



## King County

# Metropolitan King County Council Health, Housing and Human Services Committee

### STAFF REPORT

<b>Agenda Item:</b>	9	<b>Name:</b>	Katherine Cortes
<b>Proposed No.:</b>	2016-0283	<b>Date:</b>	December 6, 2016

### SUBJECT

Proposed Ordinance 2016-0283 would identify the composition and duties of the advisory body for the portion of the Best Starts for Kids levy related to the Communities of Opportunity initiative.

### SUMMARY

This proposed ordinance was previously briefed on June 7, 2016. Staff identified technical and policy issues, and have prepared a striking amendment to address these issues at the direction of the Committee Chair.

Governance of the Communities of Opportunity initiative was previously addressed in Ordinance 18088 (which placed the Best Starts for Kids levy on the ballot)<sup>1</sup> and Ordinance 18220 (which set up an interim governance group for COO use of BSK levy proceeds, and required an ordinance setting up a permanent governance group for this purpose).<sup>2</sup>

Proposed Ordinance 2016-0283 would identify and put into King County Code the composition and duties of a COO-Best Starts for Kids Levy Advisory Board to succeed the IGG. Staff have prepared a striking amendment at the direction of the Committee Chair to make technical and other changes to the transmitted ordinance. If approved, the amendment would ensure that the ordinance conforms with prior ordinance and with the BSK Implementation Plan, as approved by Council on September 19, 2016.

### BACKGROUND

Ordinance 18088<sup>3</sup> approved placing before King County voters a ballot measure authorizing a six-year property tax levy to support Best Starts for Kids (BSK), a prevention-oriented regional plan to support the healthy development of children and youth, families and communities across the county. The measure was approved by King County voters on November 3, 2015. Ordinance 18088 identified the Communities of

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<sup>1</sup> Adopted July 20, 2015

<sup>2</sup> Adopted January 19, 2016

<sup>3</sup> Adopted July 20, 2015

Opportunity (COO) Interim Governance Group (IGG) as the advisory body for BSK levy proceeds set aside for the COO initiative, and directed the executive to transmit a plan relating to the COO IGG and a proposed ordinance that identifies the composition and duties of the IGG with respect to the COO portion of the BSK levy proceeds.<sup>4</sup>

Ordinance 18220<sup>5</sup> identified the composition and duties of the IGG with respect to BSK levy proceeds, as required by Ordinance 18088, and directed that the IGG “shall serve as the advisory board for the communities of opportunity elements of the best starts for kids levy as set forth in Ordinance 18088 until a successor group is established by ordinance.” It further required the Executive to transmit motions (by February 15, 2016) confirming the appointments of two community representatives<sup>6</sup> as well as an ordinance (by June 1, 2016) on the composition and duties of a successor to the COO IGG.

PO 2016-0283 was transmitted on June 1, 2016 along with an ordinance which would approve a General Implementation Plan to set the policy guiding the expenditure of Best Starts for Kids levy proceeds (including for Communities of Opportunity), subsequently adopted September 19, 2016 as Ordinance 18373.

#### Present Membership of the COO IGG

1. Scarlett Aldebot-Green, King County Council representative
2. Michael Brown, The Seattle Foundation (TSF)
3. Deanna Dawson, Sound Cities Association
4. David Fleming, PATH
5. Hilary Franz, Futurewise
6. Ubox Gardheere, community appointee
7. Patty Hayes, Public Health-Seattle & King County (PHSKC)
8. Betsy Jones, Executive’s Office, King County
9. Paola Maranan, The Children’s Alliance
10. Gordon McHenry, Jr, Solid Ground
11. Jeff Natter, Pacific Hospital PDA
12. John Page, community appointee
13. Adrienne Quinn, King County Department of Community and Human Services (DCHS)
14. Michael Woo, community representative
15. Tony To, HomeSight (Rainier Valley site representative)
16. Adam Taylor, Global to Local (SeaTac/Tukwila site representative)
17. Sili Savusa, White Center Community Development Association (White Center site representative)

#### **ANALYSIS**

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<sup>4</sup> Ordinance 18088 also requires the establishment of an oversight and advisory body for the remainder of BSK levy proceeds. Pursuant to this requirement, Ordinance 18217 (adopted January 11, 2016) created the Children and Youth Advisory Board.

<sup>5</sup> Adopted January 19, 2016

<sup>6</sup> Motions 14581 (confirming the appointment of Ubox Gardheere) and 14580 (confirming the appointment of John Page) were adopted March 7, 2016.

Proposed Ordinance 2016-0283 would identify and put into King County Code the composition and duties of a COO-Best Starts for Kids Levy Advisory Board to succeed the IGG. Potential issues for Council consideration were identified by staff in the June 7 briefing and are addressed below. Many are further addressed by striking amendment S1.

### **1) Codification**

The decision of whether to codify any ordinance is vested in the Clerk of the Council under K.C.C. 1.03.020. She is required to codify any ordinance of a "general or permanent nature." The duties of the COO-Best Starts for Kids Levy Advisory Board are related to the six-year BSK levy.

Prior to passage, Ordinance 18220 (as PO 2015-0521) was amended in committee to eliminate codification language proposed by the Executive in the original transmittal, since the interim governance group set up by that ordinance was not considered general or permanent. In the case of PO 2016-0283, the Clerk has opined that codification is the correct strategy, while also setting an expiration date for the end of the levy period.

