

Snohomish County
Charter Review Commission
Monroe City Hall, Council Chambers
806 West Main Street, Monroe, WA 98272
Wednesday, April 20, 2016
7:00 p.m.
MINUTES

PRESENT:

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

CALL TO ORDER

Chair Gregerson called the meeting to order at 7:03 p.m.

FLAG SALUTE

ROLL CALL

All Commissioner present except Commissioner Donner who arrived at 7:35.

PUBLIC COMMENTS

No member of the public addressed the Commission

CHAIR'S REPORT

Chair Gregerson did not have a report.

APPROVAL OF THE MINUTES

Commissioner Lias moved to approve the minutes of the Charter Review Commission meeting of March 16, 2016 and March 23, 2016. The motion was seconded by Vice Chair Miller and passed unanimously.

BUSINESS ITEMS

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS

Chair Gregerson stated that the proposal to make the county place land use proposals as a link on the county's homepage was not a charter issue.

Commissioners discussed the difficulty of navigating the county's webpage and finding information. Commissioners suggested that the transmittal letter include concerns about the information on the website.

GUESTS

Councilmember Dunshee mentioned that he was on the Charter Review Commission twenty years ago. He spoke in support of expanding the council would allow for closer contact and reduce the influence of money in politics. He supported the proposal twenty years ago. As a voter, he likes party labels on the ballot.

Responding to questions from Vice Chair Terwilliger, Councilmember Dunshee stated a need to have a single person as the point for negotiations. Councilmember Dunshee spoke in strong support for placing county elections in even years to increase turnout.

Commissioner Liias asked about campaign finance reform. Councilmember Dunshee responded that there are lots of independent expenditures spent on campaigns and would prefer public financing with additional matching funds for independent expenditures over lower campaign limits.

Commissioner O'Donnell expressed a preference for the council taking action rather than enacting mandates in the Charter. Councilmember Dunshee mentioned that the council is engaged in code review.

Commissioners and Councilmember Dunshee discussed representation in unincorporated areas and expectations of services in rural areas in the county.

1. CHARTER AMENDMENT PROPOSAL PRELIMINARY DISCUSSIONS CONTINUED

Commissioner Koster spoke in opposition to a proposal requiring the county to conduct an advisory election for developments two acres or greater. He mentioned that the great costs of running an election.

Vice Chair Terwilliger expressed his opposition to non-binding advisory votes.

Commissioner Koster stated that the council would have to approve a development of the development meets the standard in the development code.

Commissioner O'Donnell moved that Charter Amendment Proposal 2016-36, Require the County to Conduct an Advisory Election for Developments Two Acres or Greater, forward for further analysis. Commissioner Roulstone seconded the motion. The motion failed unanimously.

Commissioner Roulstone spoke in favor of Charter Amendment Proposal 2016-37, County Code and Regulation Review. He stated that there is no organized process for reviewing existing law and regulations. He stated that citizens would come before a commission to express concerns in the code.

Commissioner Kelly expressed an openness to the proposal. She doubted citizens would participate in code review. Additionally, she stated that land use codes are frequently updated.

Commissioner Chase stated that a volunteer commission would shine a light on outdated codes and was inclined to support the proposal.

Commissioner Donner arrived at 7:35.

Commissioner Liias mentioned that it would take a huge staff to research the county code, and review of the code is the job of the council and there are multiple ways to receive public input. He stated that the State has an organization to review rules and receive citizen complaints.

Commissioners discussed how the office of the ombudsman can serve as an advocate and review the county code and regulations.

Commissioner Roulstone moved to remove Charter Amendment Proposal 2016-37, County Code and Regulation Review, and address the issue with the office of the ombudsman. Commissioner Valentine seconded the motion, which passed unanimously.

Commissioner Barton spoke in favor of changing the date of county elections. He stated a more engaged electorate would lead to a more robust electoral process.

Commissioner Barton moved Charter Amendment Proposal 2016-38, Change Date of County Elections, for further analysis. Commissioner Matthews seconded the motion.

Commissioners discussed the need for discussion on transitional provisions and the mechanics of how a transition would work.

Commissioner Matthews stated that even-year elections would save the county money.

Vice Chair Terwilliger stated that when the charter was first adopted, the county transitioned to odd-year elections. He wondered how term limits would apply.

Commissioner O'Donnell wondered if there would be savings to the county.

Commissioner Koster wondered about the effect on school district and municipal elections.

Commissioner Liias described a recent election that did not result in changes in turnout in an odd year election.

Commissioner Chase expressed an interest in understanding the effect of down-ballot races. She stated she wasn't sure if this proposal would address the true problem.

Commissioner Valentine stated that county government is a big deal, similar to the state legislature. City and school board are the local elections.

The motion passed 13-2. Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Barton, Chase, Donner, Kelly, Liias, Matthews, O'Donnell, Roulstone, Stanford, and Valentine in support. Commissioners Fior and Koster in opposition.

Commissioner Liias moved Charter Amendment Proposal 2016-39, Study of Independent Executives, forward for further analysis. Commissioner Matthews seconded the motion.

