

SNOHOMISH COUNTY Charter Review Commission

Minutes

Wednesday, January 25, 2006, 6:30 p.m.
Henry M. Jackson Board Room
Eighth 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: Tom Fitzpatrick, Christopher Schwarzen, Jeff Switzer, John Chelminiak, Ed Moats, Geri Modrell, Michael Swanson, Dylan Malone, and Kathryn Bratcher

Call to Order

Chair Cooper called the meeting to order at approximately 6:30 p.m.

Approval of Minutes

On motion of Commissioner Larsen, seconded by Commissioner Rauch, the minutes from the January 11, 2006 Charter Review Commission Meeting were unanimously approved.

Approval of Agenda

Commissioner Hawksford made a motion to approve the agenda for this meeting with the addition of a discussion item relating to calendar issues suggested by Chair Cooper. The motion was seconded by Commissioner Symms and unanimously approved.

Chair's Report

Facilities

Chair Cooper reported on a meeting he had with Tom Fitzpatrick and John Chelminiak on January 24th. He advised members that a variety of subjects were discussed and that office space for the Commission has been located on the 6th floor of this building (Administration East).

Ground Rules

Chair Cooper called upon John Chelminiak who summarized his memorandum relating to ground rules for the operation of the Commission and possible options

for the adoption of By-Laws. Mr. Chelminiak encouraged the group to establish a quorum as being a majority of the body and suggested that it would be a good idea to spell out the duties of the Vice-Chairs. Following a brief discussion, Chair Cooper asked members to email him with any suggestions they might have for inclusion in the draft By-Laws.

Chair Cooper began a discussion of target dates for the work of the Commission and suggested that there be an initial target date at the end of May to have legal counsel begin drafting proposals. He reminded members that it will be necessary to have final deliberations in July and he asked members to keep that in mind when scheduling vacations or other travel. He briefly discussed options for having meetings in Council districts and suggested that some of these issues can be addressed in the operating procedures.

Update on Legal Advisor – Vice Chair Earling

Chair Cooper called upon Vice-Chair Earling who updated the membership on the process of contracting for legal counsel. Vice-Chair Earling advised that it will be necessary to go through a Request for Qualifications (RFQ) process. He advised further that the RFQ has been drafted and is being reviewed in Purchasing. From a timing perspective, Vice-Chair Earling stated that the Committee will not be able to bring back hiring recommendations to the meeting on February 8th because once reviewed by Purchasing, the RFQ will have to be posted for thirteen days. He advised that the Committee's plan is to interview the top three candidates and bring one recommended applicant in person to the meeting on February 22nd, along with written material relating to the next two qualified applicants.

Vice-Chair Earling pointed out that this plan leaves a window of time where the Commission will be without legal representation since the Prosecuting Attorney has stated that their office would not be comfortable providing legal advice to the Commission in light of the motion approved at the January 25, 2006 meeting. He stated that he contacted the Municipal Research Service Center (MRSC) and was told that MRSC would be able to provide free legal advice to the Commission on issues of a technical or procedural nature. Commissioner Kenny asked who from MRSC would be providing legal advice. Vice-Chair Earling stated that it would be Attorney Pat Mason and he would be willing to provide telephone advice to the commission. Commissioner Hawksford stated that she would not be comfortable receiving legal advice over the phone. Commissioner Rauch asked if the Prosecuting Attorney would be willing to provide services to the Commission if the motion approved last week were amended. Vice-Chair Earling stated that he thought this will be a possibility since the Prosecutor's hesitancy was relating to the actual wording of the motion.

ACTION: Commissioner Kelly made a motion to amend her original motion to allow legal advice from the Prosecutor's Office through February 22, 2006, not on

issues more complicated or substantive than procedural and operating issues. The motion was seconded by Commissioner Hawksford.

In discussion on the motion, Commissioner Kenny expressed his concerns with a date certain in the motion. He assured the members that the subcommittee intends to work diligently to expedite this process. Following a brief discussion, Commissioner Larsen made a motion to amend Commissioner Kelly's motion to remove the phrase "through February 22, 2006" and insert "until legal counsel is hired". The motion was seconded by Commissioner Kenny. Further comments were made by Vice-Chair Earling and Commissioner Halvorson. The question was called for on the amendment and it was approved by a vote of fourteen to one with Commissioner Kelly voting against. The question was called on the motion as amended and it was unanimously approved.

