

June 19, 2018

Hon. Rod Dembowski  
Metropolitan King County Council  
via email to Mr. Mac Nicolson - mac.nicholson@kingcounty.gov

Dear Councilmember Dembowski:

Thank you for your consideration and for asking for my views on certain matters related to the Charter Review Commission.

I am going to answer Question 2 first because my answer to Question 1 will make more sense after I have answered Question 2.

2) Considering our region's population growth and the regional response that will increasingly be necessary to respond to associated challenges, what changes, including additional powers or changes in state law (if necessary), would you suggest to help the county address what it will likely face in the next 25-50 years?

I must confess that I do not know what will happen in the next 25 - 50 years. The future is notoriously difficult to predict. I will cite 3 quick examples:

- a. Despite careful study, crucial events even in the very near future can be unpredictable.

There are few events in our society that are studied as carefully and extensively as our elections. Yet, as little as a few hours before the November 2016 election, almost no one correctly predicted its outcome. Even those who appeared to predict it correctly may well have been more lucky than wise, and merely guessed correctly. Our country and indeed our world are in a very different place today than where they would have been if the election had gone the other way.

Over the next 50 years there will be at least 12 unpredictable Presidential elections and at least 24 unpredictable Congressional/Senatorial elections and State Senator/Representative elections. I do not know how to predict the outcome of any of these elections, but their results may have profound effects upon our region's future.

- b. "At this rate" is a tempting prediction method, but it is famously flawed.

Before the current baseball season, only 3 players in major league history had hit 3 home runs on opening day. Had these players kept up that home run rate, by the end of the 162-game season each would have hit 486 home runs. Obviously, that did not happen. The most

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successful of the three was Toronto's George Bell, who hit 3 home runs on opening day of the 1988 season, and finished that year with just 24 home runs.

The Puget Sound region has had a record-setting population growth rate over the past few years. But it is unrealistic to expect growth to continue at present rates. All booms eventually slow down, or level off, or even "bust". Growth may slow down, or stop. Population could even decrease. During the "Boeing Bust" of 1967-71, there was a famous billboard near SeaTac Airport: "Will the last person leaving Seattle turn out the lights?"

One current challenge to sustained growth is the cost of housing. If housing prices continue to rise, this area will become less and less attractive for people and businesses to relocate here. Another challenge to sustained growth is "quality of life" issues. At some point, the positives of this region could become comparable in importance to the negatives: traffic, high cost of living, crime.

c. Technology brings about unpredictable but profound changes.

Just 14 years ago, a few college students invented what is now called "Facebook". I doubt if anyone predicted that this would happen, and I doubt if even the student inventors foresaw how overwhelmingly their invention would change society. We do not know what some college students are inventing right now that will, in 14 years or so, upend the world around us again.

All of that said, our inability to predict the future 25 - 50 years from now should not deter us from identifying and trying to address what is happening right now. This region's population has grown tremendously since the last charter review; so has the diversity of our population and the size and prevalence of our region's income gap. These changes lead to issues that government needs to address.

Some of the things we should do to address the growing income gap include:

- Promoting programs to assist those in poor/underserved communities;
- Liberalizing access to public health (medical, dental and mental health) services;
- Supporting services for children and families;
- Preschool education and nutrition programs;
- After-school programming;

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- Civic education for youth and for adults (especially important for immigrant communities);
  - Liberalizing access to mental health and addiction evaluation and treatment, including for those not convicted of crimes or involved in dependency actions;
  - Addressing and promoting stable housing;
  - Promoting housing stability for fixed-income seniors by providing property tax relief by deferring (not forgiving) payment of property taxes until the residence is sold or passes via inheritance.

Some of the things we should do in the arena of public safety include:

- Culturally competent and suitable policing;
- Universal and effective police training in de-escalation techniques;
- Establishing dialogues with communities to promote trust and respect between law enforcement and community leaders and members;
- Meaningful community custody (also known as probation) for those convicted of crimes, to include referral to and access to needed services for mental health, addiction treatment, education and vocational training, and housing stability to promote re-integration into the community and to reduce the risk of recidivism.<sup>1</sup>

I realize that all these things cost money. I also realize that many of these things require regional solutions. We need to partner with other governmental entities, businesses, and charities/NGOs to finance these programs. I also realize that King County's ability to fund needed services is significantly impaired by lack of a stable and reliable funding source. The formation of small cities throughout the region substantially decreased the County's tax base. Impediments to funding also include the 1% cap on growth in property taxes (a rate which does not even keep up with inflation, much less with our region's population growth) combined with a lack of other viable funding mechanisms.

