

SNOHOMISH COUNTY Charter Review Commission

Minutes

Wednesday, January 11, 2006, 6:30 p.m.

Public Meeting Room No. 2

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, Eric Earling, Renee Radcliff Sinclair, Mark Bond, Barbara Cothorn Hawksford, Jim Kenny, Kristin Kelly, Wendy Valentine, and Rick Ortiz

Commission Members Not Present: None

Others in attendance: Aaron Reardon, Kirke Sievers, Janice Ellis, Tom Fitzpatrick, Barbara Dykes, Rick Robertson, John Chelminiak, Kathryn Bratcher

Call to Order

Commissioner Mike Cooper, as the individual receiving the highest number of votes among the successfully elected Charter Review Commissioners, convened the initial meeting of the 2006 Snohomish County Charter Review Commission at approximately 6:30 p.m.

Swearing-In

The honorable Judge Thomas Wynne officiated over the administration of the Oath of Office to all Charter Review Commissioners simultaneously.

Welcome and Introductions

Commissioner Cooper introduced himself and asked each of the other commissioners, in turn, to do the same. Commissioner Cooper then introduced County Executive Aaron Reardon who congratulated the members on their election to the Charter Review Commission and wished them well in their endeavors. Welcoming remarks were also made by Kirke Sievers, Chair of the Snohomish County Council as well as Janice Ellis, Snohomish County Prosecutor. Ms. Ellis introduced two members of her staff present at this meeting, Chief Civil Deputy Prosecutor Barbara Dykes and Deputy Prosecutor Rick Robertson and outlined options for the Commission's use of in-house legal counsel versus contracting for legal services outside the county prosecutor's office.

Approval of Agenda

On motion of Commissioner David Simpson, seconded by Commissioner Christine Malone, the agenda for this meeting was unanimously approved with the inclusion of Subsection 5(a) Adoption of Operating Rules.

Briefing on Open Meetings Act, Public Disclosure Laws – County Staff

Snohomish County Council Chief of Staff John Chelminiak reviewed the contents of resource notebooks which were distributed to commissioners at this meeting and made a brief presentation regarding the Open Public Meetings Act and its application to meetings held by this body. In response to a question raised by Commissioner Kenny, Mr. Chelminiak advised that meetings of formally created subcommittees of this Commission are also subject to the Act.

Mr. Chelminiak also briefly discussed the Commission's 2006 budget allocation and advised Commissioners that they are eligible for reimbursement for meeting expenses. In response to a question from Commissioner Rauch, Mr. Chelminiak explained that if the Commission chooses to use the Prosecutor's Office rather than contracting with outside counsel, then that cost would be charged to the Commission indirectly and would not be paid for from the \$50,000 currently budgeted.

Tom Fitzpatrick, Executive Director in Aaron Reardon's Office, then addressed the group and distributed employee expense reimbursement forms as well as contact information for he and his staff. Mr. Fitzpatrick advised that one of the conference rooms on the 6th floor of this building has been made available as office space for Commission staff. In conclusion, Mr. Fitzpatrick advised that he will be attending commission meetings throughout this process and offered to assist in any way possible.

Adoption of Rules of Order

On motion of Commissioner Larsen, seconded by Commissioner Kenny, Roberts Rules of Order were unanimously adopted by the Commission.

Election of Permanent Officers

Commissioner Cooper advised members that it's really up to the Commission on how and who is elected as permanent officers. He stated further that Charter Review Commissions in the past have had a Chair and Vice-chair while other county commissions have elected two Vice-chair positions.

ACTION: Commissioner Larsen made a motion to elect Mike Cooper as Chair of the 2006 Charter Review Commission. The motion was seconded by Commissioner Simpson. No other nominations were heard. The question was called for and a unanimous ballot was cast for the election of Commissioner Mike Cooper as Chair of the 2006 Charter Review Commission.

