

**Snohomish County
Charter Review Commission**

8th Floor Robert J. Drewel Building

Jackson Board Room

Wednesday, May 25, 2016

7:00 p.m.

MINUTES

PRESENT:

Chair Gregerson
Vice-Chair Terwilliger
Vice-Chair Miller
Commissioner Barton
Commissioner Chase
Commissioner Fior
Commissioner Kelly
Commissioner Koster
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

Commissioners Donner and Liias absent.

GUEST

Executive Somers spoke briefly about several proposals the Commission is considering. He expressed strong support for changing the qualifications of elected officials. He spoke in opposition to expansion of the council due to costs and that new council districts would not increase representation in rural areas. He stated that off-year elections benefits the county.

Executive Somers spoke in support of mechanisms to better coordinate better public safety management.

Executive Somers mentioned that he opposes changes to the Charter to change the date of the budget submission to the council. He stated that the county constantly revises revenue numbers and moving the submission date earlier provides less confidence in the budget. He also mentioned that he is working collaboratively with the council to provide the budget earlier.

Executive Somers expressed his opposition to creating an airport commission in the Charter. He did express support for expanding mechanisms for increased public involvement in airport operations. He described concern for the need of a well-thought out process that does not

have unintended consequences. He mentioned that Paine Field is a unique facility and an enterprise fund for the county. He stated the model is working and a new layer of bureaucracy would slow things down and interfere with the nimbleness of the business model.

Commissioner Matthews asked if the executive was aware of the different concepts for Paine Field and that an airport commission would assist the county council in a similar manner to the fair commission and the planning commission. Executive Somers responded that a commission like the planning commission or the fair advisory committee would work well. He stated the commission is out of place in the Charter.

Vice Chair Terwilliger stated the council often feels rushed to adopt a budget and revenue numbers are always changing. He asked if it a legitimate issue that the council does not have enough time to consider the budget. Executive Somers said the process is rushed and that he intends to lead an open and collaborative budget process.

Commissioner Roulstone expressed concern that the next county executive will not lead a collaborative budget process. He also confirmed there is nothing prohibiting the council from creating an airport commission. Executive Somers responded that there are a number of models of advisory commissions in the council and there are time constraints to get something in the Charter for the November election. He stated that the council's experience with the budget varied depending on the executive.

Commissioner Valentine stated that charter amendment decisions cannot be based on any individual. She mentioned that the issue of expanding the council has been an issue every ten years. She asked about delayed implementation until after the 2020 census. Executive Somers stated that expanding the council is an added expense and does not see expansion as making a big difference.

Commissioner Valentine asked about coordinating public safety services and that the public safety system deals with substance abuse and mental health issues. Executive Somers stated that the jail is not the right place to treat mental health issues. He spoke about projects the county is funding to change the model.

Commissioner Koster stated he appreciative the collaborative budget process and the sooner the budget is before the council will lead to a better process. Executive Somers responded that it never makes sense to fight or hide information.

PUBLIC COMMENT

No member of the public addressed the Commission.

APPROVAL OF THE MINUTES

Commissioner Barton mentioned he should be listed as present at the May 11 meeting.

Commissioner Miller moved to approve the May 4 and May 11 minutes with additional corrections. Commission Roulstone seconded the motion.

Vice Chair Terwilliger stated that it would be helpful to include a sentence describing the opinion of the prosecuting attorney described in the Chair's report and the Commission adjourned at 8:37 pm.

The motion passed unanimously.

CHAIR'S REPORT

Chair Gregerson discussed options for finalizing proposals, She suggested a roundtable format or take time during the meeting to discuss these issues.

BUSINESS ITEMS

1. SCHEDULE OF COUNTY COUNCIL MEETINGS

Chair Gregerson summarized the draft language. She spoke about the staff recommendation to have all public hearings in the evening. She explained that there is about one public hearing a week and those hearings last an average of about thirty minutes.

Commissioner Kelly stated her support for in-district meetings. She stated it was not her intent to hold every public hearing in the evening, but to have significant public hearings, like land use, comprehensive plans, or development regulations held in the evening.

