmember Sullivan, he described his concept “as creating a public safety cabinet, so they would have to write their budgets together and submit one budget.”

At the May 11, 2016 meeting of the Commission, Commissioner Liias distributed the following proposed language for the Charter:

The county council, county executive, county sheriff, and county prosecuting attorney shall coordinate the funding, administration and delivery of public safety services by the county, in coordination with the courts, state, and local governments as appropriate. In order to ensure the dignity of all people, the county shall provide reasonable alternatives to incarceration for individuals with a demonstrable mental illness or chemical dependency, who have been convicted of any misdemeanor or certain other non-violent or low risk offenses. The county council shall provide for the implementation of this section by ordinance.

**Questions for Discussion:**

- 1) Does the Commission wish to add language to the Charter requiring the coordination of budgeting or the coordination of funding, administration, and delivery of public safety services?
- 2) Does the Commission wish to add language to the Charter requiring alternatives to incarceration for individuals with a demonstrable mental illness or chemical dependency?

**BACKGROUND:**

At the April 20, 2016 meeting of the Commission, the Commission moved forward with further discussion of Charter Amendment Proposal 2016-40, Coordination of Public Safety Services.

The idea was initially brought up by Councilmember Sullivan and moved forward by Commissioner Liias.

### **Existing Coordination**

In 1994, the council created the law and justice council. The council is composed of members representing municipal police, municipal government, superior court, the county council, the executive, sheriff, the director of corrections, the prosecutor, district court, the county clerk, the risk manager, the department of human services, the provider of county public defender services, the office of public defense, the municipal courts, the municipal prosecutors, the secretary of corrections, and the secretary of corrections designees. The full code is seen in Exhibit 1.

At one point, the law and justice council met quarterly.

In addition to the law and justice council, representatives from the superior court and the district court stated to the commission that there is coordination between agencies on February 17.

### **Existing Budgeting**

The budget of Snohomish County is usually presented to the council the last week of September. Chapter 4.26 of the county code describes the budget process for the county.

Under the Charter, the executive submits one budget to the council. The departments submit information relating to the budget to the executive.

SCC 4.26.060 states that the executive shall prepare, through the department of finance, the executive's proposed county budget which shall set forth the complete financial program the county."<sup>1</sup> The Charter (Section 6.10) states that at least 135 days prior to the end of the fiscal year, all agencies of the county, including elected department officers, "shall submit to the county executive information which the county executive deems necessary to prepare the county budget."

In 2015, the budget process begins in earnest in May. Exhibit 2 shows the 2015 budget deadlines and deliverables to the executive.

Two important dates stand out in the existing budget process regarding coordination as described in the county code. The first is a meeting with elected and appointed department heads to review the budget submissions which occur in July. The second date of note is a meeting in the first week of September where department heads and elected are briefed on the executive recommended budget and final department feedback.

Even before this process, the executive has provided budget instructions to all departments. In 2015, those instructions included a requirement that the base budget was "the equal to the department's 2015 adopted budget, adjusted for step increases for non management exempt

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<sup>1</sup>SCC 4.26 <http://www.codepublishing.com/WA/SnohomishCounty/html/SnohomishCounty04/SnohomishCounty0426.html>

employees, updated for benefit and internal service rates, and adjusted for 2015 one-time revenues and expenditures.” This Pro Forma budget contained service level reductions.<sup>2</sup>

Changes in 2015 to the Pro Forma budget were submitted as a priority package - a document that described the change and provided departments the opportunity to justify the change. In 2015, the justification could not exceed three pages.

In addition to the process described in the budget instructions, the executive sent out work plan instructions explicitly encouraging departments to find inter-departmental opportunities and “develop proposals without regard to department structure or boundaries.”

### **Proposed Amendments**

The proposed amendment by Councilmember Sullivan would add an additional step to the budgeting process. The Charter requires each department, including the elected officials, to submit budget information to the executive.

The proposed language by Councilmember Sullivan would require the creation of a public safety cabinet to submit one budget to the executive (as opposed to information provided to the executive from each department relating to public safety).