### **2) Size**

PO 2016-0283, Section 1.A.1 states that the Advisory Board will consist of fourteen to eighteen members, as determined by the board.

Staff analysis suggests no reason that this number is not appropriate.

### **3) Voting System**

PO 2016-0283 Section 1.A.4 prescribes that "the board shall use a formal consensus process for making decisions." Ordinance 18220 requires the use of a "voting system."

Striking amendment S1 further specifies how the consensus process must be used to constitute a voting system, and allows for the Board to replace it with any other voting system.

### **4) Conflict of interest policy**

PO 2016-0283 Section 1.A.5 states "The board shall have a conflict of interest policy, which requires members to declare a conflict in advance of a board decision in which the members, their partners or spouses have a potential financial, fiduciary or employment conflict of interest, and to recuse themselves from that decision." This provision does not clearly satisfy the requirement in Ordinance 18220 for a policy addressing conflicts of interest for "members who represent sites or communities when a vote related to those sites or communities is before the communities of opportunity interim governance group."

Striking amendment S1 replaces the conflict of interest policy language with a statement more clearly meeting the requirements of Ordinance 18220.

### **5) Community appointees**

Ordinance 18220 requires that the successor group seek to include the greater of two persons or twenty percent of the total number of members who are "community

appointees.” While the characteristics of the appointees on the successor group are not prescribed, Ordinance 18220 creates two positions for community appointees on the IGG and requires that these members:

- Reflect the demographic characteristics of the communities that would qualify for funding under either the funding guidelines established for the pre-levy communities of opportunity initiative or the funding guidelines established in the implementation plan for the best starts for kids levy required under Ordinance 18088 once the plan is approved by ordinance, or both;
- Be grassroots organizers or activists with relevant organizing and advocacy experience necessary to effectively address the health, racial and economic inequities facing persons residing in the communities of opportunities neighborhoods; or
- Live in or have worked in a community the characteristics of which would qualify it for COO funding.

PO 2016-0283 Section 1.b.4 as transmitted incorporated language somewhat responsive to this provision.

Striking amendment S1 repeats the criteria from Ordinance 18220 and applies them to at least 20 percent, or three, of the Advisory Board members, whichever is greater. It further directs the Executive to appoint these members subject to Council confirmation.

#### **6) Diversity of Membership**

Ordinance 18220, Section 1.G.3 requires that the ordinance transmitted by the Executive “Require that the successor group membership reflects the diversity in King County and that the successor group recognizes that strategies may vary for different populations and in different locations of the county where there are inequitable health and well-being outcomes.” This specific language was not included in the transmitted ordinance.

Striking amendment S1 applies the same specific language to Advisory Board members in section 1.A.2.a.

#### **7) Recognition of Variant Strategies**

Ordinance 18220, Section 1.G.3. required that the successor group recognize that strategies may vary for different populations and locations in the County. This specific language was not included in the transmitted ordinance for the Advisory Board.

Striking amendment S1 applies the same specific language to Advisory Board members in section 1.A.2.a.

#### **8) Sequence of adoption versus PO 2016-0281 (BSK General Implementation Plan)**

PO 2016-0283 Section 1.A.2 states in part that members “must be committed to the communities of opportunity best starts for kids levy implementation plan, which will be adopted by the council by ordinance, as evidenced through a written agreement of the commitment to serve on the board” (emphasis added).

PO 2016-0283 Section 1.B states in part that “The duties of the board are to review and make advisory recommendations to the executive and county council concerning the use of levy proceeds for the communities of opportunity element of the best starts for kids levy, consistent with the council adopted communities of opportunity section of the best starts for kids levy implementation plan” (emphasis added).

The BSK General Implementation Plan was approved by Council on September 19, 2016 (as Attachment A to Ordinance 18373).

Striking amendment S1 removes the 1.A.2 reference to Advisory Board members making a written commitment to the plan; the reference to the adopted Implementation Plan in Section 1.B defines the duties of the Advisory Board.

### **9) Recommendations to the Executive and County Council**

Ordinance 18220 defined the duties of the IGG as including “to make recommendations to the Executive” concerning the expenditure of the COO allocation of best starts for kids levy proceeds. The transmitted ordinance additionally specified making recommendations to Council. Staff confirmed that no additional process is necessary to make these recommendations.

The striking amendment specifies that the recommendations are sent to the Executive and Council simultaneously.

### **10) Selection of Advisory Board members**

The transmittal letter for PO 2016-0283 described a process by which the final roster of members for the proposed COO-Best Starts for Kids Levy Advisory Board will be selected, as previously briefed.

The striking amendment provides additional direction that the Advisory Board will recommend, the Executive will appoint, and the Council will confirm Advisory Board members, except that representatives of The Seattle Foundation, the Executive, and Council have their appointment processes otherwise defined.

## **AMENDMENT**

Staff have prepared Striking Amendment S1 at the direction of the Committee Chair. The amendment, which addresses a range of issues including those specified above, will be distributed at the meeting.

## **ATTACHMENTS**

1. Proposed Ordinance 2016-0283
2. Transmittal Letter
3. Fiscal Note

## **INVITED**

1. Michelle Allison, Director of Council Relations, King County Executive’s Office

2. Betsy Jones, Health and Human Potential Policy Advisor, Department of Community and Human Services
3. Michael Brown, The Seattle Foundation