Update on Administrative Staff – Vice-Chair Halvorson

Chair Cooper recognized Vice-Chair Halvorson who updated Commissioners on the efforts of her subcommittee working on the RFQ for the Administrative Staff position. She advised that the RFQ has been drafted and is currently posted at the county and The Herald through February 2, 2006. Vice-Chair Halvorson stated that the Committee's plan is to meet with five candidates and narrow the field to two finalists to bring to the group on February 8th.

Vice-Chair Halvorson also reported that the subcommittee decided to look at having a note-taker rather than a court reporter taking minutes at the meetings. She stated that she discussed the possibility of having Kathryn Bratcher continue to attend the meetings and prepare the minutes but was told by Ms. Bratcher this evening that she would not be available for such an assignment. Vice-Chair Halvorson reported that the subcommittee felt it was important to have more than one person to cover for absences and emergencies and they will keep working on this.

Outreach Update – Commissioner Sinclair

Chair Cooper called upon Commissioner Sinclair who updated members on recent discussions she had with David Hopkins from the County's Information Services Department. She stated that Mr. Hopkins is out of town this week, but he did provide her with information regarding services the county will be able to provide such as a public feedback forum, archive of meeting minutes, a bulletin board or blog, etc. Commissioner Sinclair also advised that weekly or bi-weekly surveys may be possible as well if that is something the Commission would like to do. She mentioned radio and cable TV access which is available in both north and south county. Chair Cooper advised that he, along with Vice-Chair Earling and Commissioner Sinclair, have been invited to be on D.J. Wilson's Edmonds Community College show later in the Commission's process when the issues are more developed.

Discussion ensued regarding who should be the spokesperson representing the Commission in media affairs. Commissioner Kenny stated that he believes it should be the Chair. Commissioner Ortiz stated that he believes the Chair is already busy with a great deal of responsibility and it might make sense to appoint another representative. Commissioner Hawksford suggested that the Chair as well as the two Vice-Chairs act as Commission spokespersons. Chair Cooper stated that typically once the Commission starts deliberating issues he will look to the person with expertise on that particular issue and call upon them to represent the Commission.

Round Table Discussion of Commission Priorities

Chair Cooper asked each of the Commissioners in turn around the table to list current Charter articles they might want to amend. He asked members to keep this to a brainstorming exercise and refrain from presenting actual proposals or arguing certain positions at this time. He explained that the plan is to simply get an idea of what current Charter articles may be proposed for amendment. A summary of the discussion is as follows:

Chair Cooper

Article 9, Contracts and Non-Discrimination; Article 3, Executive Departments; and the size of the County Council;

Commissioner Earling

Article 3, Executive Departments; size of the County Council; transparency and accountability (location of Performance Auditor and how existing articles of Charter are structured);

Commissioner Simpson

Make up of the County Council; elected versus appointed positions;

Commissioner Hawksford

Nothing to add at this time;

Commissioner Malone

Size of the County Council; Article 3, Duties and Powers; possibility of biennial budget; Article 3, Veto Powers of Executive (possibly add line-item veto);

Commissioner Bond

Size of the County Council; electeds;

Commissioner Kenny

Size of the County Council

Commissioner Kelly

All the issues mentioned so far and new charter articles;

Commissioner Larsen

Council districts; biennial budgeting;

Commissioner Valentine

Transparency; Article 2.6, Rules of Procedure for County Council;

Commissioner Symms

All the issues mentioned so far;

Commissioner Rauch

Size of the County Council; term limits; County Executive position (appointed versus elected);

Commissioner Sinclair

Biennial budgeting, size of the County Council; term of Commission; emergency preparedness

Commissioner Ortiz

Term of the Commission

Vice-Chair Halvorson

Redundancy in government; Performance Auditor (where does function reside?);

Chair Cooper then asked the members to go around the table in this fashion once more, this time giving their ideas for new Charter articles they'd like to see addressed. Chair Cooper began the discussion as follows:

