

**Snohomish County  
Charter Review Commission**  
8<sup>th</sup> Floor Robert J. Drewel Building  
Jackson Board Room  
Wednesday, June 15, 2016  
7:00 p.m.  
**MINUTES**

**PRESENT:**

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

**CALL TO ORDER**

Vice Chair Terwilliger called the meeting to order at 7:02 p.m.

**FLAG SALUTE**

**ROLL CALL**

Chair Gregerson Commissioner Lias absent. Commissioner Donner arrived at 7:07 pm; Commissioner O'Donnell arrived at 7:08 pm; Commissioner Stanford arrived at 7:13 pm; Commissioner Barton arrived at 7:47 pm.

**PUBLIC COMMENT**

No members of the public wished to comment.

**APPROVAL OF THE MINUTES**

**Commissioner Koster moved to approve the June 1 minutes. Commissioner Roulstone seconded the motion. The motion passed unanimously.**

**Vice Chair Miller moved to approve the June 8 minutes. The motion passed unanimously.**

**CHAIR'S REPORT**

Vice Chair Terwilliger described a meeting with Chair Gregerson, Vice Chair Miller, and Commission staff. He suggested that there would be two letters drafted by the Commission. One letter would be a cover letter on proposals for the 2016 ballot. A second letter would be more

extensive and developed with the input of the Chair and does not have the same timing as getting issues on the 2016 ballot. Vice Chair Terwilliger also mentioned that the Commission could consider whether proposals go on the 2016 ballot or the November 2017 ballot.

Vice Chair Terwilliger mentioned that the proposal is for the public hearing on June 22 is to be held in the public meeting room on the first floor of the County Administrative Building. He stated that the meeting of June 22 and June 29 would start at 6:00 pm.

Commissioner Donner arrived at 7:07 pm, Commissioner O'Donnell arrived at 7:08 pm.

Vice Chair Terwilliger discussed the expectation of the meeting to review final language for the public hearing on June 22. He mentioned that Rick Robertson, the Commission's Attorney is in attendance.

## BUSINESS ITEMS

### 1. REDISTRICTING PROCESS

Vice Chair Terwilliger stated that he proposed an amendment regarding the redistricting process, but explained he will withdraw the amendment.

Attorney Robertson encouraged Commissioners to review the cover letter which addresses changes made from previous discussions. He mentioned that many of the changes were clarification in the ballot titles.

Commissioner Stanford arrived at 7:13 pm.

Commissioner Roulstone asked about language regarding 4.70 about whether "four affirmative votes" need clarification that those votes come from the county council. Attorney Robertson responded that the Commission might want to consider alternative language: "provided that a minimum of four affirmative votes shall be required to amend the plan adopted by the districting committee and the area amended may not include more than one percent of the population of any council district."

Vice Chair Terwilliger asked if there was consensus to use the alternate language.

**Commissioner Fior moved to use the language proposed by the Attorney. Commissioner O'Donnell seconded the motion. The motion passed unanimously.**

Commissioners discussed capitalization in the ballot title and amendment language.

Attorney Robertson mentioned that there still might be changes to ballot language based on which proposals go to the voters.

**Commissioner Fior moved to adopt the language as amended. Commissioner Roulstone seconded the motion.**

Commissioner Valentine asked if the charter could use the term "supermajority" rather than an actual number. Attorney Robertson stated that other provisions in the charter use an actual number of votes.

**The motion passed unanimously.**

## 2. OFFICE OF PUBLIC ADVOCATE

Commissioners discussed capitalization in the ballot titles and the consistency of style across ballot titles.

Commissioner Koster asked about the term “nature and disposition” in the proposal. Attorney Robertson mentioned that the previous draft contained the word “all” based on concerns. The term tried to distinguish between monitoring and second-guessing. The term “nature” does not need to include names.

Commissioner Chase asked what would happen if we struck “nature and disposition” and wondered if that would be vague or accomplish the goal of the proposal.

Vice Chair Terwilliger stated that that would be too vague. He suggested that the term disposition indicates we are going to get information on what happened to the complaint.

Commissioner Koster stated the term nature means what kind of complaint was it.

Attorney Robertson stated that the term came from the Commissioners. The sentence would allow a monitoring function. He suggested that the Commissioner could add as directed by ordinance.