Commissioner Valentine spoke in support for the language. She wondered how to clearly define what was an important public hearing.

Vice Chair Miller stated that this proposal was legislating leadership and the councilmembers should have regular district meetings.

Vice Chair Terwilliger stated there is a difference between a meeting and a public hearing. He expressed concern whether the language "all public hearings required by this charter" achieves the intent of the proposal.

Commissioner Kelly stated that the public hearings the public are most likely to be interested in are comprehensive plans and land use issues.

Commissioner Valentine stated that voters voted for more transparency and accessibility in county government. She stated that Snohomish County is a commuter county and for many residents the county is their local government. She mentioned that the Whatcom County council meets in the evenings.

Chair Gregerson mentioned that there was consensus on the in-district meetings.

Commissioner Roulstone suggested a proposal to change the language in the last sentence in the proposal, to "all meetings in each council district shall be in the evening."

Commissioners discussed whether the council held evening meetings.

Commissioner Koster stated that he was opposed to requiring all public hearings in the evening.

Commissioner Roulstone moved to strike "hearings" and add "meetings in each council district" in the last sentence of the amendment. Commissioner Koster seconded the motion.

Vice Chair Terwilliger stated that the ballot title would also need to be changed to be consistent with the amendment.

Commissioner Fior suggested removing the language about emergencies.

Commissioner Kelly clarified that the amendment would take out the public hearing.

Commission Staff suggested striking the last sentence of the amendment and inserting “one evening special meeting” before in each council district.

Commissioner Roulstone accepted the staff proposed amendment.

Commissioners discussed the business which can occur during a special meeting.

Vice Chair Terwilliger wondered if a charter county can have more meetings than those required in RCW 36 and asked for a response from the Commission’s attorney.

Commissioner Matthews wondered if the amendment addresses the discrepancy in the ballot title.

Chair Gregerson restated the motion as striking the last sentence of the amendment and inserting “one evening special meeting” before in each council district. The motion passed unanimously.

Commissioner Kelly wondered if we could state and land use and development regulation public hearings must be held in the evening.

Commissioner Koters suggested language for updates required by the Growth Management Act.

Commissioner Roulstone stated the concern is that citizens attend meetings. He suggested a process by which a certain number of citizens could petition the council to have the meeting in the evening.

Commissioner Kelly stated the notification process makes it difficult to get the public to ask for an evening meeting.

Commissioner Chase expressed a concern that a mandate all meetings at night would affect those who work at night.

Commissioner Koster stated there are multiple hearings on these issues.

Commissioner Kelly stated that there are lots of people attending planning commission meetings, but fewer people attending meetings at 10:30 am on a Wednesday.

Commissioner Chase spoke for flexibility in the process.

Commissioner Valentine stated the League of Women Voters spoke in favor of increasing participation in government. She stated that more people are able to attend evening meetings and important issues may not just be about land use.

Commissioner Matthews stated the devil is in the details of this issue. He wondered how to word the amendment to capture the intent of the proposal.

Commissioner O’Donnell wondered why the council is not more involved in involving citizen participation and was not sure this should be placed in the Charter.

Commissioner Koster stated that a variety of staff members come to council meetings.

Vice Chair Terwilliger stated that there are many nuances in what is or what is not an important public hearing. He suggested that the issue should be placed in a letter to the Council.

Commissioner Chase wondered if the Commission can carry this on the agenda. Chair Gregerson stated it would be appropriate to carry the issue.

Commissioner Koster suggested that we leave it lay at let Commissioners bring up amendments at a future meeting.

Chair Gregerson stated there was consensus on the rest of the ballot language and that Commissioner could develop additional amendments to the proposal.

2. EVALUATE STATUS OF HUMAN RIGHTS COMMISSION

Chair Gregerson summarized the draft language and the possibility to combine the proposal with the non-discrimination and gender-neutral language proposals.

Commissioner O'Donnell stated that the commission should not be in the Charter.

Commissioner Chase confirmed that the commission was reauthorized by the county council. She stated the commission was important because the demographics of the county is becoming more diverse. The commission will address issues of cultural diversity and placing the commission in the Charter would signify its importance.

