



## Memorandum

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**DATE:** March 15, 2006

**TO:** Snohomish County Charter Review Commission

**FROM:** Gary Nelson, Snohomish County Council

**RE: For Consideration By The Charter Review Commission:**

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Thank you for the opportunity to present to you these ideas that may offer some assistance in your deliberations.

I would like to commend each of you for your enthusiasm to become involved in this important enterprise – one that will shape the future of our county.

These proposals are presented in chronological order by Article and Section in the Charter.

- **Codification of ordinances** – Section 2.100. The intention is to eliminate the potential for abuse relating to non-publication of ordinances that are held in the Council chambers but not distributed for general circulation among the body of county employees and the public. There is a legitimate reason to have non-codified ordinances because of their intended limited use of effectiveness.

Examples include ordinances relating to labor agreements, some zoning regulations and transportation guidelines and other measures subject to yearly renewal. The key to this issue is to include a restriction on the types of ordinances that can be non-codified in order to have openness in government, particularly for ordinances that will knowingly be in effect for longer than one year. This provision should be included in the Charter to assure the public and the body of county employees that measures considered by the Council that will have long-term effect are open to scrutiny and not being proposed and enacted by the Council behind closed doors.

The suggested language to be added:

“Any non-codified ordinance will be in effect for no longer than one year unless re-enacted by the county council.”

- **Salary Commission for Elected Officials** – Section 2.20. A Citizens Commission on Salaries should be established in the Charter and be responsible for evaluating the job description for each elected official and setting salary schedules. The Salary Commission would meet every two years, its recommendations subject to acceptance or rejection by the County Council and not subject to veto.

- **Size of the County Council** – Section 2.30. I support the indexing of the number of Council positions to the county’s population. In this case, the Council should increase to seven members upon the county reaching a population of 700,000 citizens.
- **Term limits** – Section 2.40; Section 4.30. The Commission may be inclined to consider recent attempts in other states to remove term limit language affecting various levels of government. Generally, referenda to remove term limits have been soundly defeated around the country. As of 2002, Florida term limits are supported by 78% of the voters while the 1992 initiative imposing term limits won with 77% of the vote. In 2002, Californians rejected Proposition 45 by almost 60%, saying “no” to a move to allow incumbent legislators to seek election beyond their term limit. A 2003 poll of voters in Louisiana found support for term limits at 74%. The imposition of term limits in local government remains a popular idea and encourages the generation of new ideas while reducing the self-protective posture of incumbency.
- **Existing countywide elected positions** – Section 3.10. I would suggest the Commission consider supporting the placement of the County Clerk under the Judicial Branch of county government and placing the Treasurer under the Executive Branch. The functions of the County Clerk can be administered with greater oversight and efficiency by the Court Administrator. The Treasurer’s functions are appropriately part of the Finance Department that currently exists under the governance of the County Executive. In consideration of budgets, personnel assignments and administration, these positions would be better facilitated as appointments rather than separately elected department heads. With present incumbents departing due to term limitations, the timing for this revision is appropriate and candidate notices can be issued during the filing period for these offices. These placements were accomplished in King County via the charter, with demonstrated success.
- **Performance Audit Function** – Section 3.130. This idea is supported by the voters, adopted November 1996. The governance of performance auditing should be modified to remove it from the immediate oversight of any one elected official. There is too much opportunity to politicize a performance audit assignment and the result of an audit if it impacts the department of those overseeing it. The oversight and budget authority would be better placed under the direction of the County Council, where there are five independently elected officials. Amend Section 2.90 and Section 3.130 to specify that the performance auditor be stationed as part of the County Council, as is the case with the Snohomish County Hearing Examiner.
- **Veto Provision** - Section 3.20 (6). The Charter Review Commission might also wish to consider the issue of “Ordinance Section Veto”, under the Charter. This would allow the bulk of an ordinance to be an addition or amendment to the County Code without the need for an Executive to reject the whole work on the basis of a difficulty over a specific section.