The proposed language by Commissioner Liias appears to do two things. The first is to require the coordination of funding, administration and delivery of public safety services in coordination with the courts, state, and local governments. The second is to provide reasonable alternatives to incarceration for individuals with a demonstrable mental illness or chemical dependency.

The powers of the county are limited in its authority over the courts and municipal governments. Briefly, a county may prosecute individuals for violations of the county code, with penalties generally described in RCW 9A.20.021.<sup>3</sup> Judges have certain discretion in sentencing. The state also authorizes several “problem solving courts” and in-home detention. Each of these courts has certain agreements or conditions which need to be met before an individual is transferred to those courts.

Snohomish County currently has four “Problem Solving Courts.”<sup>4</sup> An Adult Drug treatment Court was established in 1999, and had graduate 693 since inception. A Juvenile Drug Court was established in 2001. It has 226 graduates since inception and a capacity of 50 individuals. A Family Dependency Treatment Court was established in 2008. It has a capacity of 50 children and 35 parents. 89 individuals graduated since inception. A Mental Health Court was established in October 2012. It has unlimited capacity and has graduated 5 since inception.<sup>5</sup>

The first sentence of the language submitted by Commissioner Liias appears to create in the Charter the law and justice council described found in Snohomish County Code 2.13.

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<sup>2</sup> Preliminary Snohomish County 2016 Budget Instructions. <http://snohomishcountywa.gov/DocumentCenter/View/25291>

<sup>3</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.20.021>

<sup>4</sup> [https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.psc&tab=9#Snohomish](https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=9#Snohomish)

<sup>5</sup> These courts, and the requirement for entry are described at [https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.psc&tab=1](https://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=1) and in Exhibit 3.

**ALTERNATIVES:**

The Commission delays discussion to a future meeting.



**Exhibit 1**  
**Snohomish County Code Chapter 2.13**

Chapter 2.13  
LAW AND JUSTICE COUNCIL

Sections:

- 2.13.010 Law and justice council established.
- 2.13.020 Membership.
- 2.13.030 Repealed.
- 2.13.040 Powers and duties of the law and justice council.

2.13.010 Law and justice council established.

Pursuant to the requirements of RCW 72.09.300, the county council does hereby create a law and justice council which shall serve as an advisory body to the county council on issues relating to the law and justice system.

(Ord. 94-039 § 1, April 27, 1994).<sup>6</sup>

2.13.020 Membership.

The law and justice council shall consist of two members representing the municipal police departments within Snohomish county; four members representing the municipal legislative authorities within Snohomish county; two members representing the Snohomish county superior court, of which at least one shall represent the juvenile court; and one representative each from the following: the county council, the county executive, the county sheriff, the county director of corrections, the county prosecutor, the county district courts, the county clerk, the county risk manager, the county department of human services, the provider of county public defender services, the county office of public defense, the municipal courts within Snohomish county, the municipal prosecutors within Snohomish county, the state secretary of corrections, and the secretary of corrections' designees under RCW 72.09.300(1). The municipalities shall appoint their representatives acting through the Snohomish County Association of Cities and Towns and taking into consideration geographic and population differences and recommendations of the Snohomish County Sheriff and Police Chiefs Association, if any. The county elected officials and department heads shall appoint their representatives, except that the superior and district court representatives shall be appointed by the judges of those courts.

(Ord. 94-039, § 1, April 27, 1994; Amended Ord. 97-053, § 1, July 9, 1997; Eff date July 21, 1997; Amended by Amended Ord. 08-006, Feb. 27, 2008, Eff date March 13, 2008).

2.13.030 Law and justice plan.

(Ord. 94-039, § 1, April 27, 1994; Amended Ord. 97-053, § 2, July 9, 1997, Eff date July 21, 1997; Repealed by Amended Ord. 08-006, Feb. 27, 2008, Eff date March 13, 2008).

