

**Snohomish County
Charter Review Commission**

8th Floor Robert J. Drewel Building

Jackson Board Room

Wednesday, May 11, 2016

7:00 p.m.

MINUTES

PRESENT:

Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Barton
Commissioner Donner
Commissioner Kelly
Commissioner Koster
Commissioner Fior
Commissioner Liias
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 7:01 p.m.

FLAG SALUTE

ROLL CALL

Commissioner Chase absent. Commissioner Donner arrived at 7:25 pm.

PUBLIC COMMENTS

Michelle Valentine of Mukilteo spoke on behalf of the League of Women Voters. She stated that the districting plan should be free of influence from the county council. She expressed support for changing the date of budget submission.

APPROVAL OF THE MINUTES

Commissioner Stanford moved to approve the minutes of the Charter Review Commission meeting of April 20, 2016. The motion was seconded by Commissioner Liias and passed unanimously.

CHAIR'S REPORT

Chair Gregerson stated that the Commission sought a formal opinion from the county prosecuting attorney about submitting amendments to the Charter for the November 2017 ballot. She stated the Commission could take action on potential amendments to the Charter after the November 2016 election and those would be placed on the November 2017 ballot.

Chair Gregerson has reached out to county staff about gaining access to the Commission meetings.

Commissioners discussed holding meetings in the fall and the budget implications of holding meetings in the fall.

Commissioners discussed holding regular meetings in locations outside the county council chambers.

Commissioner Liias suggested that if the public failed to pass an amendment, the Commission could meet in November or December to review the results.

Commissioner O'Donnell stated his preference to move forward on only the issues the Commission is most passionate about. He expressed a desire to have a debriefing session after the election.

BUSINESS ITEMS

Chair Gregerson stated the intent of the meeting was to review the draft ballot language, not whether a proposal should move to the ballot.

1. REVISIONS TO DISTRICTING TIMELINE AND PROCEDURES

Chair Gregerson summarized the options presented by the staff for the Commission to consider.

Commissioner Liias stated that the attorney had a number of housekeeping items the Commission should consider. He expressed a preference for the county council to fix mistakes made by the districting committee.

Vice Chair Terwilliger clarified that the final plan for legislative districts is submitted to the legislature. He spoke in favor of parameters limiting the changes that could be made by the council. He mentioned that the council could be limited to 1/2 of a percent.

Commissioner Liias suggested that the measure should specify a ratio rather than the exact number of votes needed to amend the districting plan.

Commissioners discussed the idea of limiting the ability of the council to amend the plan. Commissioners Kelly and Fior spoke in favor of requiring an unanimous vote to change the districting plan.

Commissioners discussed the implication of requiring an unanimous vote and whether that requires all councilmembers to vote to amend the plan or whether it means all members present and voting.

Commissioner O'Donnell stated that requiring an unanimous vote would lead to unintended consequences.

Commissioner Donner arrived at 7:25.

Commissioner Roulstone and Vice Chair Terwilliger discussed whether the changes or errors that need to be made are technical changes.

Commissioners discussed the practical implications of requiring an unanimous vote.

Commissioners discussed whether the chair should be a voting member.

Commissioner Liias stated that the job of the Commission is to provide clarity.

Commissioners discussed whether the term “two largest” major political parties is clearly defined. Commissioner Roulstone stated that the language should be amended to include a reference to state law. Commissioner Liias suggested that the language could include the two largest parties in the county council.

Commissioner Stanford asked about the change to require at least four votes of the commissioners to amend the plan.

Chair Gregerson summarized the recommendation for the county council to adopt the plan, and are limited in how much the plan can be amended by an unanimous vote by the council.

Commissioner Liias stated that he was opposed to the requirement of an unanimous vote for amending the plan.

Commissioners Fior and Valentine spoke in support of requiring 2/3 votes of the county council to amend.

Commissioners discussed whether the chair should be a voting member.

Chair Gregerson summarized the discussion.

Commissioner Liias moved to direct edits of the ballot language as discussed by the Commission. Commissioner Koster seconded the motion. The motion passed unanimously.

2. ADDING OFFICE OF OMBUDSMAN TO THE CHARTER

Chair Gregerson summarized the ideas of naming the office.

Commissioner Valentine stated her opposition to striking the word complaints from the charter.

Commissioner Matthews stated that people understand the word complaint.

Commissioner Kelly stated that the ombudsman does more than investigating complaints.

Commissioner Koster stated that the term ombudsman covers all of the duties of the office.

Commissioner Liias stated that ombudsman sounds like a gendered term. He stated a preference for public advocate rather than citizen advocate.

Commissioner Roulstone suggested the office be called “Citizen’s Assistant.”

Commissioner Kelly stated a preference for “Public Advocate” or “Public Representative.”

Commissioner Matthews suggested “Public Information and Complaints.”

Vice Chair Miller lobbied for “Public Advocate” as a clear term people would understand.

Vice Chair Terwilliger asked about the power of subpoena and the question of code interpretation.