Commissioner Chase wondered why the motion included all the independent executives.

Commissioner Valentine expressed her opposition of judges appointing the county clerk. The big question is who makes the appointments.

Commissioner Liias stated the executive should be responsible for budgeting, and it makes sense for the Treasurer to be appointed. He stated that Pierce County has a combined Assessor/Treasurer. He stated the county council must confirm all appointees. He mentioned there are good reasons for the sheriff, auditor and assessor to remain elected positions.

Vice Chair Miller stated that he was opposed to appointed officials. Power would be concentrated in the executive, taking it out of the hands of the citizens.

Vice Chair Terwilliger stated the proposal was defeated by voters 20 or 30 years ago. During this period, the voters in King County created an elected sheriff and director of elections. He mentioned the council can change the roles of each office.

Commissioner Barton stated if there was an opportunity to consolidate offices, then he could support the proposal.

Commissioners O'Donnell and Fior stated there are no compelling reasons for change.

Commissioner Liias stated that the county could get rid of multiple salaries by eliminating separately elected executives. He mentioned that voters do not know much about people running for clerk.

Commissioners discussed the merits of combining positions and saving money.

The motion passed 7 - 8. Chair Gregerson and Commissioners Barton, Chase, Kelly, Liias, Stanford, and Valentine in support. Vice Chairs Miller and Terwilliger and Commissioners Donner, Fior, Koster, Matthews, O'Donnell, and Roulstone in opposition.

Chair Gregerson summarized Charter Amendment Proposal 2016-41.

Commissioner Liias wondered if there was a way to provide better coordination of public safety services.

Commissioners discussed the existing law and justice council and opportunities to reduce costs across county agencies.

Commissioner Chase stated that she supports the proposal because a council member brought up the issue.

Commissioner Valentine wondered if the proposal fits in the charter. She would support the proposal if the proposal addressed public and mental health.

Commissioners Barton, Kelly and Vice Chair Miller stated that this was not an issue that belied in the charter.

Commissioner Liias stated that the charter piece is improved budget coordination.

Commissioner Chase moved Charter Amendment Proposal 2016-40, Coordination of Public Safety Services, forward for further analysis. Commissioner Liias seconded the motion.

Chair Gregerson stated that she serves on the law and justice council and those discussions includes coordination of mental health services.

Commissioner Koster stated that the bigger problem is the lack of resources to address mental health.

The motion passed 8-7. Chair Gregerson, Vice Chair Miller, and Commissioners Chase, Fior, Liias, Matthews, Stanford and Valentine in support. Vice Chair Terwilliger and Commissioners Barton, Donner, Koster, Kelly, O'Donnell, and Roulstone in opposition.

Commissioner O'Donnell moved to reject Charter Amendment Proposal 2016-41, Lower Term Limits to Eight Years. Commissioner Koster seconded the motion. The motion passed unanimously.

Commissioner Roulstone stated that a citizen wanted to address the issue of the airport in the Charter. He stated there used to be an airport commission. Chair Gregerson stated the Commission is already considering the issue.

2. MOVE UNION NEGOTIATIONS TO COUNTY COUNCIL

Commissioner Gregerson stated that as an executive, she negotiates labor agreements and the current process in the Charter makes sense.

Commissioner O'Donnell stated there is no current problem.

Commissioner Koster outlined the current process of negotiations. The council sets the parameters and approves the contract.

Commissioner Chase stated this proposal was a bad idea.

Commissioner Koster moved to reject Charter Amendment Proposal 2016-09, Move Union Negotiations to County Council. Commissioner Liias seconded the motion. The motion passed unanimously.

3. CONFIRMATION OF DEPARTMENT HEADS

Chair Gregerson summarized the staff report.

Commissioner Liias stated that the State Senate does not have a timeframe to confirm an appointee. He spoke in support of the state law that an appointee, who is not confirmed, cannot be reappointed to that position. He also supported a time period, possibly 90 days, where the council must take action on a nominee or the nominee would be automatically confirmed.

Vice Chair Terwilliger expressed his support for the Clark County language in the Charter. He mentioned that a thirty day period might be too short for automatic confirmation.

Commissioners discussed the length of time an interim could serve in that position.

Commissioner Roulstone asked about the meaning of confirmation. He stated that the council should look at the qualifications of the nominee instead of the nominee's performance on the job. He expressed a preference for a 30 day period.

Commissioner Valentine expressed a preference for 90 days.

Commissioner Chase expressed a preference for 60 to 90 days.

Commissioner Koster stated that once a process is set in the Charter, this will improve communication between the executive and the council.

Commissioner Liias stated his preference for 90 days since there are some periods in the calendar where the council does not meet as frequently and at the beginning of the executive's term's where there would be many nominations.

Vice Chair Miller confirmed the executive would retain the power to fire an appointee.

Commissioner Liias moved that staff prepare an amendment to the Charter that the county council has ninety days to consider an appointment by the executive, that the Charter follow state law for when the county council rejects an appointment and provide the county council can set provisions of interim appointments in the code. Commissioner Roulstone seconded the motion. The motion passed unanimously.