Chair Cooper stated that he would like the Commission to discuss the possibility of electing two Vice-chair positions. In response to a question from Commissioner Valentine asking for clarification of the role of the Chair and Vice-Chair, Chair Cooper stated that he would envision a traditional role for the Chair as the presiding officer of the body, not prohibited from having an opinion and voting in the case of a tie.

ACTION: Following a brief discussion, Commissioner Kelly made a motion for the establishment of two Vice-Chair positions for the 2006 Charter Review Commission. The motion was seconded by Commissioner Hawksford and unanimously approved.

Commissioner Simpson suggested that the second and third top vote-getters amongst Commissioners be appointed to the two Vice-Chair positions. Discussion ensued and Commissioner Bond stated that he feels it is more important to find someone who is interested and can make the necessary commitment to the position. Commissioner Larsen asked for a show of hands from Commissioners who would be interested in one of the Vice-Chair positions. Commissioners Earling and Halvorson raised their hands, indicating interest.

ACTION: Chair Cooper opened nominations for the two vice-chair positions. Commissioner Symms made a motion to nominate Commissioners Earling and Halvorson to fill the two Vice-Chair positions. The motion was seconded by Commissioner Simpson. Chair Cooper called for other nominations. Commissioner Simpson made a motion to nominate Commissioner Sinclair. Commissioner Sinclair respectfully declined the nomination.

Chair Cooper made the requisite three calls for further nominations. None were heard. Chair Cooper then declared nominations for the two Vice-Chair positions to be closed and without objection Commissioners Halvorson and Earling were by acclamation unanimously elected to serve as Vice-Chairs of the 2006 Charter Review Commission. Each of the newly election Vice-Chairs addressed the Commission briefly.

Meeting Schedule Date, Times and Locations

Chair Cooper recommended that the Commission consider scheduling three regular meetings a month and then on the off-week meet in rotating locations in council districts around the county. He proposed that regular Commission meetings be held the first, second and third week of each month with the fourth week held open for special meetings. He advised further that his idea would be to have one of the regular meeting nights be reserved for subcommittee meetings. Commissioner Earling expressed his support for this idea.

Commissioner Hawksford asked about the possibility of splitting the group up for meetings in the community and perhaps having the Chair and Vice-Chairs convene smaller groups so a broader community representation can be obtained.

County staff agreed this could be a possibility. Commissioner Valentine stated that she agrees with this concept as long as these meetings in the community are for the purpose of conducting a public forum for information gather purposes and no action is taken.

ACTION: Commissioner Rauch made a motion to schedule regular meetings of the 2006 Charter Review Commission on the second and fourth week of each month (on a consistent day of the week to be determined later); hold “committee night” the first week of every month and reserve the third week of every month for special meetings or community forum events. The motion was seconded by Commissioner Valentine and unanimously approved.

Discussion then ensued regarding which night of the week to select for Commission meetings.

ACTION: Commissioner Kelly made a motion to schedule regular meetings of the 2006 Charter Review Commission for Wednesday nights. The motion was seconded by Commissioner Sinclair and unanimously approved.

Commissioner Sinclair asked if it would be possible to provide the commissioners with some information regarding how absences from Commission meetings will be handled, voting by proxy, setting a permanent meeting location, etc. John Chelminiak advised that he can perhaps provide some information and/or samples of bylaws covering those types of issues. With regard to meeting location, Commissioner Bond offered to check with Community Transit to see about the availability of their facilities. Commissioner Rauch stated that she would prefer that the regular meetings be held at the courthouse because it is a more central location. Chair Cooper concurred.

A brief discussion then ensued regarding meeting times.

ACTION: Commissioner Ortiz made a motion to schedule regular meetings of the 2006 Charter Review Commission to begin at 6:30 p.m. in this facility. The motion was seconded by Commissioner Sinclair. In discussion on the motion, Commissioner Hawksford asked Commissioner Earling if an earlier start time would held with conflicts in his schedule. Commissioner Earling stated that he appreciates the consideration but does not want to inconvenience the group. The question was called for and the motion was unanimously approved.

