



**King County**  
**Metropolitan King County Council**  
**Committee of the Whole**

**STAFF REPORT**

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<b>Agenda Item No.:</b>	<b>6</b>	<b>Date:</b>	<b>2 June 2010</b>
<b>Proposed Ordinance No.:</b>	<b>2010-0328</b>	<b>Prepared by:</b>	<b>Rebecha Cusack Nick Wagner</b>

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**SUMMARY**

Proposed Ordinance 2010-0328 (pp. 5-9 of these materials) would place on the November 2010 ballot a charter amendment that would require designation of a senior official and an executive office to be focused on the provision of services to unincorporated areas of the county.

**BACKGROUND**

The delivery of county government services to the unincorporated areas of King County has been a focus of study and concern for a number of years. For example, the issue has been addressed by the following reports:

- A 2003 report by the Municipal League of King County;
- A 2003 report by the King County General Government Budget Advisory Task Force;
- A 2004 report by the King County Commission on Governance;
- A 2007 survey by the King County Department of Natural Resources and Parks;
- A 2008 code enforcement performance audit by the King County Auditor;
- A 2008 report by the county's Rural Ombudsman;
- A 2008 report by the Council's Permit Technical Advisory Committee; and
- The 2008 Final Report and Recommendations of the 2007-2008 King County Charter Review Commission ("CRC").

## THE PROPOSED CHARTER AMENDMENT

Among the 12 charter amendments recommended by the CRC was an Unincorporated Areas Representation (“UAR”) Amendment, which would require designation of a senior official and an executive office to be focused on the provision of services to unincorporated areas of the county. The amendment was intended to address issues raised in numerous public comments to the CRC about governance and representation in the unincorporated areas of the county, particularly rural areas. The CRC also received and considered the results of a rural services survey conducted by the county’s Department of Natural Resources and Parks, which identified similar concerns.

As adopted by the CRC, the proposed UAR Amendment contains three elements (*see* p. 11 of these materials for the full text):

- The Council would be required to “designate within the administrative offices or executive departments a structure or structures with the power and responsibility to serve rural and urban unincorporated King County”;
- The Executive would be required to “designate within the office of the executive a senior official with primary responsibility for the communication with and oversight of service provision to rural and urban unincorporated King County, including services to facilitate transition of urban unincorporated areas to cities . . . .”;
- The charter preamble would be amended as follows:

We, the people of King County, Washington, in order to form a more just and orderly government, establish separate legislative and executive branches, insure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy urban and rural environment and economy, and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.

“In essence,” the CRC explained in its final report, “the amendment would require the Council to assume an oversight role in ensuring that the County made an adequate organizational commitment to the unincorporated areas, while the Executive would be responsible for implementing and overseeing a specific position.” *See* p. 13 of these materials.

The CRC considered a number of alternative approaches, as described in its final report (*see* pp. 13-14 of these materials), but decided on the proposed charter amendment because the CRC believed it would:

1. “[P]rovide a powerful voice and focus for unincorporated issues in county government”;
2. “[D]emonstrate to unincorporated area residents that their issues are a priority”;
3. “[P]rovide a clear point of contact for unincorporated area residents with concerns about their county government”;
4. “[E]stablish a permanent, charter-based structure”; and
5. “[F]acilitate the transition of urban unincorporated areas to incorporated areas.”

The CRC proposed that the Charter preamble be amended because it “did not explicitly address the county’s responsibilities to unincorporated areas.” The CRC believed that, if the preamble were amended as proposed by the CRC, it would “make[] a powerful statement to citizens about the priorities of its government, and reflects an enduring commitment on the part of county government to providing high-quality governance, services, and environment in the unincorporated areas.” *See* p. 14 of these materials.

The CRC vote on the UAR amendment was 19 in favor, none against, and two absent (*see* p. 14 of these materials).

### **POSSIBLE NEED FOR CLARIFICATION**

In its current form, the CRC’s proposed charter amendment creates a potential for inconsistency between the Executive’s designation of a “senior official with primary responsibility for the communication with and oversight of service provision to rural and urban unincorporated King County” and the Council’s designation of “a structure or structures with the power and responsibility to serve rural and urban unincorporated King County.” For example, the Executive might designate a “senior official” in an office or department different from the “structure” designated by the Council. The Council may wish to consider modifying the amendment to eliminate this potential inconsistency.

