

March 8, 2006

To: Snohomish County Charter Review Commission
From: Bob Terwilliger, County Auditor
Subject: Suggestions for Changes to the Snohomish County Charter

Thank you for the opportunity to speak to you this evening regarding suggestions for changes to the Snohomish County Charter. I am the only elected official in the county today that has lived through the adoption and implementation of the Snohomish County Charter and two previous Charter Review Commissions. With that history I believe I bring a unique perspective to the Charter Review Commission as it considers changes to the Snohomish County Charter.

COUNTY ELECTED OFFICIALS:

One of the issues before you is the question of whether or not any of the existing county wide elected positions, with the exception of the Prosecutor and Judges, should be eliminated as an elected position with the duties of those offices being assigned to other departments or a separate department headed by an appointed department head.

While the process of creating and adopting a Charter allows for the elimination of the elected positions of Assessor, Auditor, Clerk, Coroner, Sheriff and Treasurer, the Commission should review carefully the historical reasons for these offices being separately elected before considering any proposals to have them be appointed.

This issue was thoroughly debated by the original Board of Freeholders that submitted the Charter to the voters for approval. With the effective date of the Charter, May 1, 1980, the only elected position that was eliminated in the body of the Charter was the position of County Coroner. At the same time the other elected positions were approved in the body of the Charter as well as creating two new County Council positions and an elected County Executive.

One other provision embedded in the Charter, as originally adopted, affecting the county elected positions was a provision limiting the number of consecutive terms that a county elected official could serve to three consecutive four year terms. (See Snohomish County Charter Article 4, Section 4.30).

The first Charter Review Commission which met in 1986, submitted several amendments to the voters in November 1986, four of which asked in the form of separate questions whether or not the offices of Auditor, Clerk, Sheriff and Treasurer should be appointed. The voters said no in all four cases on average by 60%.

During the next Charter Review Commission that met in 1996 the issue of appointing the elected officials was once again debated and dropped, but the Commission did submit an amendment to make the county elected offices, with exception of the County Executive and the County Council, nonpartisan. That proposal was approved by the voters at the November 1996 General Election.

Since the issue of term limits for the county elected officials has never been directly voted upon by the voters of the county, I would ask that you submit a proposed amendment to the voters to eliminate the term limit provision in Article 4, Section 4.30 as it applies to the county elected officials. I believe that the voters should have the opportunity to return to office as often as they wish any elected official. There is value in knowing that the person in the office has the experience and know how to continue heading the office as long as the voters agree. These offices should not lose their leadership by virtue of an artificial provision like term limits. Arguably as long as the elected official leading these offices is doing a good job the voters should have the option of retaining that person rather than having that person be forced to leave the office because of term limits. Next year we will see the impact of the term limit provision in the existing Charter as the Auditor, Clerk, Sheriff, Treasurer and two County Council positions will all be vacated by virtue of term limits and not because the voters decided they needed to be replaced through the election process. We do not have term limits for any offices at the state level and the voters seem to know when it is time to make a change.

SIZE OF THE COUNTY COUNCIL:

The 1996 Charter Review Commission submitted a provision to the voters at the November 1996 General Election to increase the size of the County Council from five members to seven members. That provision was defeated by the voters at the General Election. It is time to revisit that issue this year.

The 1990 census reported the population of Snohomish County as 485,642 people. In the 2000 census the population of Snohomish County was reported as 606,024. The projected population for Snohomish County for 2005 was 655,800 people. The 2006 numbers indicate the population of Snohomish County is now 660,000 and growing. That same population has resulted in a registered voter total of 352,800 registered voters.

These numbers indicate that for more effective representation it is time to have the voters once again consider increasing the size of the County Council from five members to seven. (See Article 2, Section 2.30; Article 2, Section 2.110; Article 2, Section 2.120).

Increasing the size of the County Council is most logically done by redistricting the county into seven population equal council districts and continue to have the council members nominated by district and elected by district. If the intent of any such amendment is to have it effective for the

2007 election cycle, the redistricting process would have to be completed by and submitted to the County Auditor's office April 1st 2007. Any proposal to increase the size of the County Council should also deal with the creation of a Redistricting Committee to accomplish this task. Article 4, Sections 4.60 and 4.70 speak to a redistricting process that applies after the decennial census. Some of that process could be used for a redistricting process for creating new county council districts but the timelines would need to be different.

As noted in state law and the Charter, no elected official loses his/her position by virtue of any redistricting process that occurs in the middle of his/her term. Two County Council positions are up for election in 2007 and the assumption is that those two positions along with the two new positions would be on the ballot with eligibility to run being determined by the new County Council district lines.

The reason for the April 1st deadline for submission of the results to the of the redistricting committee to the County Auditor's office is because the expectation is that the day of the primary election will be moved from the 3rd Tuesday in September to the 3rd Tuesday in August effective January 2007. Changing the date of the state Primary will change the filing period for elective office from the last week beginning with the 4th Monday in July to the first week in June beginning with a Monday. In addition, state election law prohibits any changes in jurisdiction boundaries and precinct lines within 30 days of filing period through the General Election. Therefore, for the County Auditor's records to be updated and accurate resulting from any redistricting actions, the office needs the approved information by April 1, 2007.