2.13.040 Powers and duties of the law and justice council.

(1) The law and justice council shall have the following powers and duties:

(a) To address criminal justice issues as provided in RCW 72.09.300;

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<sup>6</sup> Ordinance 94-039 can be found at this link, which contains language about the law and justice plan described in 2.13.030: <http://www.codepublishing.com/WA/SnohomishCounty/ords/1994/Ord%2094-039.pdf>

(b) To make recommendations and/or provide advice to the county council and/or other members of the law and justice council;

(c) To create subcommittees to evaluate or research particular areas related to criminal justice. These subcommittees may be of a temporary or on-going nature. Membership on the subcommittees shall not be restricted to members of the law and justice council, but a member of the law and justice council shall serve as liaison to the law and justice council and report back to it on a regular basis; and

(d) To serve as a focal point for information sharing by law and justice task forces and/or committees.

(2) The law and justice council shall establish an advisory committee on juvenile justice proportionality. The advisory committee shall have the composition and duties as set out in RCW 92.09.300(9).

(Ord. 94-039 § 1, April 27, 1994; Amended by Ord. 97-053, July 9, 1997, Eff date July 21, 1997; Amended by Amended Ord. 08-006, Feb. 27, 2008, Eff date March 13, 2008).

**Exhibit 2  
2015 Budget Instructions**

From: <http://snohomishcountywa.gov/DocumentCenter/View/25291>

DATE	DELIVERABLE
Early May	Budget instructions available
May	Update annexation projections and impacts - communicate with all affected Departments
May 7th	Position information available for Departmental review to make changes in Highline prior to final upload of data.
May 20st	Internal rate allocations (pre-loaded costs) loaded into BDT.
May 28th	Final position information dataset pulled from Highline
June	Budget process & BDT training
Early June	BDT available - all information loaded
June	Priority packages prepared for submittal by Departments
July 8th	1:00 pm Department priority packages due
July 13th	Begin Executive review/recommendation process
July	Meeting with Elected and Appointed Department Heads to review 2016 submittals prior to Executive Team evaluation.
July 20 - Aug	Executive Team meetings twice per week reviewing submittals.
August 10-14th	Review revenue elements for recommended proposal. Finance and Council staff work together on 2016 revenue estimate.
Aug 28th	Grant Work Plan ECAFs, motions, & plan documents due to Finance.
First week of September	Department Heads and Electeds briefing on Executive Recommended Budget and final department feedback window prior to finalizing.
September 11th	Final balancing of Executive Recommended budget.
September 15th	All ECAFs, ordinances, motions etc. due to Finance Dept.
September 16-23rd	Budget book production and printing
September 28th	Executive presentation of 2016 Recommended budget (speech date tbd)
Oct - Nov	Council Process
Late Nov	Estimated date of budget adoption hearing
December 1-7th	Reconciliation of Council amendments with Council/Budget staff.

DATE	DELIVERABLE
Dec 8-26th	Prepare budget for upload into Cayenta - to be available Jan 1, 2016
2016	Prepare final adopted CIP and budget books

### Exhibit 3 Descriptions of Therapeutic Courts

#### Adult Drug Court (1)

A specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other rehabilitation services (Bureau of Justice Assistance, 2005).

#### Juvenile Drug Court (1)

A juvenile drug court is a docket within a juvenile court to which selected delinquency cases, and in some instances status offenders, are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs. Over the course of a year or more, the team meets frequently (often weekly), determining how best to address the substance abuse and related problems of the youth and his or her family that have brought the youth into contact with the justice system. (National Drug Court Institute and National Council of Juvenile and Family Court Judges, 2003, p. 7). In Washington, all of the juvenile drug courts with the exception of one deal exclusively with juvenile offenders.

#### Family Dependency Treatment Court (Family Drug Court) (1)

Family dependency treatment court is a juvenile or family court docket of which selected abuse, neglect, and dependency cases are identified where parental substance abuse is a primary factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent. Family dependency treatment courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes (Wheeler and Siegerist, 2003).