### **NEW EXECUTIVE BRANCH POSITION**

In a change similar to what the CRC has proposed in its UAR charter amendment, the County Executive has created a new position called “Land Use and Unincorporated Area Relations Manager,” which is located in the Executive Office and reports to the Director of Government Relations. One goal of the CRC that is not met by the administrative creation of this new position, however, is the establishment of “a permanent, charter-based structure.” In the absence of a charter amendment, a future County Executive could eliminate the new position.

**COUNCIL OPTIONS**

The Council has at least three options:

- 1. Place the CRC-proposed charter amendment on the ballot, possibly with clarifying changes, as discussed above;
- 2. Adopt an ordinance making the “designation” recommended by the CRC, instead of placing a charter amendment on the ballot for that purpose (this would limit the potential for unilateral changes by the Executive, but would lack the relative permanence of a charter amendment and would not change the Charter preamble);
- 3. Take no action at this time, pending a future assessment of the effectiveness of the new “Land Use and Unincorporated Area Relations Manager” position that the Executive has created.

**INVITEES**

- 1. Charter Review Commission Members
- 2. Lauren Smith, Land Use and Unincorporated Area Relations Manager,  
King County Executive Office

**ATTACHMENTS**

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(UAR) Amendment ..... 11
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**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 27, 2010**

**Ordinance**

**Proposed No. 2010-0328.1**

**Sponsors Hague**

1 AN ORDINANCE proposing to amend the Preamble and  
2 Sections 220.20 and 320.20 of the King County Charter, to  
3 specify the local and regional role of county government by  
4 clarifying the purposes of county government, requiring the  
5 county council to designate one or more government  
6 structures to serve unincorporated King County, and  
7 requiring the county executive to designate a senior official  
8 with primary responsibility for the communication with and  
9 oversight of service provision to unincorporated King  
10 County; and submitting the same to the voters of the county  
11 for their ratification or rejection at the November 2010  
12 general election.

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. There shall be submitted to the qualified voters of King County for  
15 their approval and ratification or rejection, at the next general election to be held in this  
16 county occurring more than forty-five days after the enactment of this ordinance,  
17 amendments to the Preamble and Sections 220.20 and 320.20 of the King County  
18 Charter, as set forth herein:

19 **Preamble.**

20 We, the people of King County, Washington, in order to form a more just and  
21 orderly government, establish separate legislative and executive branches, insure  
22 responsibility and accountability for local and regional county governance and services,  
23 enable effective citizen participation, preserve a healthy urban and rural environment and  
24 economy and secure the benefits of home rule and self-government, in accordance with  
25 the Constitution of the State of Washington, do adopt this charter.

26 **220.20 Powers.**

27 The county council shall be the policy determining body of the county and shall  
28 have all legislative powers of the county under this charter. The county council shall  
29 exercise its legislative power by the adoption and enactment of ordinances; shall levy  
30 taxes, appropriate revenue and adopt budgets for the county; shall establish the  
31 compensation to be paid to all county officers and employees and shall provide for the  
32 reimbursement of expenses; except as otherwise provided herein shall have the power to  
33 establish, abolish, combine and divide administrative offices and executive departments  
34 and to establish their powers and responsibilities; shall designate within the  
35 administrative offices or executive departments a structure or structures with the power  
36 and responsibility to serve rural and urban unincorporated King County; shall adopt by  
37 ordinance comprehensive plans including improvement plans for the present and future  
38 development of the county; shall have the power to conduct public hearings on matters of  
39 public concern to assist it in performing its legislative responsibilities and to subpoena  
40 witnesses, documents and other evidence and to administer oaths, but the subpoena  
41 power of the county council shall be limited to matters relating to proposed ordinances  
42 which are being considered by the county council, and any witness shall have the right to

43 be represented by counsel. The specific statement of particular legislative powers shall  
44 not be construed as limiting the legislative powers of the county council.

45 **320.20 Powers and Duties.**

46 The county executive shall be the chief executive officer of the county and shall  
47 have all the executive powers of the county which are not expressly vested in other  
48 specific elective officers by this charter; shall supervise all administrative offices and  
49 executive departments established by this charter or created by the county council; shall  
50 designate within the office of the executive a senior official with primary responsibility  
51 for the communication with and oversight of service provision to rural and urban  
52 unincorporated King County, including services to facilitate transition of urban  
53 unincorporated areas to cities; shall be the chief peace officer of the county and shall  
54 execute and enforce all ordinances and state statutes within the county; shall serve on all  
55 boards and commissions on which a county commissioner was required to serve prior to  
56 the adoption of this charter, but if more than one county commissioner was required to  
57 serve, the county council shall appoint a councilman or councilmen to serve on the board  
58 or commission with him; shall present to the county council an annual statement of the  
59 financial and governmental affairs of the county and any other report which he may deem  
60 necessary; shall prepare and present to the county council budgets and a budget message  
61 setting forth the programs which he proposes for the county during the next fiscal year;  
62 shall prepare and present to the county council comprehensive plans including capital  
63 improvement plans for the present and future development of the county; shall have the  
64 power to veto any ordinance adopted by the county council except as otherwise provided  
65 in this charter; shall have the power to assign duties to administrative offices and