Commissioner Koster mentioned that the idea was to add accountability to the process of complaints. He suggested that the problem could be the report to the county council.

Commissioner Kelly suggested that the report goes to the appropriate body, rather than just to the county council.

Commissioner Roulstone wondered if we could add “other complaints” to the language.

Commissioner Matthews stated that the term “nature” is type of complaint and the language means that the whistleblower, ethics, and human rights complaints are specifically addressed.

Vice Chair Terwilliger stated that there are already public disclosure laws relating to these complaints.

**Commissioner Koster moved to approve the language as written. Commissioner Fior seconded the motion. The motion was approved unanimously.**

Attorney Robertson stated that the language would be sent to the prosecuting attorney for additional review.

## 3. COUNTY COUNCIL MEETINGS AND HEARINGS

Vice Chair Terwilliger introduced the topic and mentioned an amendment proposed by Commissioner Kelly.

**Commissioner Kelly moved to add the sentence “Unless the council finds that an emergency exists, a public hearing must be held after 6:00 p.m. on the proposed budget presented by the county executive pursuant to Section 6.50 and on any proposed ordinance to adopt, amend, or repeal a county comprehensive plan or development regulation,” to the proposed Charter amendment. Commissioner Valentine seconded the motion.**

Commissioner Koster asked if we want to require an evening meeting for every regulation.

Commissioner Kelly stated there are not many development regulations that come to the council every year. She stated development regulations include the critical area regulations and updates and the shoreline master plan and updates. She stated that development regulations implement the comprehensive plan.

Commissioner Koster stated that any change would require a night meeting.

Commissioner Valentine stated the intent of the proposal is to make decisions more transparent and more organized.

Vice Chair Terwilliger stated the term “development regulation” is very broad.

Commissioner Kelly stated it would not take much for the county council and council staff to work together to consolidate proposals into one meeting. She stated these issues impact people’s lives.

Commissioner Matthews stated this proposal is very specific and inconsistent with other proposals which are more general. He stated that people make the time to be present when the issue is very important.

Commissioner Kelly responded that more people attend evening planning commission meetings than public hearings of the council held during the day.

Commissioner Barton arrived at 7:47 pm.

Commissioner O’Donnell expressed that the Commission is going the right direction with requiring in-district meetings. He expressed opposition to the proposed amendment.

Commissioners discussed the meaning of development regulations.

Commissioner Kelly stated that most

Commissioner Roulstone asked if there would be additional costs for holding evening meetings.

Vice Chair Terwilliger wondered if the Commission would be willing to drop “development regulations” from the amendment.

**Vice Chair Terwilliger announced that the consensus of the body was to delete “or development regulation” from the proposed amendment.**

Attorney Robertson stated the language in the amendment could result in more meetings and should not be read as a mandate that there would be two hearings. He mentioned that there was a lack of parallelism in the proposal from evening in one sentence and 6:00 pm in another sentence.

**Vice Chair Terwilliger announced that the consensus of the body was to replace “after 6:00 pm” with “evening.”**

The motion passed unanimously.

Commissioner Roulstone moved to adopt the ballot proposal as amended. Commissioner Barton seconded the motion. The motion passed unanimously.

#### 4. CONFIRMATION OF CHIEF EXECUTIVE OFFICERS

Vice Chair Terwilliger described changes to the proposal.

**Commissioner Fior moved to adopt the ballot language as drafted. Commissioner Valentine seconded the motion. The motion passed unanimously.**

Commissioner Matthews stated the intent of the proposal was to not skirt the amendment with a backdoor apportionment. Attorney Robertson stated that the amendment only refers to the chief officer. He stated that typically there is a position that is identified as the head of the agency.

#### 5. QUALIFICATIONS FOR ELECTIVE OFFICE

Analyst Roberts stated the proposal was withdrawn during the June 1 meeting.

Vice Chair Terwilliger stated the discussion of the item was around placing the proposal on the November ballot rather than withdrawing the proposal from active consideration. He stated that a member who voted for withdrawing the proposal would need to bring up the issue for consideration.

Commissioner Koster asked if the proposal could be brought up in November. Vice Chair Terwilliger responded that the proposal was completely withdrawn from consideration.

