

SNOHOMISH COUNTY Charter Review Commission

Minutes

**Wednesday, February 22, 2006, 6:30 p.m.
Public Meeting Room No. 1
First Floor, County Administration Building East
Everett, Washington**

Commission Members Present: Kim Halvorson, Gail Rauch, Ryan Larsen, David Simpson, Diane Symms, Christine Malone, Mike Cooper, Mark Bond, Barbara Cothorn Hawksford, Jim Kenny, Wendy Valentine, Renee Radcliff Sinclair, Kristin Kelly and Rick Ortiz

Commission Members Not Present: Eric Earling

Others in attendance: Paul Blowers, Stephen Reinig, Jeff Switzer, Ed Moats, Geri Modrell, Dylan Malone, Tom Fitzpatrick, Rich Davis and Kathryn Bratcher

Call to Order – Recess into Executive Session

Chair Cooper called the meeting to order at 6:30 p.m. and recessed the body into Executive Session to discuss a personnel matter for approximately thirty minutes.

Reconvene

The meeting was reconvened at 7:02 p.m.

Approval of Minutes

A typographical error was noted in the second paragraph under Public Comment on page 3 of the minutes from the meeting held February 8, 2006. The word “the” in the second sentence of that paragraph should be changed to “he” as it refers to the speaker, John C. Campbell. Commissioner Rauch also noted that Mr. Campbell’s name should be added to the list of individuals in attendance at the meeting.

ACTION: Commissioner Hawksford made a motion to approve the minutes of the meeting held February 8, 2006 with corrections as noted. Commissioner Valentine seconded the motion and it was unanimously approved by the fourteen commissioners present.

Approval of Agenda

ACTION: On motion of Commissioner Larsen, seconded by Commissioner Sinclair, the agenda for this meeting was unanimously approved by the fourteen commissioners present.

Action on Legal Advisor

ACTION: Commissioner Kenny made a motion to enter negotiations with Rich Davis for the provision of legal services to the Commission, subject to negotiation and final approval by the chair. The motion was seconded by Commissioner Ortiz and unanimously approved by the fourteen Commissioners present. Commissioner Kenny thanked the members of the Sub-Committee on Legal Counsel for their work and also commented that the Prosecuting Attorney has been very helpful in this process as well.

Chairs Remarks

Chair Cooper stated that he needs to follow-up with county representatives on how the Commission will use county email addresses. He advised members that John Chelminiak had mentioned that if you use dial-up for internet access it is very, very slow and difficult to access the county's system remotely. In conclusion, Chair Cooper stated that he is not sure how all this will work, but he will update members as he gets more information.

Discussion ensued regarding meeting packets for the Commissioners and whether or not they want to receive meeting materials in hardcopy or electronic form. The consensus was to provide hardcopies for members at the meetings in addition to emailing materials ahead of time.

Chair Cooper asked members for their assistance in putting together a web survey using Survey Monkey. He encouraged members to send any questions they think of to Steve Reinig for inclusion on the survey.

Discussion and action on By Laws

Chair Cooper asked Commissioners to turn their attention to draft By Laws for discussion of specific issues. Commissioner Symms raised a question about what constitutes a quorum of the Commission and how that would change if a member resigns. Chair Cooper offered to add clarifying language so that it is clear that a quorum is a majority of the commission and eight affirmative votes would be required for action.

Commissioner Simpson noted that in a previous discussion it was agreed that no action would be taken when the Commission is meeting out in the community and that such a provision does not appear to exist in this draft of the By Laws. Chair Cooper acknowledged this and stated that this will be addressed in the final draft.

Commissioner Larsen suggested that language be added to the By Laws to stipulate that subcommittees of the Commission be made up of an odd number of people to avoid tie votes. Chair Cooper advised that this will be addressed in the final draft of the By Laws and he clarified further that such a requirement would not prohibit other members of the Commission from attending subcommittee meetings, only from voting.