Commissioner Koster stated placing the commission in the Charter would not make the commission work any better.

Vice Chair Miller stated he struggles with whether the commission should be in the Charter. Placing the commission in the Charter would validate human rights and serve as a step forward for the county.

Commissioner Barton mentioned that the commission functions well and that there are no other commissions in the Charter except for the charter review commission. Placing the commission in the Charter would be a political statement, not a governance issue.

Vice Chair Terwilliger mentioned that no other county contains a similar commission in their charter. He wondered if the intent of the proposal could be added as a statement in another proposal.

Commissioner O'Donnell expressed agreement with Vice Chair Terwilliger and the citizens will determine the importance of the issue.

Commissioner Roulstone stated the most appropriate place for the proposal is in the preamble.

Commissioner Matthews stated that in 1776 no other countries had issue a declaration of independence. He stated that the Commission is already considering adding an airport commission in the Charter and taking a bold stance to force the county to think about the future.

Chair Gregerson relayed that there are two commissions in the charter, the salary commission and the charter review commission.

Commission Fior stated the county can be a leader on this issue and placing the commission in the Charter makes a good statement and improves the quality of life of county residents. She

spoke in opposition to combining the proposal with the gender-neutral language proposal.

Commissioner Chase stated that the proposal is a stand-alone issue and that the language in the draft amendment is fine.

Commissioner Barton stated the language in the proposal is fine, but is not sure whether the charter is the place for this commission or the airport commission.

Commissioner O'Donnell stated he likes this proposal more than the proposal to add the airport commission.

Commissioner Valentine mentioned she was on the fence if this should be in the charter, and would prefer a more accessible government that would protect human rights.

Commissioner Chase moved to accept the proposed language of this charter amendment. Commissioner Fior seconded the motion. The motion passed 9-4. Chair Gregerson, Vice Chairs Miller and Terwilliger, and Commissioners Chase, Fior, Kelly, Matthews, Roulstone and Stanford in support. Commissioner Barton, Koster, O'Donnell and Valentine in opposition.

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

Chair Gregerson summarized the draft language.

Commissioner Koster stated this proposal would probably go forward. He stated he did not want the citizen precluded from coming to the council instead of superior court.

Commissioner Kelly discussed a proposal recently decided by the hearing examiner and wondered if councilmembers who received letters from residents would recuse themselves from an appeal of the decision.

Commissioner Koster mentioned that councilmembers need to disclose *ex parte* communications, which can skew the vote. He stated that sometimes appeals help councilmembers determine what needs to change.

Commissioner Chase wondered if the executive or council had spoken about the issue.

Commissioner Kelly stated the proposal should be sent to the voters. She mentioned it was not cheap to appeal to the council. The proposal would take out an extra step to save money.

Commissioner Barton expressed an interest to save citizens money.

Commissioner Koster moved to accept the proposed language of this charter amendment. Commissioner Roulstone seconded the motion.

Commissioner Chase clarified the meaning of the ballot language.

Commissioner Fior expressed concerns the ballot title discussion a "hearing examiner system" was confusing by using jargon.

Commissioners discussed options for framing the ballot title in a positive lights.

Vice Chair Terwilliger suggested the public understands the term "quasi judicial appeal" better than "closed record appeals."

Commissioner Matthews clarified there will be pro and con statements in the voter pamphlet. Commissioners discussed the role of the Commission in drafting voting pamphlet statements.

Commissioner Valentine stated that this proposal takes away the quasi judicial responsibilities of the council and should be clarified in the ballot title.

The motion passed unanimously.

OLD BUSINESS

NEW BUSINESS

Commissioner Roulstone reminded the Commissioners to take time on Memorial Day to reflect on the meaning of the date.

Vice Chair Terwilliger asked for the opinion of the Commission's attorney whether it was possible to move the election of the protecting attorney to odd-numbered year elections and whether to place term limits on the office, suggesting there is an inconsistency in the Attorney General's opinion.

ADJOURNMENT

Chair Gregerson adjourned the meeting at 8:39 pm.