**Commissioner Chase moved to place the proposal back for consideration by the Commission. The motion was seconded by Vice Chair Miller. Vice Chair Terwilliger ruled the motion out of order.**

Commissioner Chase stated that the reason was for ballot length.

Commissioner Kelly expressed her opposition to the proposal.

Vice Chair Terwilliger discussed his reasons in support of the proposal.

**Vice Chair Terwilliger moved to place the proposal back for consideration by the Commission. The motion died for a lack of a second.**

#### 6. INCREASING COUNTY COUNCIL FROM FIVE MEMBERS TO SEVEN MEMBERS

Vice Chair Terwilliger explained that the attorney presented additional language about transition provisions about when elections occur.

Attorney Robertson stated that the changes were expressed in the June 13 letter to the Commission. The main proposal reflects discussions with staff. In the June 13 staff report there was an alignment with the election of the county executive and the minority of councilmembers. He stated that that alignment was true in option 1, when even year elections pass, and for option 2, if the expansion of the council passes, but not for option 3 if both propositions pass. He stated that the way for alignment to work, some seats would have back-to-back two year terms. He said that if the Commission wanted to create an alignment, the Commission might want to suggest the four year terms go to the councilmembers with the most votes. He mentioned that this method was used when the county council was first expanded to five members.

Vice Chair Terwilliger, asked in the ballot language, what would have to be changed. Attorney Robertson stated the amendment would be to section 3.

Commissioner Roulstone moved to amend subsection 3 of proposed Section 11.110 in proposals 2016-14 (PH draft) and 2016-38 (PH draft) with the language:

If Proposition No. \_\_\_\_\_ providing for elections in even-numbered years and Proposition No. \_\_\_\_\_ providing for an increase in the number of county councilmembers are both approved by a majority of voters in that election, then: (a) councilmembers elected in 2017 to represent districts one, four, and five shall serve three-year terms; (b) councilmembers elected in 2019 to represent districts two and three shall serve three year terms; (c) councilmembers elected in 2020 to represent districts one, four, and five shall serve two-year terms; (d) elections for all council districts as redistricted under Section 11.090 of this charter shall be held in 2022; (e) the three councilmembers elected in 2022 who receive the greatest number of votes shall serve four-year terms; and (f) the remaining four councilmembers elected in 2022 shall serve two-year terms. All subsequent elections shall be held in even-numbered years according to the provisions of this charter. Districts six and seven shall not be deemed vacant prior to 2023.

The motion was seconded by Commissioner Chase. The motion passed unanimously.

Commissioner Barton asked about the process for creating a fiscal note to the ballot language. Vice Chair Terwilliger stated there are fiscal notes on state initiatives. Attorney Robertson responded there is no process for completing a fiscal note. He stated the transmittal letter could describe implications of the proposal.

Commissioner Valentine stated that Commissioners may serve on committees to write the pro and con statement for the voters pamphlet.

Vice Chair Terwilliger stated that the county executive has submitted costs of the proposal. He mentioned that the proposal includes staffing changes that not required by the proposal and the county council has four or five years to adjust to the proposal.

Commissioner Koster mentioned there are ongoing costs and one-time costs. He stated there will be at least one staff member for each councilmember. He expressed opposition to the proposal.

Commissioner Chase moved to adopt the ballot language. Commissioner Fior seconded the motion. The motion passed 8-5 Vice Chairs Miller and Terwilliger and Commissioners Chase, Fior, Kelly, Stanford, and Valentine in support. Commissioners Donner, Koster, Matthews, O'Donnell, and Roulstone in opposition.

#### 7. ANNUAL OR BIENNIAL BUDGET PROCESS

Vice Chair Terwilliger asked if this is the language as proposed is what we want.

Commissioner Valentine moved to adopt the ballot language as written. Vice Chair Miller seconded the motion. The motion passed unanimously.

#### 8. NONDISCRIMINATION

Attorney Robertson stated there are two versions of the three issues that generally relate to human rights. They are presented individually and combined.

**Commissioner Kelly moved to combine the gender-neutral proposal and the nondiscrimination proposal. Commissioner Barton seconded the motion.**

Commissioner Matthews asked if there would be a problem with single subject issue. Attorney Robertson stated there should not be a problem with combination of the proposals.

