

**Snohomish County
Charter Review Commission**

8th Floor Robert J. Drewel Building

Jackson Board Room

Wednesday, May 4, 2016

7:00 p.m.

MINUTES

PRESENT:

Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Chase
Commissioner Donner
Commissioner Kelly
Commissioner Liias
Commissioner Matthews
Commissioner O'Donnell
Commissioner Roulstone
Commissioner Stanford
Commissioner Valentine
Chris Roberts, Commission Analyst
Rick Robertson, Commission Attorney

CALL TO ORDER

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

FLAG SALUTE

ROLL CALL

Commissioner Barton, Fior and Koster absent. Commissioner Donner arrived at 8:02, Commissioner Liias arrived at 8:14.

GUESTS

Commission Attorney Rick Robertson introduced himself to the Commission and stated that he does not have a conflict of interests based on his past service to the county. He stated that expectation is that communication will be public record, but confidentiality can exist as need arises.

He described the process of drafting ballot language. Amendment drafts are based on input from staff and examples from other jurisdictions. One issue not yet addressed in the draft language is amendments to transition provisions. He mentioned that the Commission should budget sufficient time to allow for public comment and comments from effected agencies.

Commissioner Roulstone asked if the Commission can place issues on the November 2017 ballot. Mr. Robertson stated that he would review the Charter before answering.

Commissioner Matthews asked about the single subject rule. Mr. Robertson stated that the charter contains an explicit single subject rule for amendments. He stated that the default approach is that everything is separate, however the charter allows for interrelated amend-

ments may be combined. He described the court's use of a multi-step process for determining if an initiative violates the single-subject rule. He mentioned that the purpose of the single subject rule is to avoid logrolling.

Commissioner Valentine clarified that the term of the Commission was one year and wondered how the Commission could place a measure on the ballot in a subsequent year.

Vice Chair Terwilliger asked about an Attorney General's Opinion about the county prosecutor becoming a non-partisan office and whether that opinion would extend to changing the date of the prosecutor's election and term limits of the officer. Mr. Robertson stated he would like to review the opinion and stated there is little guidance when a charter conflicts with state law. In a previous case, a court rules there was sufficient local interest in setting the timing of elections.

PUBLIC COMMENTS

Michelle Valentine of Mukilteo spoke on behalf of the League of Women Voters. She supported the office of the ombudsman to the charter and changing the name of the office to citizen's advocate. She also spoke in support of changing the districting timeline and in opposition to allowing the county council to amend the districting plan.

Greg Tisdale of Everett stated that the Port of Seattle manages SeaTac Airport and serves as a conduit to the public. He stated the council abolished the airport commission because the commissioners were required to file financial statements. He wondered if the tenants or the FAA were contacted. He stated that the airport is successful because they can take quick action.

Mike Patterson of the Master Builders Association stated that the association has concerns about permit revenue going to the general fund, sunset clauses, advisory votes on developments, and a appeals going to superior court. Commissioner Valentine asked if the association has concerns about evening meetings. Mr. Patterson stated that the council should consider costs in the Commission's deliberations.

APPROVAL OF THE MINUTES

Vice Chair Miller stated that he was present at the April 6 meeting.

Commissioner Roulstone moved to approve the minutes of the Charter Review Commission meeting of April 6, 2016 with the corrections made by Vice Chair Miller. The motion was seconded by Commissioner Chase and passed unanimously.

CHAIR'S REPORT

Chair Gregerson stated that the Commission passed the date to receive new proposals to amend the Charter.

BUSINESS ITEMS

1. REQUIRE APPEALS OF THE HEARING EXAMINER TO GO TO SUPERIOR COURT

Commissioner Kelly spoke in support of the proposal. She stated that people need an appeal to go before the council. The proposal would eliminate a step that has not proven helpful to citizens. She stated that the councilmembers do not have the experience of being judges and

should be able to talk with their constituents. The proposal would speed up appeals.

Vice Chair Terwilliger asked the Commission's attorney if the appeal to Superior Court is a closed record appeal. Mr. Robertson stated that generally the answer is yes.

Commissioners discussed the existing process of appeals of the hearing examiner and expressed concerns that citizens cannot talk to the council about the issue.

Chair Gregerson stated that the City of Mukilteo eliminated the appeal to the council of decisions of the hearing examiner. She explained that there were concerns with council members serving as judges.

Commissioner Kelly stated there would be ramifications to the proposal. She mentioned that the council becomes judges rather than legislators.

Commissioner O'Donnell stated that the step through the council becomes a political decision. He wondered why there was a drop in number of appeals to the council.

Vice Chair Terwilliger stated the council is required to make legal decisions and judges are trained to make legal determinations. The opportunity of the public to comment on proposals is before the hearing examiner.

Commissioner Roulstone asked how often the council overturned the decision of the hearing examiner. Vice Chair Terwilliger wondered what type of decisions get appealed to the council.

Mr. Robertson stated the county code classifies land use decisions in three categories.

Commissioner Chase discussed the need for staff to determine what type of appeals are part of the proposal and the consequences of the proposal.

Vice Chair Terwilliger wondered about the workload of the Superior Court and whether the council take action independently.

Commissioner Kelly stated that the council did not act over the past 10 years. She stated that the public understands the issues involved with land use appeals.

Commissioner Valentine spoke in support of the proposal.

Chair Gregerson stated that both residents and the council are frustrated by the process.

Commissioner Donner arrived at 8:02.

Commissioner O'Donnell asked the Commissioners to prioritize proposals and to have more review on the proposal.

Vice Chair Miller clarified that the council can change the ordinance. He supported changing the law rather than changing the Charter.