4. CLARIFY POWER AND DUTIES OF ELECTED OFFICIALS

Vice Chair Terwilliger stated there is no reason to amend the Charter.

Commissioner Chase moved to remove the Charter Amendment Proposal 2016-11, Clarify Power and Duties of Elected Officials, from further discussion. Vice Chair Terwilliger seconded the motion. The motion passed unanimously.

5. UPDATE LANGUAGE ON NONDISCRIMINATION

Chair Gregerson summarized the proposal, stating that the Charter differs from state law.

Commissioner O'Donnell stated that the law may change over time, and liked the current language in the Charter.

Commissioner Liias mentioned that state law provides protection against discrimination. He wondered whether there should be an enumerated list or whether the language should just point to state law.

Commissioners discussed whether this list in the Charter was cumbersome and support for the current language in the Charter, "any other basis" as being broad.

Commissioner O'Donnell thought that seven to eight proposals would go to the ballot in November.

Commissioner Valentine spoke in favor of getting rid of the list and wondered if non-discrimination could go together with gender-neutral language.

Vice Chair Miller moved to extend the meeting to 9:30, if needed. Commissioner Chase seconded the motion. The motion passed 13-1. Chair Gregerson and Vice Chairs Terwilliger and Miller, and Commissioners Barton, Chase, Fior, Kelly, Liias, Matthews, O'Donnell, Roulstone, Stanford, and Valentine in support. Commissioner Donner in opposition. Commissioner Koster abstained.

Commissioner Chase expressed support to change the language in the Charter.

Commissioner Liias stated a desire to change the current language and expressed a concern if people would vote against the proposition if they did not like one of the elements in the list.

Commissioner Liias moved to direct staff to prepare an amendment to the Charter that includes a generic statement about nondiscrimination, adds reference to state and federal law, and removes race, creed, color, sex, age and handicap. Vice Chair Terwilliger seconded the motion. The motion passed unanimously.

6. EXPLORE CONCEPTS FOR ADDITIONAL REPRESENTATION

Commissioner Kelly stated that a subcommittee met and decided not to move forward on amending the Charter. She expressed a desire to address the proposal along with the proposal to expand the size of the council. She spoke in favor of creating a rural at-large representative.

Commissioners discussed whether federal law would allow for at-large representatives.

Commissioner Koster moved to remove the proposal from further discussion and add language to the transmission letter expressing the Commission's concerns about unincorporated representation. Commissioner Valentine seconded the motion. The motion passed unanimously.

7. REVIEW OF CHARTER AMENDMENT LANGUAGE

Commissioner Liias expressed a desire to give feedback on the ballot language.

Chair Gregerson asked for discussion on Proposal 2016-13 and 2016-12 - Change Qualifications for County Offices.

Chair Gregerson asked for discussion on Proposal 2016-23 - Update Charter to Use Gender-Neutral Language. Commissioner Liias stated that he would like to see gender specific term, rather than masculine in the ballot title.

Commissioner Liias moved to substitute masculine in the ballot title with the term gender specific. Commissioner Barton seconded the motion. The motion passed unanimously.

Chair Gregerson asked for discussion on Proposal 2016-15 - Eliminate Office of Performance Auditor.

Commissioner Liias stated that the public might reject the proposal and would be more comfortable repealing the other section regarding performance audits.

Vice Chair Terwilliger stated that ballot title should emphasize that performance audits are still in the charter.

Commissioners discussed that the goal is eliminate duplicative references and the ballot title should reflect that goal.

OLD BUSINESS

Commissioner Liias moved to direct staff to prepare an amendment to the Charter to make the prosecuting attorney nonpartisan. Commissioner O'Donnell seconded the motion.

Commissioner Liias stated that the prosecuting attorney says the role is primarily administrative in nature.

Commissioner Kelly spoke against the motion. She expressed a desire to know if the person is a Republican or a Democrat.

Commissioner Chase stated she was not compelled to make a change.

Commissioner Liias stated that he wants someone who was good at the job.

Commissioner Valentine mentioned that she was in favor in making all positions nonpartisan.

Commissioner O'Donnell stated the proposal was a good idea.

Commissioner Chase clarified that making the position non-partisan does not change the values of the individual serving in office.

Commissioner Valentine mentioned that the proposal would change the appointment process.

Vice Chair Miller stated that parties provide a starting place where someone's values are.

The motion passed 9-6. Chair Gregerson and Commissioner Barton, Koster, Liias, Matthews, O'Donnell, Stanford, Roulstone, and Valentine in support. Vice Chairs Miller and Terwilliger and Commissioners Donner, Chase, Fior, and Kelly in opposition.

Commissioners discussed the process of bring back proposals for discussion if they previously did not receive eight votes.

ADJOURNMENT

Commissioner Donner moved to adjourn. Commissioner Fior seconded the motion. The motion passed unanimously.

Chair Gregerson adjourned the meeting at 9:30 pm.