

Snohomish County
Charter Review Commission
Mill Creek City Hall, Council Chambers
15728 Main St, Mill Creek, WA 98012
Wednesday, March 23, 2016
7:00 p.m.
MINUTES

PRESENT:

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

CALL TO ORDER

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

Vice Chair Miller asked the Commission to respect a moment of silence for the people in Brussels.

FLAG SALUTE

ROLL CALL

Vice Chair Terwilliger, Commissioners Koster and Lias absent.

GUESTS

Council Chair Ryan expressed thanks to the Commissioners for their service. Chair Ryan stated that the Commission should avoid adding costs to the county's budget. He stated that expanding the council would cost the county over \$500 thousand a year. He supported expanding the council after the county reached a population of a million.

Commissioner Chase at 7:05 pm.

Chair Ryan stated that term limits are fine and three terms are reasonable. He talked about Section 3.40 of the Charter, regarding nominations. He stated he talked with multiple attorneys about what would happen if the council failed to confirm a nominee and asked the Commission to clarify the provision.

Commissioners asked questions about the confirmation process for department directors. Chair Ryan said the council should confirm a nominee in 60 to 90 days.

Commissioner Roulstone asked whether the council should have the authority to nominate a candidate if the executive does not make a nomination within a certain period of time. Chair Ryan stated that he was reluctant to make changes to the Charter, but if the Commission wished to make a change it should require a supermajority.

Chair Ryan expressed a willingness to come back to the Commission.

PUBLIC COMMENTS

Dave Gossett of Mountlake Terrace talked about a letter he wrote to the Commission. In 2005, he stated that the voters moved bargaining power from the council to the executive. Gossett stated that it was an experiment that failed. He pointed to two labor negotiations where the executive engaged in unfair labor negotiations. He also expressed concern that one individual controlled all of the information presented to the council.

REPORT FROM CHAIR

Chair Gregerson stated the goal was to get materials by Monday and on the website.

BUSINESS ITEMS

1. LOWER AGE FOR HOLDING COUNTY OFFICE FROM 21 TO 18

Chair Gregerson summarized the proposal and the meeting material.

Commissioner Roulstone stated the Commission is on strong legal grounds to change or keep the Charter the same.

Commissioner Chase stated she was in favor of the proposal. She wondered about the effect of the proposal on gender equity issues.

Commissioner Barton stated that eighteen years olds can serve in the military and vote. Voters should decide whether to change the age to serve. Proposal would get more young people engaged in the process.

Commissioner Valentine stated she is not opposed to the proposal. She stated that the Commission will probably only place five issues on the ballot and this is not one of her top issues.

Commissioner Matthews stated that we should encourage young people to get engaged in the process. He stated there are amazing eighteen year old mayors.

Commissioner O'Donnell stated this proposal is a no-brainer. He expressed a desire to bundle proposals.

Vice Chair Miller spoke in support of the proposal. He stated he was active in reducing the age to vote.

Commissioners discussed how many proposals should be on the ballot.

Commissioner Chase stated she knows teenagers who are driven and engaged in the political process. She mentioned that this proposal was one way to encourage young people to vote and get involved.

Commissioner Roulstone moved to direct staff to prepare ballot language for Charter Amendment Proposal 2016-12, Lower Age of Holding Office from 21-18 and consider bundling it with other proposals. Vice Chair Miller seconded the motion.

Commissioner Matthews expressed concerns about bundling proposals. He mentioned that efforts to remove gender neutral language failed to pass because it was bundled with other proposals.

The motion passed unanimously.

2. REDUCE RESIDENCY REQUIREMENT FOR HOLDING COUNTY OFFICE

Commissioner Gregerson summarized the proposal and a memo prepared by the Commission's attorney.

Commissioner Matthews stated that it would be appropriate to bundle age and residency qualification changes. He stated that bundling extraneous proposals would lead to voter confusion.

Commissioner Matthews moved to direct staff to prepare ballot language for Charter Amendment Proposal 2016-13, Reduce Residency Requirement for Holding County Office to one year and combine it with Charter Amendment Proposal 2016-12. Commissioner Roulstone seconded the motion.

Commissioner Barton wondered if there should be a residency requirement at all. He stated there is no residency requirement for running for Congress. He spoke in support of a one year requirement for the county council, but questioned the need for a residency requirement for the prosecuting attorney, the auditor or other nonpartisan offices.