Chair Cooper

Campaign finance and Code of Ethics in the Charter; Establish Community Security and Preparedness Department; Governance of aviation division within Snohomish County;

Vice-Chair Halvorson

No new issues at this time;

Commissioner Ortiz

No new issues thoroughly developed at this time;

Commissioner Sinclair

Emergency Preparedness;

Commissioner Rauch

No new issues at this time;

Commissioner Symms

Airport Commission;

Commissioner Valentine

Emergency Preparedness;

Commissioner Larsen

Nothing to add at this time;

Commissioner Kelly

County Council rules for more public friendly hearing processes; Procedure for Hearing Examiner Appeals;

Commissioner Kenny

Nothing to add at this time;

Commissioner Bond

Disaster Preparedness;

Commissioner Malone

No new issues at this time;

Commissioner Hawksford

No new issues at this time;

Commissioner Simpson

No new issues at this time;

Vice-Chair Earling

Ombudsman at county level.

Public Comment

Chair Cooper opened the meeting for members of the public who may wish to make comment. No one was heard.

Other – Calendar Issues

Considerable discussion ensued among commissioners relating to options for taking input from the public. Commissioner Kelly expressed concerns with splitting up into different groups and sending the wrong message to citizens when only a few commissioners show up to each meeting. Commissioner Rauch agreed with Commissioner Kelly and stated that she would like to hear what the citizens from all Council districts have to say. Commissioner Kenny suggested that Saturday meetings might be a solution to that problem since the commission could possibly hit two council districts in one day. In response to a question from Commissioner Bond, Chair Cooper stated that he envisions two sets of public meetings: the first to receive input and the second to hold a public hearing on developed proposals.

Vice-Chair Earling advised the membership of advice the previous Charter Review Commission received from their legal counsel regarding constraints placed on commissioners relating to campaigning for ballot propositions. Discussion also ensued regarding the possibility of taking public input over the internet.

Commissioner Ortiz asked Chair Cooper about the possibility of devising a critical path for the group to follow to target dates. Chair Cooper stated that he will be working on that and that tonight's discussion will be helpful in that regard. With regard to the calendar, Chair Cooper stated that his goal is to have a draft for the February 8, 2006 meeting.

Discussion ensued relating to the list of priorities produced through tonight's brainstorming efforts and whether the priorities should be weighted at this point. Commissioner Kelly stated that she believes weighting the priorities at this point makes it look like the commission has already made a decision. Commissioner Rauch agreed.

The Commission then entered a discussion regarding operating rules. With regard to the proxy issue, Commissioner Bond stated that he believes a member should have to be present to participate. Commissioner Kelly stated that she would like to look into the possibility of having members attend by telephone if unable to make it to the meeting. Chair Cooper advised that there are ways to do that. Commissioner Bond raised the issue of participation by a member on an issue where that member was not present for discussion at a previous meeting. He suggested they be required to listen to the tape before participating in deliberations. Commissioner Larsen suggested that reading the minutes might be another option in such a case. Chair Cooper stated that this issue will be covered in the By-Laws. Commissioner Hawksford suggested that the By-Laws also reflect that a simple majority of the Commission is a quorum and that eight positive votes are required to pass any issue no matter how many commissioners are present.

Discussion continued regarding abstentions from voting and whether or not the Chair should vote. Chair Cooper stated that an abstention goes with the majority. Commissioner Larsen and Vice-Chair Earling made comments opposing abstention by members. Commissioner Valentine stated that she believes abstention should be a valid option if the member feels they just do not have enough information to make a decision. Commissioner Kenny stated that perhaps the Chairman should vote.

ACTION: On motion of Commissioner Bond, seconded by Commissioner Kenny, the meeting was extended for fifteen minutes by unanimous vote.

The Commission briefly discussed supervision of the support staff. Commissioner Rauch stated that she doesn't believe it would be a good idea to have this person receiving direction from all fifteen members. Vice-Chair Halvorson stated that she believes the last Commission funneled all major assignments through the Chair though the analyst was available to answer questions for any of the members.

Adjournment

ACTION: On motion of Commissioner Larsen, seconded by Commissioner Sinclair, the meeting was adjourned at approximately 8:40 p.m.

Respectfully submitted,

Kathryn J. Bratcher