Staff Discussion and Decisions

Chair Cooper advised that both the 1986 and 1996 Charter Review Commissions appointed committees to look at staffing decisions and bring back one finalist to the commission as a whole. Members were referred to the contract and scope of services used by the 1996 Charter Review Commission. Commissioner Kelly commented that she hopes the salary for staff will be increased from the \$3000 per month paid in 1996. She stated that she feels that more money will be

necessary to find someone with the desired expertise to use all the technology available to the Commission. Commissioner Kelly suggested that two staff positions be created, an analyst and a minute-taker/administrative person. She suggested further that two subcommittees be formed, one to look at the administrative/professional staff position and one to look at the legal counsel issues.

It was the consensus of the Commission to create a subcommittee to look at support staff positions and report back to the Commission at its next meeting in two weeks. Chair Cooper appointed Vice-Chair Halvorson as Chair of this subcommittee. Commissioners Kelly, Malone and Sinclair were appointed as subcommittee members.

Commissioner Rauch stated that she has had an opportunity to work extensively with Rick Robertson and Barbara Dykes and has every confidence in their abilities and would feel totally comfortable seeking legal advice from them for the majority of the Commission's work. Commissioner Sinclair stated that she, too, is confident in their abilities, but feels it is important to maintain the perception of independence from the current county administration. Commissioner Kenny noted that one advantage of seeking legal representation from the County Prosecutor's office is that they would be able to be up and running right away.

Chair Cooper recognized Chief Civil Deputy Prosecuting Attorney Barbara Dykes who responded to questions from Commissioners regarding the availability of any already busy prosecutor's office to manage what could be a significant increase in workload. Commissioner Hawksford expressed support for a hybrid form of legal representation. She suggested that the group contact the Washington State Association of Counties who would be able to recommend a well-versed attorney.

ACTION: Commissioner Kelly made a motion to form a subcommittee to look at obtaining outside legal counsel and not use the Prosecuting Attorney's services at this time. The motion was seconded by Commissioner Symms. In discussion on the motion, Commissioner Sinclair stated that she wholeheartedly supports Commissioner Kelly's motion. Commissioner Kenny stated that he believes the Commission is missing out if it overlooks the resources available in the Prosecutor's Office and that he will vote against the motion.

Considerable discussion ensued, after which Commissioner Bond made a motion to amend the motion to direct that the Commission use the services of the Prosecuting Attorney's office when the Chair and a majority of the Commission agree that it would be appropriate to do so. The motion was seconded Commissioner Valentine. Following a brief discussion, Chair Cooper declared debate closed and called for a voice vote on the amendment. The motion to amend failed.

Further discussion ensued on the original motion to form a subcommittee to look at obtaining outside legal counsel and not use the Prosecuting Attorney's services at this time. Chair Cooper declared debate closed and called for a voice vote on the motion. The voice vote being indecisive, Chair Cooper called for a show of hands and the motion was approved by a vote of nine to five.

Chair Cooper appointed Vice-Chair Earling as chair of the subcommittee on legal counsel and Commissioners Larsen, Kenny, Valentine and Symms were appointed as subcommittee members.

Office Space and Budget

Chair Cooper stated that he will work with the two Vice-Chairs and county staff to find permanent meeting space in this facility, but outside the County Council and Executive offices.

ACTION: Commissioner Simpson made a motion to extend the meeting time for five minutes. The motion was seconded by Commissioner Halvorson and unanimously approved.

Roundtable Discussion/Public Outreach

Brief comments were made by County Information Services staffperson David Hopkins who advised Commissioners that his office is available to help Commission staff with web editing duties. He advised that assistance with surveys is also available through the county's information services department and suggested that "survey monkey" may be a useful tool for the Commission and discussed an internal product the county uses called Sharepoint.

ACTION: On consensus of the Commissioners present, the meeting adjourn time was extended another three minutes.

Discussion ensued regarding public outreach.

Adjournment

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Kathryn J. Bratcher