66 executive departments which are not specifically assigned by this charter or by ordinance;  
67 and shall sign, or cause to be signed, on behalf of the county all deeds, contracts and  
68 other instruments. The specific statement of particular executive powers shall not be  
69 construed as limiting the executive powers of the county executive.

70         SECTION 2. The clerk of the council shall certify the proposition to the manager  
71 of the elections division, in substantially the following form, with such additions,  
72 deletions or modifications as may be required by the prosecuting attorney:

73         King County Charter Sections 220.20 and 320.20 and the Preamble be  
74 amended to specify the local and regional role of county government by  
75 clarifying the purposes of county government, requiring the county  
76 council to designate one or more government structures to serve  
77 unincorporated King County, and requiring the county executive to  
78 designate a senior official with primary responsibility for communication  
79 with and oversight of service provision to unincorporated King County, as



80 provided in Ordinance \_\_\_?

81 \_\_\_ Yes

82 \_\_\_ No

83

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Robert W. Ferguson, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

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## **Unincorporated Areas Representation**

### *220.20 Powers (The Metropolitan County Council)*

The county council shall be the policy determining body of the county and shall have all legislative powers of the county under this charter. The county council shall exercise its legislative power by the adoption and enactment of ordinances; shall levy taxes, appropriate revenue and adopt budgets for the county; shall establish the compensation to be paid to all county officers and employees and shall provide for the reimbursement of expenses; except as otherwise provided herein shall have the power to establish, abolish, combine and divide administrative offices and executive departments and to establish their powers and responsibilities; shall designate within the administrative offices or executive departments a structure or structures with the power and responsibility to serve rural and urban unincorporated King County; ....

### *320.20 Powers and Duties (County Executive)*

The county executive shall be the chief executive officer of the county and shall have all the executive powers of the county which are not expressly vested in other specific elective officers by this charter; shall supervise all administrative offices and executive departments established by this charter or created by the county Council; shall designate within the office of the executive a senior official with primary responsibility for the communication with and oversight of service provision to rural and urban unincorporated King County, including services to facilitate transition of urban unincorporated areas to cities; ...

### *Preamble:*

We, the people of King County, Washington, in order to form a more just and orderly government, establish separate legislative and executive branches, insure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy urban and rural environment and economy, and secure the benefits of home rule and self-government, in accordance with the Constitution of the State of Washington, do adopt this charter.

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3. Allow the Regional Policy Committee to adopt its work program by a majority vote with a quorum of 6½ votes. The work program may include new subject matter which involves regional policies or plans. This change is proposed to provide the committee with greater authority over its agenda.
4. Allow regional committees to initiate motions and ordinances, including ones not assigned by the Council, which would be introduced without the usual sponsorship of a County Council member. This change is proposed to offer regional committees better access to legislative consideration of their recommendations.
5. Require County Council and standing committees to take an action of record on each proposed motion and ordinance initiated by regional committees.
6. Empower the County Council to add, by ordinance, non-voting representation to the Water Quality Committee for areas outside of King County served under contract by King County sewerage treatment services. This change is proposed in light of increasing presence of King County sewage facilities and services in areas beyond the boundaries of the county.

The Regional Governance subcommittee also recommended ordinance language for adoption by the Council (see Appendix C).

Final vote: | Yes – 16 | No – 2 | Abstain – 0 | Absent – 3 |

### **Transitory Provisions**

*Charter Section – Article 9 and Section 350.20.30*

*Subcommittee – Regional Governance*

*Amendment Language – See page 33*

The Commission recommends an amendment to strike transitory provisions in the Charter that are no longer relevant. Most of Article 9 and all of Section 350.20.30 of the Charter are vestiges of King County’s transition from a non-charter form of government and the county’s consolidation with Metro. These provisions are no longer relevant and should therefore be removed. Similarly section 350.20.30 may be stricken because transitional direction regarding the Metro consolidation is no longer necessary. While most of Article 9 can be stricken, the last two sentences in section 990 should be retained, because they affirm official actions taken before the charter’s effective date.