Since the current legislative session will end March 9, 2006 the Charter Review Commission will know whether or not ESSB 6236 Moving the Day of the State Primary passed the legislature before the final recommendations of the Charter Review Commission are submitted to the County Council for placement on the November 2006 General Election ballot.

INITIATIVE, REFERENDUM AND RECALL PROCESS:

The following recommendations regarding the initiative and referendum process are being suggested to bring the process more in line with the state procedures and also to reflect timelines that will be created with the new Primary law.

Currently, the initiative and referendum process is described in Article 5, Section 5.40 – Section 5.80. In order to clarify the process and timelines I would like the Charter Review Commission to consider the following changes:

Initiatives:

1. Any registered voter of the county can file an initiative petition with the officer in charge of holding elections and that petition should include the full text of the proposed ordinance or amendments to any existing ordinance that is to be submitted to the people for a vote. Right now it is not clear that the initiative petition must include the full text upon submission of the petition.

2. Language needs to be inserted to indicate that if the initiative petitioner does not agree with the ballot title as drafted by the Prosecutor then the petitioner needs to proceed under RCW 29A.36.080 and RCW 29A.36.090 or under a process delineated in the Charter which does not now exist.
3. The language needs to clarify that the officer in charge of holding elections will meet with the petitioner within five working days of the initiative being registered with the officer responsible for holding elections or within five working days of a final decision of the superior court if the ballot title is challenged by any person.
4. The time line for acquiring the petition signatures should start run the day after the petitioner and the officer responsible for holding elections confer on the form and style of the initiative petition.
5. I would propose that the timeline for gathering signatures be kept at 90 days but that the petition in no case can be submitted later than 120 days before the next General Election. This would allow for an appropriate amount of time to verify the signatures, have the County Council consider approving the initiative, reject the initiative or propose an alternative so that the initiative and any alternative would be placed on the next General Election occurring 120 days after the submission of the initiative petition to the officer responsible for holding elections. This time line would be consistent with the new timelines in the soon to be enacted Primary law, which requires ballot propositions to be submitted 84 days before the General Election and would also result in all local initiatives being placed on a General Election ballot. In that way the maximum number of voters would be involved with approving or rejecting initiative proposals.

Referendum:

1. The referendum procedures should also reflect the reference to RCW 29A.36.080 and RCW 29A.36.090 on challenging ballot titles or reflect the same local process as developed for initiatives.
2. The petitioner shall have 45 days to collect the signatures from the day the ballot title is final and must be submitted to the officer responsible for holding elections no later than 120 days before the next General Election. In this way the process will comply with the new Primary law and be consistent with the state process applicable to referendums and result in the vote on a referendum always occurring at a General Election when the most people vote.

Recall:

The Recall process currently is subject to state law and there is no need to change that process.

SALARY COMMISSION FOR ELECTED OFFICIALS SALARY:

I would urge the Charter Review Commission to create a Salary Commission by including it in the Charter and establishing it using the format, policies and procedure as established by the State Salary Commission. The important pieces would be the permanence of the Salary

Commission, that it meet every two years and that its recommendations be subject to acceptance or rejection by the County Council by not subject to change.

MISCELLANEOUS ELECTION PROVISIONS:

The current Charter provision in Article 4, Section 4.10 should be changed to reflect that the nominating and election process, except as provided in the Charter, shall be governed by election law as it applies to nonpartisan and partisan county officials.

The current Charter has a provision in Article 4, Section 4.20 for Independent Candidates. I would ask that the Charter Review Commission consider renaming this process as Minor Party Candidates and set up a procedure similar to that set forth in state election law for minor party candidates. (See RCW 29A.20.110 – RCW 29A.20.171) Under the current partisan primary process in place in Washington minor party candidates go directly to the General Election ballot as long as they meet the nomination requirements. Right now our Charter lumps all candidates that are not filing as Democrats or Republicans into the category of Independent Candidate and that may not be the desire of the particular candidate. This issue does not apply to nonpartisan offices as filing for those offices does not require a party indication.

The Charter Review Commission might want to consider changing the requirements to hold county elected office as set forth in Article 4, Section 4.30 which currently requires that all candidates for county elected positions be a citizen of the United States (ok), over the age of 21 (many offices including state legislative offices and state wide offices only require being over 18), and a three year resident of Snohomish County at the time of filing for office (many offices only require that you be a resident of the jurisdiction at the time of filing for office and non-charter code cities have a one year residency requirement to run for office).

If the proposal to change Article 4, Section 4.30 is submitted to the voters then Article 4, Section 4.80 Vacancies would have to reflect the term Minor Party candidate rather than Independent candidate.

PERFORMANCE AUDITING:

The 1996 Charter Review Commission submitted a proposal for consideration by the voters at the November 1996 General Election for the creation of a Performance Audit function to be located in the County Auditor's office. This provision was adopted and now exists in Article 3, Section 3.130. However, there is a similar provision providing for this same authority by the County Council which is set forth in Article 2, Section 2.90. The Charter Review Commission may want to consider whether these two provisions are in conflict and if so how to clarify the two provisions so it is clear as to differences between the two provisions.

I am available for any follow up questions or information.

Respectfully submitted,

Bob Terwilliger

Snohomish County Auditor