We need to work with State government to provide adequate and stable funding for essential

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<sup>1</sup>At present, only misdemeanors are subject to County-level probation. The State Department of Corrections has jurisdiction over those convicted of felonies, but DOC does not provide post-conviction supervision for most non-violent or non-sex crimes. This could be changed by the State Legislature.

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County functions (public safety, infrastructure repairs and maintenance, courts and justice system, etc.), as well as desperately needed human services. Creative and effective efforts need to be made to push Olympia to provide funding and/or revenue sources to meet the needs of King County's residents.

1) What are your views on the powers of the branches of King County government as set forth in the charter? Would you make adjustments or suggest changes and if so, what changes do you believe may be warranted?

The Charter's basic structure of a legislative and an executive branch is "American standard" and I would not suggest that that be changed.

There are, however, changes that might be considered, especially in light of the above problems and issues. Addressing some of these problems and issues would require more funding. Many of these problems and issues require a broad county-wide or inter-county approach. By listing these possible changes, I am not saying that I favor them. Rather, I am saying that these might be suitable subjects for a Charter Review Commission to study and to decide whether to recommend changes.

a. Should the composition of the Metropolitan County Council be changed?

The members of the Council as presently configured represent districts or areas. This promotes a diversity of views and opinions on the Council, which is a strong positive. But some issues require county-wide solutions. In some cases, certain policy decisions might help some districts and hurt other districts, and these costs and benefits need to be weighed against each other. One possible solution would be to elect a small number of council members as "at large" representatives. Given the importance of regional solutions to the issues that confront us, perhaps it is appropriate to study this issue.

b. Should the Sheriff continue to be elected or should the Sheriff be appointed?

In 1996 the voters made the King County Sheriff an independently elected official. Over the past 20+ years our region thus has had an opportunity to compare and contrast the effect of having an elected King County Sheriff versus an appointed Seattle Police Chief. There certainly are reasons to have an elected Sheriff, including independence and direct accountability to the voters. But there also are possible reasons to have an appointed Sheriff, including the ability to conduct a nationwide search for a Sheriff and to avoid political divisions within the Sheriff's office. Given the importance of culturally competent, professional, suitable policing, perhaps it is appropriate to study this issue.

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c. How should the Charter address inquests?

The Charter states that “An inquest shall be held to investigate the causes and circumstances of any death involving a member of the law enforcement agency of the county in the performance of the member’s duties.” A 6-person panel reviewed the inquest process and issued its report in March of 2018. The Charter may need to be amended to reflect or to be consistent with new policies or procedures.

d. Should regional planning bodies include representatives of neighboring counties?

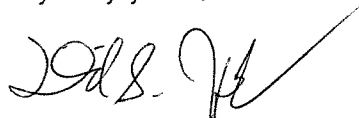
The Council has formed regional committees to address regional issues such as transit and water quality. These committees include representatives from many cities within King County. But these and other issues impact not just King County, but neighboring counties as well. Should the Charter address a formal mechanism to coordinate with neighboring counties on responses to regional issues?

I am sure there are many other possible subjects which a Charter Review Commission might examine, but in the limited time I was given to respond to the questions, these are the ones I thought of. I would be happy to try to answer any questions which any councilmember might have.

**3) Please list any actual or perceived potential conflicts of interest you may have associated with this appointment or its underlying duties. How do you intend to address these conflicts?**

My son is in law enforcement (not for King County) and my wife is a judge. I do not believe either of these facts represents a conflict of interest since neither King County nor anything the Charter Review Commission is tasked with doing would directly affect their compensation or their retention of their jobs. On the contrary, I might have useful insight into issues facing law enforcement or the justice system, which could be of benefit to the Commission. If for some reason an issue arose regarding which there did appear to be a conflict, I would of course recuse myself upon that issue.

Very truly yours,



David S. Heller