Final vote: | Yes – 18 | No – 0 | Abstain – 0 | Absent – 3 |

### **Unincorporated Areas Representation**

*Charter Section – Sections 220.20 and 320.20*

*Subcommittee – Rural/Local Issues*

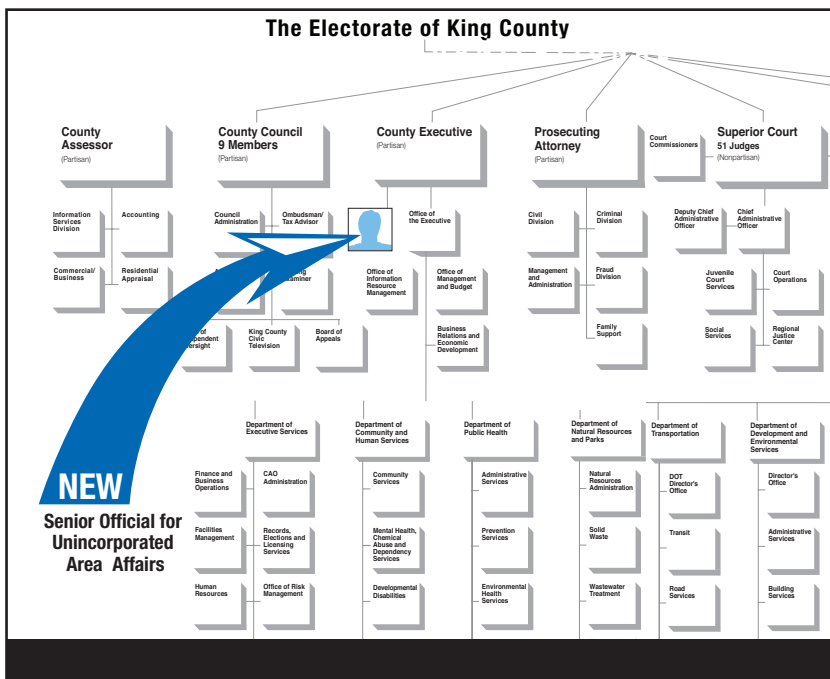
*Amendment Language – See page 38*

The Commission recommends that a high-level position inside the Office of the Executive be designated to represent the interests of unincorporated area residents. The County Council would also be required to ensure that a structure or structures be created with the power and responsibility to serve unincorporated areas of the county. In essence, the amendment would require the Council to assume an oversight role in ensuring that the County made an adequate organizational commitment to the unincorporated areas, while the Executive would be responsible for implementing and overseeing a specific position.

The Rural/Local subcommittee made improving unincorporated area representation and governance its top priority. The subcommittee considered various options including:

- Strengthening, replacing, or reducing the role of the Unincorporated Area Councils
- Creating a Rural/Unincorporated Affairs Department under the Executive
- Implementing Subarea/Community Planning
- Instituting Townships
- Forming a Rural/Unincorporated Advisory Council, Commission, or Planning Council
- Hiring additional staff for Councilmembers with unincorporated areas in their districts
- Restructuring certain staff under the Executive (the Executive's Rural Services Initiative)

The subcommittee decided that designating a specific high-level position inside the Office of the Executive, comparable in authority to a Deputy Executive, would be most effective. The Commission found that these proposed amendments would: 1) provide a powerful voice and focus for unincorporated issues in county government, 2) demonstrate to unincorporated area residents that their issues are a priority, 3) provide a clear point of contact for unincorporated area residents with concerns about their county government, 4) establish a permanent, charter-based structure, and 5) facilitate the transition of urban unincorporated areas to incorporated areas. Commissioners stressed that this position should focus equal attention



on rural and urban unincorporated areas, and noted that the inclusion of urban unincorporated areas should not detract from the needs of rural residents.

The Commission also recommends an amendment to the Charter Preamble to reflect the county's dual role as both a regional government for the entire county and a local government for the unincorporated areas. The Commission found that the Charter did not

explicitly address the county's responsibilities to unincorporated areas. The Preamble states the purpose of the Charter, and is a de facto mission statement for the county. Amending the Preamble as above makes a powerful statement to citizens about the priorities of its government, and reflects an enduring commitment on the part of county government to providing high-quality governance, services, and environment in the unincorporated areas.

Final vote: | Yes – 19 | No – 0 | Abstain – 0 | Absent – 2 |