Commissioners spoke in favor of setting a one-year residency requirement for county officials.

The motion passed unanimously.

3. REQUIRE SUNSET PROVISIONS IN ORDINANCES

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

Commissioner Roulstone stated that legislators are good at passing laws, but not as good at repealing laws. He stated there are thousands of regulations on small businesses but no one looking to see if those regulations continue to make sense. He stated support for placing a sunset provision on legislation to require the council to revisit those decisions. He was open to discussion on how long a sunset clause should be.

Chair Gregerson stated that the Charter requires that proposals requiring funding expire after five years.

Commissioner Kelly expressed her opposition to sunset provisions. She stated the council would spend much of their time reviewing past decisions. She further stated some decisions like the comprehensive plan are required to be approved on a regular basis.

Commissioner O'Donnell asked Chair Ryan how many ordinances are passed every year. Chair Ryan stated that there are a lot of motions passed every year. He said this proposal would

create a bureaucratic nightmare.

Commissioner Roulstone asked Chair Ryan how many laws are repealed? Chair Ryan stated he did not have that information.

Commissioner Fior stated she was opposed to the proposal, but was supportive of a process for a regular review of the code.

Commissioner Chase expressed her opposition to the proposal and that the proposal would lead to unintended consequences.

Commissioner Barton stated that the proposal may exacerbate the problem, not solve it. He proposed that a citizens commission be set up to review the county code to review and make recommendations of legislation that could come off the books.

Commissioner Matthews stated that the Charter currently requires a sunset on all provisions that require funding. He sees unintended consequences in the proposal, but was intrigued by a citizens commission.

Commissioner Kelly stated she would like more information about how the code gets reviewed and which ordinances contain sunset provisions.

Commissioner Valentine stated she was opposed to sunset proposals and asked how other counties review their old ordinances. She wondered if there is a lot of council work that does not get completed.

Vice Chair Miller spoke in opposition of the proposal and another citizens commission. He stated that ordinances are managed by a particular department who enforce those ordinances. Those departments should engage in a review of the code.

Chair Gregerson stated she was intrigued by the idea of asking the council to engage in a code review.

Commissioner Roulstone stated that he agreed that a sunset provision may not be the right solution. He said he would come back with a new proposal.

Commissioner Matthews said there would be people interested in a code review.

Commissioner Fior asked about if the council engages in a concerted effort to review the code.

Commissioner Chase stated she would rather talk with her council representative than create a new commission.

Commissioner Kelly wondered if people would want to participate in citizen committee to review the code. She stated that a comprehensive code review would not be a simple process.

Commissioner Chase stated the code is regularly reviewed and the Commission is making assumptions about the process.

Commissioner Barton stated that the departments are regularly reviewing their code. He stated he would like to see a more formal process for reviewing the code.

Commissioner Valentine stated that the council faces a dire financial condition and everything

needs to be scrutinized.

Chair Gregerson summarized the process and suggested that the staff should look at best practices across the state.

Commissioner Roulstone moved to kill the proposal. Commissioner Donner seconded the motion. The motion passed unanimously.

4. ABSTENTIONS BY COUNTY COUNCIL MEMBERS

Chair Gregerson summarized the staff report.

Commissioner Barton asked how the proposal related to conflict of interest.

Commissioner Kelly spoke in favor of the idea. She stated that there a conflict of interest may arise when quasi-judicial items are on the agenda.

Commissioner Chase asked about the reasons for the proposal. Carolyn Wiekkel stated that the proposal was spurred by a study of candidates. She stated there were abstentions on budget votes and that the job of the council member was to vote.

Commissioner Matthews stated that the proposal needed to be clarified to be a yea or nay vote. He wondered how accurate are the online council voting records and that it is not sure this is a huge issue.

Commissioner Valentine explained that the voters should know how the council members are voting and want them voting yea or nay.

Commissioner O'Donnell wondered if abstentions are used tactically. The use of abstentions seems to be on the rise, but is not sure this is a problem.

Chair Ryan explained to the Commission that the real issue is when people cannot make up their mind. He saw more abstention votes on the Mill Creek City Council than on the County Council. People should take hard votes, but it might be hard to enforce this proposal.

Vice Chair Miller spoke in opposition to the motion.

Commissioner Kelly stated that the parties in the county are strong. Most incumbents win re-election. She stated that abstaining is not doing their job. She also explained that there is a problem with absenteeism on the council.