Commissioner Fior spoke in favor of “Public Advocate” and expressed concerns that the duties of the office are not in the proposed ballot title.

Commissioner O’Donnell spoke in favor of using the word advocacy in the office.

Commissioner Liias spoke in opposition to granting the office subpoena authority.

Commissioner Koster stated the council would determine the authority of the office. He recommended that the council determine by ordinance the scope of the position.

Commissioner Valentine suggested that the office should be called “ombudsman.”

Commissioner Kelly discussed the use of “public advocate” in multiple arenas.

Commissioners discussed whether the office needs to be named in the Charter.

Vice Chair Terwilliger noticed a difference between the ballot title and the proposed language.

Chair Gregerson stated there are more voices for public advocate.

Commissioner Kelly wondered if the Commission would add “information” to the office. She stated that people may want to

Commissioner Stanford wondered what other counties name this office and mentioned ombudsman is a gender-neutral term.

Commissioner Matthews wondered how long the ballot title could be. He stated the language could be changed to include “to provide information.”

Vice Chair Miller stated that he was concerned with references to what King County does.

Vice Chair Terwilliger confirmed that the Commission’s attorney wrote the ballot titles.

Commissioner Liias stated that the ballot title does not capture the intent of the Commission. He stated that the office should have the authority to be proactive.

Commissioner Matthews suggested the addition of “and inquiries” to the language following the word complaints.

Commissioner Fior suggested the staff come back with amended ballot language.

3. TIMING OF BUDGET SUBMISSION

Commissioner Roulstone moved to move the proposal on. Commissioner Koster seconded the motion. The motion passed unanimously.

4. CONFIRMATION OF DEPARTMENT HEADS

Chair Gregerson summarized the ballot language.

Commissioner Liias stated that the executive should appoint the council in writing about the appointment.

Commissioner Matthews wondered about the term “to the same position.”

Commissioners discussed that the executive may appoint individuals from the department to a leadership position.

Vice Chair Terwilliger suggested requiring a shorter timeframe than ninety days.

Commissioner Koster stated that appointees may be hired from out of state and the process should not get strung out.

Commissioner Kelly supported moving to forty-five days for confirmation and wondered if any appointment has been denied by the county council.

Commissioner Liias stated the Commission should plan for the worst case scenario. He expressed concern that a new executive would only have forty-five days to fill appointments. Commission Liias further explained that the council should develop rules for interim appointees. He also expressed concerns about the deputy executive becoming the executive until the council appoints a new executive.

Commissioners discussed the role of an interim county executive, and the length of service of an interim county executive.

Commissioner Matthews suggested that forty-five days is too short and ninety days is too long for the council to appoint a nominee.

Commissioner Matthews direct edits of the ballot language as discussed by the Commission. Commissioner Koster seconded the motion.

Commissioner Liias wondered if the motion included rules for interim appointments.

Commissioners discussed the status of interim directors in the county.

Commissioner Matthews wondered if the ballot language should be clarified to include the word “permanent appointment.”

The motion passed unanimously.

5. UPDATE CHARTER LANGUAGE ON NONDISCRIMINATION

Chair Gregerson summarized the proposal.

Commissioner Barton moved to approve the language as presented. Vice Chair Miller seconded the motion.

Commissioner Matthews asked about the language in the proposal.

The motion passed 12-1. Chair Gregerson, Vice Chair Miller and Terwilliger, and Commissioners Barton, Donner, Fior, Koster, Liias, Matthews, O'Donnell, Roulstone, and Stanford in support. Commissioner Valentine in opposition. Commissioner Kelly absent.

Vice Chair Terwilliger suggested this proposal could be combined with gender-neutral language.

6. MAKE COUNTY PROSECUTOR NONPARTISAN

Chair Gregerson summarized the proposal.

Vice Chair Miller stated that this proposal is based on an Attorney General's opinion and may be challenged in court.

Commissioner Liias stated that the language is clear and meets the expectation of the Commission.

Commissioner Matthews to accept the language as presented. Commissioner Liias seconded the motion. The motion passed 13-1. Chair Gregerson, Vice Chair Terwilliger, and Commissioners Barton, Donner, Fior, Kelly, Koster, Liias, Matthews, O'Donnell, Roulstone, Stanford, and Valentine in support. Vice Chair Miller in opposition.

OLD BUSINESS

1. REQUIRE APPEALS OF HEARING EXAMINER GO TO SUPERIOR COURT

Chair Gregerson summarized the proposal and questions that remained unanswered.

NEW BUSINESS

Commissioner Liias passed out language about coordination of public safety services he discussed with Commissioner Valentine.

Chair Gregerson discussed the agenda for May 18.

Commissioners discussed the discussion on May 4 about the hearing examiner. Commissioner Koster stated that he did not want to take away the opportunity for citizens to come to the council.

ADJOURNMENT

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

Chair Gregerson adjourned the meeting at 8:37 pm.