Based on a suggestion made by Commissioner Hawksford, Chair Cooper stated that language will be added to the By Laws to require 48 hours advance notice when

Commissioners plan remote attendance at meetings to ensure that equipment is available, etc. Chair Cooper directed Steve Reinig, Commission Staff, to make edits based on comments received tonight and to come back to the next meeting with a final draft of the By Laws.

Discussion of issues from 1/25

Chair Cooper referred to a list of issues compiled from the Commission discussion held January 25, 2006 including current Charter, issues not covered in the Charter, and 1996 housekeeping/technical issues turned down by voters. Chair Cooper noted that he has received a memo from Superior Court recommending one additional issue, to wit: that the Clerk be put under the auspices of Superior Court. Chair Cooper asked the Commissioners supporting each issue on the list to make brief comments in turn.

Issues in the Current Charter

Elected versus appointed department heads including County Executive

Commissioner Rauch commented on the need to look at appointed vs. elected for the whole Executive branch. She noted that this issue was defeated on the ballot in the last Charter Review and said that it would be important to know the percentage of defeat the last time in order to make a decision about whether or not to spending time on this issue now.

With regard to the request from Superior Court regarding the County Clerk, Commissioner Hawksford asked if the Judges are requesting this be an appointed position. Chair Cooper stated that it is his understanding that there will be a letter signed by all the Superior Court judges requesting that the County Clerk be an appointed position under the Superior Court judges

Size of the County Council

Commissioner Hawksford advised that a citizen requested that she include this issue because he was part of the team that designed this building and it was designed to accommodate seven members. Commissioner Kelly suggested adding staff rather than elected officials, stating that she feels it may be more of an issue of having enough help to do the job. Commissioner Sinclair asked if current districting is done by population. Commissioner Simpson advised that it is and that projected growth in the county is why he brought this up in the first place. Commissioner Halvorson stated that she feels it is important to do research to find out what is being done in other counties. Commissioner Hawksford stated that she believes staffing decisions are a management issue. Chair Cooper stated that the Charter says that each county councilmember gets two staff positions and they've never hired the second people, largely due to budget considerations.

Accountability of Performance Auditor

Commissioner Halvorson commented that she would like to look at the issue of accountability for the Performance Auditor and, specifically, where this office

resides. She explained that her concern is that if he is truly independent he shouldn't be in the "henhouse". Commissioner Hawksford commented that the members of the Performance Audit Committee are all independent auditors.

Biennial budget

Commissioner Sinclair commented that she is surprised to see this issue on a list of housekeeping items.

Rules of Procedure related to County Council

Commissioner Valentine stated that she would like to see a process for the Council where they are sharing in real time. She stated that it takes her up to ten days to find out what the vote was.

Term Limits

Chair Cooper stated that he would be interested in raising the constitutionality of this issue as part of the Commission's discussions.

Emergency preparedness

Chair Cooper commented that the Executive's Office is making efforts to bring Emergency Preparedness under the county umbrella and he believes the issue is whether or not to formalize that as a county agency. Commissioner Valentine stated that emergency preparedness is her second priority. Commissioner Rauch suggested that it would be beneficial to have someone report to the Commission on the status of Emergency Preparedness in the county. Chair Cooper suggested that perhaps Executive Reardon can brief the commission in this regard when he attends the meeting scheduled for March 15th.

Cumbersome Initiative Process

Commissioner Halvorson commented that the initiative process in this county has only been used once and what it takes to get something going is phenomenal. She stated that she'd like to look at the possibility of filing initiatives by district to make the process less cumbersome in those cases when the issue may only be district-wide.

Term of Charter Review Commission

Commissioner Ortiz commented that he already feels as if the Commission is swimming against the current trying to get the work done in the time allotted. On a related note, Commissioner Ortiz asked why the Charter Review Commission is elected every ten years and not five. Chair Cooper commented that in the Charter the Commission serves a one-year term, but the work product has to be to the Council ninety days before the election. Commissioner Kelly agreed that the time is too short for the Commission to do its work and it would be worth discussing the possibility of taking a whole year to do the work and then put recommendations on the ballot the following year.