**The motion passed unanimously.**

**Commissioner Kelly moved to approve the nondiscrimination and the gender-neutral ballot language. Commissioner Fior seconded the motion. The motion passed unanimously.**

#### 9. HUMAN RIGHTS COMMISSION

**Commissioner Chase moved to approve the ballot language. Vice Chair Miller seconded the motion. The motion passed unanimously.**

#### 10. AIRPORT COMMISSION

**Commissioner Kelly moved to delete the second sentence in the proposal in Section 3.140. Commissioner O'Donnell seconded the motion.**

Commissioner Kelly stated the motion would provide the council more flexibility.

Commissioner Matthews stated the motion would remove the need for the commission. He mentioned the commission would be an advisory committee.

Commissioner Koster mentioned that the first sentence of the section establishes the purpose of the Commission.

Vice Chair Miller stated that removing the line would remove the purpose of the commission.

Commissioner Barton spoke in support of the motion. He stated the council would specify the purpose of the commission.

Commissioner Chase wondered if Chair Gregerson or Commissioner Liias had weighed in on the motion.

Commissioner Valentine stated support for the motion.

Attorney Robertson spoke about the origin of the language to provide some measure of specifics while deterring to the council's ability to clarify. The old airport commission had a list of powers and duties and this language provided the board to give the commission a concrete thing the commission might want to look at. He stated the Commission could modify the proposal in any way it wanted or make it explicit that the purpose of the commission would be specified by ordinance.

Commissioner O'Donnell stated the motion would weaken the power of the advisory commission.

Commissioners Chase and Fior spoke in opposition to the motion.

**The motion failed 7-6. Vice Chair Terwilliger and Commissioners Barton, Donner, Kelly, Koster, O'Donnell, and Valentine in support. Vice Chair Miller and Commissioners Chase,**

**Fior, Matthews, Roulstone, Stanford in opposition.**

Commissioner Fior moved to adopt the ballot language. Vice Chair Miller seconded the motion.

Commissioner Koster asked whether the confirmation process was governed by the 60-day confirmation process.

Commissioner Barton stated there was different language in the human rights commission and the airport commission about the conformation process.

**The motion passed 8-5. Vice Chairs Terwilliger and Miller and Commissioners Barton, Chase, Fior, Matthews, Roulstone and Stanford in support. Commissioners Donner, Kelly, Koster, O'Donnell and Valentine in opposition.**

Vice Chair Terwilliger stated there was an amendment to the language of the human rights commission.

Attorney Robertson stated since there is existing code provisions regarding representation and confirmation about the human rights commission.

Commissioner Barton expressed a preference that the council appoints the airport commissioners rather than the executive.

#### 11. HEARING EXAMINER SYSTEM AND APPEALS TO THE COUNTY COUNCIL

**Commissioner Kelly moved to adopt the language. Commissioner Valentine seconded the motion.**

Commissioner Koster asked about the term “license” in the proposal.

Commissioner Kelly stated that the hearing examiner conducts appeals of code violations and other issues.

Vice Chair Terwilliger asked if the proposal would take the appeals of all decisions or some decisions from the council.

Commissioner Matthews proposed to add language stating that the council shall have discretion to hear appeals.

Commissioner Kelly stated the proposal would give the power back to the council and there would be not reason to amend the charter.

Attorney Robertson stated that the term “licenses” comes from local project review legislation.

Commissioner Kelly stated that the council should not be involved in quasi-judicial decisions.

Vice Chair Terwilliger suggested that the Commission postpone consideration of the proposal until Attorney Robertson could conduct some research.

#### 12. PROVIDING FOR ELECTIONS IN EVEN NUMBERED YEARS

Vice Chair Terwilliger stated that the third option in the transition provision has been changed.

**Commissioner Barton moved to approve the ballot language. Commissioner Valentine seconded the motion. The motion passed unanimously.**

#### 13. OFFICE OF PROSECUTING ATTORNEY

**Commissioner Koster moved to approve the ballot language. Commissioner Donner seconded the motion. The motion passed unanimously.**

#### 14. HEARING EXAMINER SYSTEM AND APPEALS TO THE COUNTY COUNCIL

Attorney Robertson stated the references to licenses derives from RCW 36.70B.020.