Commissioner Barton stated that there is a de facto abstention by being absent from the vote. He expressed support for the principle by did not think that you can legislate doing one's job.

Commissioner Donner stated that abstentions allow council members to hide from their responsibilities.

Commissioner Chase explained that she did not see this is a big problem. There are many reasons to abstain on a vote. She wondered if there were particular issues where there are more abstention votes.

Commissioner Roulstone stated the only question before the Commission if the citizens should

decide the issue.

Commissioner Fior spoke in opposition to the proposal. She stated that the proposal does not address how to deal with conflict of interest.

Commissioner Valentine stated that the issue of absenteeism is related to the issue of abstentions. She wondered if there was a way to phrase a Charter issue to require council members to vote on all issues. She wondered how to get the most bang from the buck from the elected representatives.

Vice Chair Miller asserted that citizens hold elected officials accountable.

Commissioner Chase stated that the proposal is driven by frustration with elected officials. She expressed faith in the voters.

Commissioner Valentine responded that the council does not necessarily respond to public concerns. She expressed a desire to look at campaign finance reform. She stated that incumbents are very likely to win their reelection.

Commissioner Kelly moved to direct staff to conduct additional analysis for Charter Amendment Proposal 2016-03, Abstentions by County Council Members. Commissioner Roulstone seconded the motion.

Commissioner Barton stated that he does not think the proposal solves the problem.

The motion failed 6-6. Commissioners Barton, Donner, Kelly, Matthews, Roulstone, and Valentine voted in support of the motion. Chair Gregerson, Vice Chair Miller and Commissioners Chase, Fior, O'Donnell, and Stanford voted against the motion.

Commissioners discussed the operating procedures of the Commission, where eight votes of the entire Commission was needed to pass a motion.

Chair Ryan stated his admiration for the work of the Commission and he would not schedule any controversial votes during a planned absence.

OLD BUSINESS

NEW BUSINESS

Commissioner Kelly brought up two proposals for the Commission to consider. She stated that the certain fees from developers go into fund 193, and not the general fund. She expressed a desire for the Commission to require development fees go into the general fund. She advanced a second proposal that would prohibit an elected officials to not engage in outside economic pursuits while serving as a county official.

ADJOURNMENT

Vice Chair Miller moved to adjourn the meeting. Commissioner Kelly seconded the motion. The motion passed unanimously.

Chair Gregerson declared the meeting adjourned at 8:57 pm.

Exhibit 1. Letter from Dave Gossett

3/23/16

Dear Charter Review Commissioners:

I am writing to propose an amendment to the Snohomish County Charter for your consideration.

Prior to the creation of the Charter collective bargaining was under the control of the legislative authority embodied in the County Commissioners. With the adoption of the charter that control was maintained—the Charter as originally written vested the collective bargaining power with the County Council. It was not until the Charter was amended in 2005 that collective bargaining was placed in the hands of the County Executive. The last ten years of experience has demonstrated that this was a mistake.

Both of the last two Executives abused or misused their authority over collective bargaining. Aaron Reardon so misused his authority that the county was found guilty of committing an unfair labor practice against the Clerks union. The Washington State Public Employment Relations Commission (PERC) considered the behavior so serious that the county was ordered to settle the contract with the Clerks within a specified time frame or submit the issues to binding arbitration. I am aware of no other time in state history when a union which does not have the statutory ability to go to binding interest arbitration has been granted that right. Additionally, while Reardon represented the county (and taxpayers) at the bargaining table and sat in Executive Sessions where bargaining proposals were discussed he was separately advising the union's negotiators to reject proposals made by the county telling them they should hold out for a better deal.

John Lovick in his recent negotiations with AFSCME ignored the Council set collective bargaining guidelines in violation of the Charter. Section 2.20 (8) gives the Council the authority "To set collective bargaining guidelines to be followed by the county executive...". Section 3.20 (11) requires the Executive to "Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council...". Lovick did not do so and created a very negative labor/management atmosphere as a result.

Ten years of experience has shown that placing the collective bargaining authority in the Executive branch does not work. The temptation to misuse that power to make political gains is too high. It is time to amend the Charter and return the collective bargaining power to the legislative branch as it was prior to 2005.

Sincerely,



Dave Gossett

Former member, Snohomish County Council