- **Qualifications** - Section 3.70. There is currently language in the Charter addressing the criteria for selection of chief officers of appointed executive departments. The lack of similar language addressing all exempt appointments within the legislative branch may leave the public doubting whether the legislative branch pledges to uphold certain necessary hiring and evaluation criteria to qualify for legislative appointments. Section 3.70 proposed language:

“The exempt personnel appointed to executive departments and the legislative departments shall be selected on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.”

- Also, in the personnel sections of the code, there are procedures for evaluating the performance of personnel, (SCC 3A.12.020) and requirements for hours of work (SCC 3A.16.010). There is no reason these measures should not be imposed on exempt personnel appointed by the legislative branch as well.

Allow the voters an opportunity to consider making the requirement in the Charter that identical standards for selection and evaluation apply to the Council when appointments are made, will go along way to alleviate potential concerns. This language is best to include in the Charter rather than by motion or ordinance for clarity purposes and for long term application in the county, rather than being dependant on who occupies Council positions.

- **Vacancies** - Article 4 should have a new section offering a clear set of guidelines on the handling of cases involving an elected official charged with a crime, where if a conviction follows, the forfeiture of public office would be mandated:

“Any elected official, who is charged with a felony crime or crimes where such a crime would require forfeiture of the public office they hold, shall be placed on administrative leave from the public office pending the resolution of the charges by court order or by the expiration of the official’s term of office. The elected official shall relinquish all powers of the office to the duly-appointed deputy of the elected official’s department.”

This provision is currently part of the Pierce County Charter.

- **Elections** - Section 4.20. I agree with the County Auditor that this section should be amended to indicate “Minor Party Candidates”, in place of “Independent Candidates”.
- **Conflict of Interest** - Section 4.40. The variety of involvements of county elected officials deems it necessary to assure that decisions are not influenced by income from other employments. It is recommended that this section be amended to guard against a potential conflict of interest. Suggested language:

After “employment within”, insert “or outside”.

This amendment provides a guarantee to the public regarding matters that often are addressed by office holders, including land use, budget, and contract decisions, that the office holder is not a direct beneficiary.

- **Districting Committee** – Section 4.60. It is recommended that members of the county’s districting committee be placed under the same constraints as the State Redistricting Committee. Section 4.60 would be amended to include:

“Any member of a districting committee is precluded from seeking a county elected position for a period of two years.”
- **The Initiative, Referendum, and Recall Process** – Section 5.80. This section should have a clarification on the timeline for submission of a referendum petition that would indicate “ten work days.” This will conform with the remainder of the section.
- **Whistleblower Procedure** -Section 7. It is recommended that the personnel system include a “Whistleblower Procedure”.
- **Charter Review Commission** - Section 8.20. A housekeeping amendment to include three representatives from each council district to the Charter Review Commission, in light of any expansion of the County Council.
- Section 8.20 should be further amended in the spirit of reducing conflicts; a new sentence is proposed to be added to this section:

“No member of the Charter Review Commission shall be eligible for election to a county office within five years of the conclusion of their term of office as a commissioner.”
- **Amendments by the Public** - Section 8.70. The public may want to participate in charter amendments, but the number of signatures required for petitions: “Not less than 20 percent of the number of votes cast in the county in the last governor’s election” is too high. The process for initiatives (Section 5.40) is “seven percent of the number of votes cast in the county in the last governor’s election”; for referendum (Section 5.80) is “five percent”, and for mini-initiatives is “three percent”. Because of the county’s population growth and the infrequent opportunities for charter review by our citizens, it is recommended that the public be invited into the process by changing the charter and establishing a petition procedure where “ten percent of the votes cast in the county in the last governor’s election” would permit a charter ballot proposal.

Thank you for the opportunity to present these proposals to the Commission.

Please feel free to contact me at 388-3494 if there are questions relating to these suggestions or if I can be of any other assistance.