Commissioner Koster asked if that would include right of way licenses? Attorney Robertson answered that the provision is sweeping.

Commissioner Kelly asked if the council heard appeals of right of way licenses. Commissioner Koster stated those permits were occasionally controversial.

**The motion passed unanimously.**

**Vice Chair Miller moved to extend the meeting until 9:30. Commissioner Barton seconded the motion. The motion passed unanimously.**

#### NEW BUSINESS

##### 1. APPROVAL OF CONTRACT EXTENSIONS

Vice Chair Terwilliger stated that the proposal would be extend the contract of Analyst Roberts until the end of the calendar year and add \$5000 to the contract. The proposal would extend the contract of Attorney Robertson to the end of the calendar year. He stated the contract extensions would not exceed the amount appropriated to the Commission.

**Commissioner Chase moved to extend the contracts of Analyst Roberts and Attorney Robertson and extend the amount authorized for Analyst Roberts as described in the staff report. Commissioner Matthews seconded the motion.**

Commissioner Koster stated that he does not think the Commission would need to meet beyond the business of the calendar year. Vice Chair Terwilliger stated the Commission previously voted to meet after August 6, 2016.

Commissioner Barton asked how the compensation for Analyst Roberts is determined.

Vice Chair Terwilliger stated that Analyst Roberts would be paid \$1000 for the months of August, September and October and for a per-meeting rate in November. Analyst Roberts described his current compensation and stated that the motion directs the Chair to negotiate a contract extensions with Commission staff.

**The motion passed unanimously.**

##### 2. STRUCTURE OF PUBLIC HEARING MEETING ON JUNE 22

Vice Chair Terwilliger stated the proposal would begin the meeting at 6:00 pm in the public hearing room. The meeting would not be streamed live.

Vice Chair Terwilliger asked how do we want to structure the meeting. The discussion was to have Analyst Roberts making a formal presentation at the beginning of the meeting and individuals could sign up to speak on each proposal. He stated the procedure would allow speakers to have between 2 to 5 minutes depending on the number of people wishing to speak.

Commissioner Kelly stated she would not be in attendance on June 22. She spoke in favor of the formal presentation and provide everyone with one opportunity to speak. She stated the meeting should be held in the council chambers.

Commissioners discussed how long the Commission would have for each proposal.

Commissioner Roulstons stated that staff should explain how the Commission got to twelve proposals.

Vice Chair Miller spoke in favor of specifying time for each proposal.

Commissioner Koster spoke in support of the proposal from Commissioner Kelly.

Commissioner Fior spoke in support of the proposal from Commission Kelly. She expressed a preference for public comment for five minutes or less depending on the number of people in attendance.

Vice Chair Terwilliger clarified that the public would not add any new suggestions to amend the Charter.

**Commissioner Kelly moved to start the hearing at 6:00 pm in the council chambers, that each person gets up to five minutes to speak, but could be limited to three minutes if more than 20 people are in attendance on any issue, to encourage written comments, and to add a staff presentation at the beginning of the meeting. Commissioner Koster seconded the motion.**

Commissioner Roulstone clarified that votes would occur on June 29.

Commission Matthews clarified that the only business would be the public hearing.

Commissioner Kelly stated that Commissioners should not engage the public.

**The motion passed unanimously.**

Commissioner Valentine stated that the building should be open for the entire meeting, so people should not have to call security to get into the building.

Commissioner O'Donnell clarified that eight votes are required to move something to the ballot on June 29. Commissioners O'Donnell and Chase stated they will not be in attendance on June 29 but will participate electronically.

Vice Chair Terwilliger stated that the meeting on June 29 all start at 6:00 pm.

Commissioner Matthews clarified that Commissioners could participate electronically.

Commissioner Koster stated that he did not see a vote in the minutes to extend the Commis-

sion past July 1.

Attorney Robertson stated that he will send the proposals to the prosecuting attorney for additional review.

Commissioners discussed distribution of a press release about the public hearing.

#### ADJOURNMENT

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

Vice Chair Terwilliger adjourned the meeting at 9:17 pm.