

Snohomish County
Charter Review Commission
Marysville City Hall, Council Chambers
1049 State Ave #101 Marysville, WA 98270
Wednesday, March 16, 2016
7:00 p.m.
MINUTES

PRESENT:

Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Donner
Commissioner Stanford
Commissioner O'Donnell
Commissioner Matthews
Commissioner Roulstone
Commissioner Koster
Commissioner Barton
Commissioner Chase
Commissioner Fior
Commissioner Liias
Commissioner Valentine
Commissioner Kelly
Chris Roberts, Commission Analyst

CALL TO ORDER

Chair Gregerson called the meeting to order at 7:01 p.m.

FLAG SALUTE

ROLL CALL

Commissioners Chase at 7:03 pm.

PUBLIC COMMENTS

Sharon Shepard of Granite Falls expressed support for a proposal to give unincorporated residents more representation in the Charter.

REPORT FROM CHAIR

Chair Gregerson stated that she spoke with the League of Women Voters on Monday, March 14 with Vice Chair Miller.

APPROVAL OF THE MINUTES

Commissioner Liias expressed a desire to see who voted for and against all motions.

Commissioner Kelly pointed out a spelling error in the draft minutes.

Commissioner Liias moved to approve the minutes of the Charter Review Commission meeting of March 2, 2016. The motion was seconded by Commissioner Roulstone and passed unanimously.

BUSINESS ITEMS

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS

Commissioner Kelly clarified whether these preliminary discussions are just to go forward for further discussion. She stated that it is difficult for people to get to public hearings before the council at 10:30 on Wednesdays. She expressed a desire for the council to get out in the communities, especially for important public hearings.

Commissioner Valentine stated that meetings should be in the evenings and in the districts. She stated that the Pierce County Council has a meeting in every council district every year. Whatcom County commissioners meet in the evening.

Commissioners asked about details of the proposal and whether the proposal was for evening meetings or specific types of meetings.

Vice Chair Terwilliger stated he would like a legal opinion on the application of state law which limited the number of council meetings outside the county seat. Commissioner Liias stated that the intent of state law was for when the council takes action. Commissioner Liias supported the idea of holding public hearings on the Comprehensive Plan in the districts.

Commissioner Roulstone expressed support for any proposal that expand the opportunities for people to participate in the government.

Commissioner Matthews moved Charter Amendment Proposals 2016-08, Schedule for County Council Meetings, forward for further analysis. The motion was seconded by Commissioner Barton. The motion passed unanimously.

Commissioner Kelly explained that council member from cities do not show much interest in unincorporated areas and her opposition to expanding the council by adding two at large positions.

Commissioner Liias stated that in the District of Columbia there is a neighborhood advisory council. He further explained that there might a formal model that could be created to provide more representation on land use and public safety issues.

Commissioner Valentine asked whether there was a way to provide an advisory council teeth and expressed opposition to the creation of at large districts.

Commissioner Kelly mentioned that the county has a planning commission and an agricultural advisory board. She wondered if there is a way to give additional authority to an advisory body of the council.

Commissioner Koster stated expansion of the council is a double edged sword. Adding more councilmembers provides better representation, but comes with a cost. He stated that there is a difference in constituency work between councilmembers.

Vice Chair Terwilliger stated that the City of Kirkland has or had an advisory board that made land use decision within a particular neighborhood. Under state law, the council is the deci-

sion-maker. He stated that in San Juan County, a commissioner represents each of the islands. Commissioners discussed whether this proposal should address rural representation or unincorporated areas.

Commissioner Liias stated that lots of people are upset about land use decisions. He suggested that perhaps the planning commission could be elected and there are benefits to letting communities select their own representatives. Elected representation provides a stronger voice.

Commissioner Roulstone wondered if there was a way to address the issues rather than just create additional representation.

Commissioners discussed the idea of electing the planning commission and of paying the members of the planning commission.

Commissioner Valentine stated that the issue is more than just land use. She stated that there are a lack of services in unincorporated areas of the county.

Commissioners discussed the level of services the county provides in rural areas.

Commissioner Roulstone moved Charter Amendment Proposals 2016-25 Explore Concepts for Additional Representation in Unincorporated Areas, forward for further analysis. The motion was seconded by Vice Chair Miller

Commissioner Fior asked what a charter amendment might look like.

Chair Gregerson suggested that a committee might make sense.

Commissioner O'Donnell stated his opposition to the motion, but did like the idea of a committee.

Commissioner Liias stated he liked the fact that this issue received public comment in support of the proposal.

Commissioner Valentine asked if there are charters that are more directive than the county's charter.

The motion passed 12-2 Chair Gregerson, Vice Chairs Terwilliger and Miller and Commissioners Barton, Chase, Fior, Kelly, Liias, Matthews, Roulstone, Stanford, and Valentine in support. Commissioners Koster and O'Donnell in opposition.

Vice Chair Miller and Commissioners Barton, Kelly, Liias, Stanford and Valentine volunteers for the committee.

2. REVISIONS TO DISTRICTING TIMELINE

Commissioner Gregerson summarized the proposal and meeting material.

Commissioner Liias suggested that the Charter should be less proscriptive on how the districting committee works and focused on general principles. He stated that state law could change.

Vice Chair Terwilliger stated that the original language was based on previous state law. He

supported giving the districting committee the ability to make the final recommendation on district lines.

Commissioner Valentine stated that the Council should not be involved in gerrymandering.

Vice Chair Terwilliger stated that the language should stick to broad principles.

Commissioner O'Donnell stated his preference for the language proposed by the county auditor.