Mr. Robertson described the grounds for appeal to the council.

Commissioner Chase suggested that the council did take control over its workload and was responsive to these concerns. Commissioner Kelly responded that the drop in the appeals was due to the economy.

Commissioner Valentine suggested that the Commission should meet weekly.

Commissioner Roulstone suggested asking the council for input.

Commissioner Matthews moved to table the proposal to the next meeting. Commissioner Valentine seconded the motion. The motion passed unanimously.

Commissioners discussed the fact that the doors to the building are closed to the public.

2. EVALUATE GOVERNANCE STRUCTURE FOR PAINE FIELD

Chair Gregerson summarized the proposal and potential options in the proposal.

Commissioner Roulstone stated that an airport commission was a good idea. He stated that commission should have elected members from each council district, a representative from the local community, and an aviation expert. He mentioned that the airport is the largest asset in the county and the reason for its abolition was about financial disclosure from the commissioners.

Commissioner Liias arrived at 8:14.

Commissioner Matthews spoke in favor of the proposal and in favor of elected commissioners. He said the county needs some responsive body to manage the airport.

Vice Chair Terwilliger asked about the composition and purpose of the community council. Chair Gregerson answered that the community council was a part of the mediated agreement. Vice Chair Terwilliger wondered if the ordinance creating the airport commission was still in force. He spoke in opposition to advisory votes.

Vice Chair Miller stated is opposition to advisory votes and opposed to creation of an airport commission. He stated that the commission would create a new layer of governance and cost money.

Chair Gregerson stated her support to Commissioner Roulstone's proposal and openness to either appointed or elected commissioners.

Commissioner Valentine states that the rational for having something in place is strong, but expressed concerns about the financial impact of a new commission. She mentioned that she would prefer expansion of the council

Commissioner Liias stated he preferred an appointed airport commission. He compared the airport commission to the planning commission and other commissions staffed by the department. He stated that the airport can staff the committee without new employees. He mentioned that more residents commented on this proposal.

Commissioner O'Donnell stated that this would open a can of worms. He stated that the county council provides oversight over the airport.

Commissioner Roulstone moved to direct staff to prepare an amendment to the Charter that would reconstitute the airport commission with elected commissioners. Commissioner Matthews seconded the motion.

Vice Chair Terwilliger spoke in opposition to the motion and the proposal generally.

Commissioner Kelly asked if the airport commission would be an advisory body. She stated the commission would not be productive.

Commissioner Liias stated that the public feels that it does not have a say in what happens at the airport. The planning commission provides a place for the public to express its concerns. He stated a preference to have language for an appointed commission as well as an elected commission.

Commissioner Matthews stated there is a need for a planning commission for the airport. He spoke in opposition to a ten year delay in creating a commission.

Chair Gregerson spoke in support of the motion. The public has not had much notice on issues affecting the airport.

Commissioner Valentine mentioned that old commission was executive centric, rather than as an advisory body to the council. She stated that the Commission needs more information.

Commissioner Kelly stated that real issue is more notice of public hearings.

Commissioner Liias expressed comfort with giving staff direction to create ballot language.

Commissioner Matthews stated the commission should report to the council.

Commissioner Roulstone mentioned that the motion is to establish an elected commission in the charter and the language of the previous ordinance is not ideal.

Vice Chair Terwilliger stated that he wanted to know the scope of the authority of the commission. He mentioned that the commission cannot stop commercial air service at the airport.

Commissioner Liias stated that the planning commission deals with issues involving federal and state law. The airport commission would act similarly.

Commissioner Valentine stated that the proposal is not ready for ballot language.

Commissioner Matthews moved to table the proposal. Vice Chair Miller seconded the motion. The motion passed 10-2 Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Chase, Donner, Liias, Matthews, Roulstone, Stanford, and Valentine in support. Commissioners Kelly and O'Donnell in opposition.

Commissioner Liias stated that he would like to see sample ballot language at a future meeting.

3. EVALUATE STATUS OF HUMAN RIGHTS COMMISSION

Chair Gregerson summarized the proposal.

Commissioner Liias stated that the establishment of the commission in the Charter would take the politics out of the commission and state its importance.

Commissioner O'Donnell asked about the role of the human rights commission. Commissioner Chase described the educational role the commission plays in the community. Commissioners discussed the impact of what would happen if the amendment fails in November.

Commissioner Liias stated that the cities of Edmonds and Lynnwood have diversity commission and there are many organizations that could help

Commissioner Liias moved to direct staff to create ballot language for creating the human rights commission in the Charter. Commissioner Chase seconded the motion. The motion passed unanimously.

4. CHANGE DATE OF COUNTY ELECTIONS

Chair Gregerson stated that the Commission could postpone discussion of the issue.

Commissioner Liias moved to postpone discussion to the next meeting. Vice Chair Miller seconded the motion. The motion passed unanimously.

Commissioner Valentine spoke in favor of having weekly meetings.

Vice Chair Miller moved to extend the meeting for 10 minutes. Commissioner Chase seconded the motion. The motion passed unanimously.

Commissioner Roulstone moved to hold weekly meetings until the business of Commission is completed. Commissioner Valentine seconded the motion.

Commissioners discussed the effective date of the motion.

Chair Gregerson stated that she did not think the Commission was ready to meet weekly.

The motion passed 9-3. Vice Chairs Miller and Terwilliger, and Commissioners Donner, Kelly, Matthews, O'Donnell, Roulstone, Stanford, and Valentine in support. Chair Gregerson and Commissioners Chase and Liias in opposition.

ADJOURNMENT

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

Chair Gregerson adjourned the meeting at 9:05 pm.