#### Mental Health Court (2)

Modeled after drug courts and developed in response to the overrepresentation of people with mental illnesses in the criminal justice system, mental health courts divert select defendants with mental illnesses into judicially supervised, community-based treatment. Currently, all mental health courts are voluntary. Defendants are invited to participate in the mental health court following a specialized screening and assessment, and they may choose to decline participation. For those who agree to the terms and conditions of community-based supervision, a team of court staff and mental health professionals works together to develop treatment plans and supervise participants in the community. (Council of State Governments, 2005).

#### DUI Court (1)

A DUI court is a distinct post-conviction court system dedicated to changing the r of the alcohol-dependent repeat offender arrested for driving under the influence of alcohol or drugs (DUI). The goal of the DUI court is to protect public safety by using the drug court model to address the root cause of impaired driving: alcohol and other drugs of abuse. Variants of DUI courts include drug courts that also take DUI offenders, which are commonly referred to as

"hybrid" DUI courts or DUI/drug courts. (Loeffler and Huddleston, 2003). DUI courts often enhance their close monitoring of offenders using home and field visits, as well as technological innovations such as Ignition Interlock devices and the SCRAM transdermal alcohol detection device (Harberts and Waters, 2006).

#### Veterans Treatment Court (1)

Drug Courts around the country have seen rising numbers of veterans in their programs and sought to offer specialized services to address their unique needs. The Veterans Treatment Court model use veterans as mentors to help defendants engage in treatment and counseling as well as partner with local Veterans Affairs offices to ensure that participants receive proper benefits. Veterans Treatment Courts have garnered national media attention and widespread interest in the Drug Court field. There are currently over thirty states looking to implement a Veterans Treatment Court with many more sure to follow.

#### Domestic Violence Court (2)

A felony domestic violence court is designed to address traditional problems of domestic violence such as low reports, withdrawn charges, threats to victim, lack of defendant accountability, and high recidivism, by intense judicial scrutiny of the defendant and close cooperation between the judiciary and social services. A permanent judge works with the prosecution, assigned victim advocates, social services, and the defense to ensure physical separation between the victim and all forms of intimidation from the defendant or defendant's family throughout the entirety of the judicial process; provide the victim with the housing and job training needed to begin an independent existence from the offender (Mazur and Aldrich, 2003); and continuously monitor the defendant in terms of compliance with protective orders and substance abuse treatment (Winick, 2000). Additionally, a case manager ascertains the victim's needs and monitors cooperation by the defendant, and close collaboration with defense counsel ensures compliance with due process safeguards and protects defendant's rights. Variants include the misdemeanor domestic violence court which handles larger volumes of cases and is designed to combat the progressive nature of the crime to preempt later felonies, and the integrated domestic violence court in which a single judge handles all judicial aspects relating to one family, including criminal cases, protective orders, custody, visitation, and even divorce (Mazur and Aldrich, 2003).

(1) As defined by National Drug Court Professionals at <http://www.nadcp.org/learn/what-are-drug-courts/models>

(2) As defined by National Drug Court Professionals at <http://www.nadcp.org/learn/what-are-drug-courts/models/problem-solving-courts>

**Snohomish County**  
**Charter Review Commission**  
8<sup>th</sup> Floor Robert J. Drewel Building  
Jackson Board Room  
Wednesday, May 18, 2016  
7:00 p.m. – 9:00 p.m.  
AGENDA

7:00 p.m. Call to Order

**Flag Salute/Roll Call**

**Agenda Order**

**Guest:** County Clerk Sonya Kraski

**Public Comments** (7:20 p.m.)

**Approval of the Minutes:**

**Chair's Report**

**Business Items**

1. Charter Amendment Study Items
  1. Proposal 2016-29 - Campaign Finance Reform
  2. Proposal 2016-38 - Change Date of County Elections
  3. Proposal 2016-39 - Proposal to Eliminate Certain Independent Executives
  4. Proposal 2016-40 - Coordination of Public Safety Services

**Old Business**

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

**New Business**

**Adjournment** 9:00 p.m.

*Next meeting is currently scheduled for May 25 at the Snohomish County Courthouse*

Agenda Topics

*Study Items*

*Review of Amendment Language*

*[NOTE: Times shown on Agenda are approximate]*