Issues not covered in the charter

Campaign finance/ethic

Commissioner Hawksford commented that there is already a chapter in the Snohomish County Code, Chapter 2.50, which is the County's Code of Ethics. Commissioner Kelly stated that she feels people should have information about who finances the campaigns of elected officials. Chair Cooper commented that that information is already available, especially in Snohomish County where local filing of Public Disclosure forms is required.

Executive department of emergency preparedness

No comments heard.

Governance of Paine field

No comments heard.

Public hearing

Commissioner Kelly commented that she believes people want an opportunity to be heard at public hearings before the County Council and they are not currently afforded that opportunity on many occasions because the hearings are held during the day when it is impossible for them to attend.

Hearing examiner appeals

Commissioner Kelly stated that she would support changing the appellate body for appeals from Hearing Examiner Decisions to Superior Court instead of the County Council because they usually end up in court anyway.

County Ombudsman

Commissioner Halvorson commented briefly on the issue of a county ombudsman.

Chair Cooper advised that the items at the bottom of the list were added by him and Mr. Reinig and include housekeeping items and items that were unsuccessful before the voters in 1996. He stated that the Commission will continue to add to its issues list and once the process of hearing from all elected officials has been completed the list can start to be pared down. Commissioner Halvorson stated that she would like to add the issue of possibly adding an Office of Grants Management. She stated that she would like to know what other counties have in this regard and what process they are following. Chair Cooper acknowledged this addition and stated that he would also be interested in discussing the ability of the County Council to change the recommendations of the Salary Commission and the ability of the County Executive to veto the Council's action on recommendations from the Salary Commission.

Public Comment

Chair Cooper then opened the meeting for public comment.

Comments were received from Paul Blowers who introduced himself as a member of the County's Performance Auditor Committee. Mr. Blowers commented that performance auditing is meant to be responsive to concerns of citizens, yet currently the workload consists almost entirely of requests by county departments asking the Committee to look at their operations and make recommendations. Commissioner Rauch asked Mr. Blowers if he feels the Performance Auditor could be independent if it operated under the County Council. He stated that the Performance Auditor and the Audit Committee should not represent any particular department. He commented further that he feels that the feedback in part of the process isn't working. Chair Cooper stated that the Commission, in performing research on this issue, needs to take a look at whether the Performance Audit function is operating as was anticipated by the voters that adopted it in 1996.

Other

Steve Reinig updated commissioners on the status of the webpage and online surveys. He also advised that he is starting to put together various email lists.

Good of the Order

Commissioner Bond stated that he had received an email from an individual who wanted him to forward it to the other members of the Commission. It was the consensus of the Commission to forward messages to Steve Reinig in such cases and he will distribute to the entire membership.

Commissioner Halvorson asked if correspondence coming to the Commission is being tracked by issue. Mr. Reinig stated that he will start doing this when comments start coming in on particular issues.

Chair Cooper updated members on recent meetings he attended in his capacity as Charter Review Commission Chair, specifically the 21st District Democrats and the South Snohomish County Chapter of the League of Women Voters. He advised members that the League of Women Voters has assigned four individuals to monitor the work of the Commission. Commissioner Symms stated that she spoke at an Everett League of Women Voters meeting last week. Commissioner Rauch asked how attendance at these outside meetings will be tracked. Chair Cooper asked Commissioners to let Steve Reinig know what outside meetings they have attended just so a record can be kept of the number of community groups spoken to by Commission representatives.

Chair Cooper recognized Tom Fitzpatrick who encouraged the Commission to examine its budget and make any request for additional funds sooner rather than later.

Commissioner Kenny asked for clarification regarding how to contact the attorney with requests for legal advice. Chair Cooper stated that generally requests should go through the Chair. In response to a comment by Commissioner Valentine, Chair

Cooper clarified that direct questions may be asked of the attorney during Commission meetings following adopted rules of procedure.

Adjournment

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Kathryn J. Bratcher