Chair Gregerson summarized that she saw broad agreement to eliminate the role of the council from

Commissioner Liias is not supportive of eliminating the entire role of the council from the districting process. He suggested limits to the ability of the council to change the lines.

Commissioner Valentine stated that several county councils in home rule counties do not play a role in districting.

Vice Chair Terwilliger supported staff coming back with options of the council's role in the process.

Commissioner Chase asked about the council's role in adoption in the 2011 districting maps.

Chair Gregerson summarized the Commission's discussion.

Commissioners suggested the districting committee should be appointed sooner than the current timeline instead of waiting for the release of the census data.

Commissioners discussed whether it possible to get a map drawn before the council elections in years ending in 1. Commissioner Roulstone suggested that the map would go into effect for the next possible election.

Commissioner Liias stated that a public hearing should be required.

Commissioner Valentine wondered how much interest there was on the Commission in having the council participate in the districting process.

Chair Gregerson suggested she now supported limiting the council to change only a small percentage of the commission's map.

Commissioners discussed how the committee was appointed.

Commissioner Liias stated that map making is difficult and there may need to be technical revisions to the plan.

Commissioner Valentine stated Whatcom, King and Pierce counties use only the commission to draft their plan.

Commissioner Roulstone suggested that the auditor could make technical corrections to the map.

Commissioner Barton stated he did not support having the Council adopting the plan.

Commissioner Chase stated her support for checks and balance on the districting committee. She stated her preference for how Clark County's process works were amendments to the districting committee's plan require a two-thirds vote.

Commissioner Matthews stated that the threshold for amendment should be very high. He supported giving authority to the districting committee to adopt the plan.

Commissioner Fior stated that there are not many checks on the council. The Council appoints the committee members and adopts the final plan.

3. OFFICE OF THE OMBUDSMAN

Chair Gregerson summarized the staff report, stating that King County is the only current county with the office in the county.

Commissioner O'Donnell supported the office of the ombudsman and that the office is money well spent.

Commissioner Koster discussed his experience as the Snohomish County Ombudsman. He talked about the difference between the Snohomish County and King County ombudsman. The ombudsman should be an appointed official. He stated that he wanted to see the office handle or be aware of ethics and whistleblower complaints. He stated the Council has subpoena power.

Commissioner Kelly stated that the Commission did not pass this proposal ten years ago. She wondered if the position should be elected.

Commissioner Liias stated that elections would be the most politicization. He wondered if other actors could play a role in the process of nomination. He stated his support for a five year appointment and opposition to subpoena power.

Commissioners further discussed the role of the ombudsman in Snohomish County and who could access the office.

Video cut off at 8:27 p.m.

Commissioner O'Donnell asked about the workload of the office. Commissioner Koster responded that the office handles hundreds of cases.

Commissioner Fior stated her support for the proposal and wondered why the office does not handle certain issues. Commissioner Koster stated that the jail has the own process for resolving complaints.

Commissioner Matthews stated that the office should not be excluded from investigating all parts of the gvernjemt. Stated that the office needed objectivity.

Commissioner Koster asked the Commission how much authority did they want to give the ombudsman. He stated that there is a difference in taking complaints and the power to investigate. He also reminded the Commission that the Judiciary is a separate branch of government.

Commissioner Liias expressed concern with the judicial branch not being within the scope of the ombudsman. He also wondered about the ombudsman's role over contractors with the county and other county contracts?

Vice Chair Terwilliger stated that there are significant legal issues with authority of the judicial branch.

Commissioner Valentine stated that someone should be given the authority to design the office.

Chair Gregerson summed up the discussion.

Commissioner Matthews expressed his desire to add the ethics and whistleblower proposals to the charter.

4. ELIMINATE OFFICE OF THE PERFORMANCE AUDITOR

Vice Chair Terwilliger stated that there are two sections of the charter that allow for performance audits. He expressed his desire to leave the power with the Council.

Commissioner Liias expressed his agreement with Vice Chair Terwilliger.

Commissioner Kelly wondered if performance audits lead to changes in laws.

Commissioner Koster stated that there is something that compels the council to perform performance audits.

Commissioner Valentine asked about the costs of the office.

Commissioner Matthews asked about the role of the county auditor? Vice Chair Terwilliger stated that the duties of the county auditor are not similar to the duties of the performance auditor.

Commissioner Liias asked for the number of performance audits conducted since 2007. He spoke in support of the language found in section 2.9 of the Charter.

Commissioner Koster stated that the current performance audit involves the jail.

Commissioner Barton asked if the council asks upon the audit findings. He wondered if the process could be made more efficient.

Commissioner Standord stated that the past audits are available online.

Commissioners asked if the audits show what action was taken after completion of the audit.

5. UPDATE CHARTER TO USE GENDER-NEUTRAL TERMS

Chair Gregerson stated that there are five instances in the Charter that use the words he or him.

Commissioner Barton stated the language needed to be cleaned up.

Commissioner Liias stated there is better language than he/she

Commissioner Fior stated a preference for they or them.

Vice Chair Terwilliger stated the editor should decide the words.

OLD BUSINESS

NEW BUSINESS

Commissioner Lias brought forward three proposals: public financing for elected officials; evaluate the status of the Human Rights Commission; and requiring that land use appeals go directly from the hearing examiner to Superior Court.

Commissioner Kelly stated that she is working with Councilmember Dunshee on finding a meeting location.

Chair Gregerson stated that Vice Chair Terwilliger and Koster would not be in attendance the next week in Mill Creek.

ADJOURNMENT

With no further business, Chair Gregerson adjourned the meeting at 9:03 p.m.