



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.: 9	Date: 3 June 2009
Briefing No.: 2009-0348	Prepared by: Rebecha Cusack Nick Wagner

SUMMARY

Proposed Ordinance 2009-0348 (Attachment 1, pp. 5-7 of these materials) would place on the November 2009 general election ballot a charter amendment recommended by the 2007-2008 King County Charter Review Commission (CRC). If the proposed amendment is placed on the ballot and approved by the voters, it will amend Charter section 800 to (1) make clear that the County Executive's appointments to the CRC are subject to Council confirmation and (2) require the Council, after receiving the Charter Review Commission's report and recommendations, to "consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments."

The CRC's vote was 19-0 in favor of the amendment, with two members absent.

BACKGROUND

The proposed charter amendment has two parts, both of which are related to the charter review process established by Charter section 800:

Council Confirmation of Appointments to CRC

During the 2007-2008 CRC appointment process there was a lack of clarity regarding whether appointments to the CRC were subject to Council confirmation. The County Prosecuting Attorney's office held that the clearer interpretation was that the appointments were subject to Council confirmation. The CRC accepted that view with Executive and Council concurrence. The proposed language implements that recommendation.

Requirement of public Council decision on each charter amendment recommended by CRC

The CRC has recommended a charter amendment that would require the Council to consider the CRC's report and recommendations and "decide at an open public meeting how to proceed on each of the commission's recommended charter amendments."

This requirement was based in part on a similar requirement regarding Council action on recommendations of the county's regional committees, which the CRC proposed would be

satisfied by “approval, rejection, amendment and rereferral, postponement or any other action of record during a council or standing committee meeting.” The Council approved this requirement in Ordinance 16205 (placing the regional committees charter amendment on the ballot in November of 2008) and Ordinance 16301 (implementing the regional committees charter amendment by amending Council Rule 7, which governs the regional committees).¹

THE PROPOSED LEGISLATION

Proposed Ordinance 2009-0348 (Attachment 1, pp. 5-7 of these materials) would implement the CRC’s recommendation.

The legislation would add two sentences to Charter section 800:

1. “Appointees shall be subject to confirmation by a majority of the county council” (p. 6, line 19, of these materials).
2. “The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission’s recommended charter amendments” (p. 6, lines 21-23 of these materials).

PROPOSED AMENDMENT AND COMPANION ORDINANCE

Councilmembers Ferguson and Lambert, who are co-sponsors of Proposed Ordinance 2009-0348, are proposing an amendment and a companion ordinance that are intended to track the analogous provisions in Ordinances 16205 and 16301 (the regional committees legislation referred to above).

Proposed Amendment 1 (Attachment 2, p. 9 of these materials) would insert the words “as provided by ordinance” at the end of the second sentence to be added to Charter section 800. This would track the corresponding language regarding the regional committees in Ordinance 16205 (p. 14, lines 107-108 of these materials).

The proposed companion ordinance (Attachment 3, p. 11 of these materials) would implement the proposed charter amendment by adopting a new Council Rule 33 providing:

Rule 33: Upon receipt of a report and recommendation of the charter review commission pursuant to charter section 800, the county council or a standing committee thereof shall consider the commission's report and

¹ Ordinance 16205 amended Charter section 270.30 to read in part: “Each regional committee may develop and propose directly to the council an ordinance or motion adopting, amending or repealing a countywide policy or plan within the subject matter area of the committee. . . . [T]he council shall consider the proposed legislation and take such action thereon as it deems appropriate, as provided by ordinance.” (Attachment 4, lines 100-108, p. 14 of these materials). Ordinance 16301 amended Council Rule 7 to provide in part: “Within one hundred twenty days of introduction by the committee, the council or a standing committee shall consider the proposed legislation and take such action on the proposed legislation as the council or standing committee deems appropriate, including approval, rejection, amendment and rereferral, postponement or any other action of record during a council or standing committee meeting” (Attachment 5, lines 210-215, p. 16 of these materials).

recommendations and, in an open public meeting, take such action on the commission's recommended charter amendments as it deems appropriate, which may consist of approval, rejection, amendment, postponement, or any other action of record.

This would track the analogous language in Ordinance 16301 regarding Council consideration of regional committee recommendations (p. 16, lines 210-215 of these materials).

INVITEES

1. Charter Review Commission members

ATTACHMENTS

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1. Proposed Ordinance 2009-0348.....	5
2. 2009-0348 Proposed Amendment 1.....	9
3. Draft companion ordinance (establishing new Council Rule 33 re Council action on CRC recommendations)	11
4. Ordinance 16205 excerpt (regional committees charter amendment).....	13
5. Ordinance 16301 excerpt (amendment to Council Rule 7 re regional committees).....	15

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Signature Report

June 1, 2009

Ordinance

Proposed No. 2009-0348.1

Sponsors Ferguson and Lambert

1 AN ORDINANCE proposing an amendment to Section 800
2 of the King County Charter, to provide for council
3 confirmation of charter review commission members and to
4 require council consideration of charter review commission
5 recommended charter amendments; and submitting the same
6 to the voters of the county for their ratification or rejection at
7 the November 2009 general election.

8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. There shall be submitted to the voters of King County for their
11 approval and ratification or rejection, at the next general election to be held in this county
12 occurring more than forty-five days after the enactment of this ordinance, an amendment
13 to Section 800 of the King County Charter as set forth herein:

14 **Section 800 Charter Review and Amendments.**

15 At least every ten years after the adoption of this charter, the county executive
16 shall appoint a citizen commission of not less than fifteen members whose mandate shall
17 be to review the charter and present, or cause to be presented, to the county council a

18 written report recommending those amendments, if any, which should be made to the
19 charter. Appointees shall be subject to confirmation by a majority of the county council.
20 This citizen commission shall be composed of at least one representative from each of the
21 county council districts. The county council shall consider the commission's report and
22 recommendations and decide at an open public meeting how to proceed on each of the
23 commission's recommended charter amendments.

24 The county council may propose amendments to this charter by enacting an
25 ordinance to submit a proposed amendment to the voters of the county at the next general
26 election occurring more than forty-five days after the enactment of the ordinance. An
27 ordinance proposing an amendment to the charter shall not be subject to the veto power
28 of the county executive. Publication of a proposed amendment and notice of its
29 submission to the voters of the county shall be made in accordance with the state
30 constitution and general law. If the proposed amendment is approved by a majority of
31 the voters voting on the issue, it shall become effective ten days after the results of the
32 election are certified unless a later date is specified in the amendment.

33 SECTION 2. The clerk of the council shall certify the proposition to the county
34 elections director, in substantially the following form, with such additions, deletions or
35 modifications as may be required by the prosecuting attorney:

36 Shall the King County Charter be amended to provide for council
37 confirmation of charter review commission members and to require public

Ordinance

38 council consideration of the charter review commission's recommended
39 charter amendments?
40

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

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June 3, 2009

1

nw

Sponsors: Ferguson and Lambert

Proposed No.: 2009-0348

1 **AMENDMENT TO PROPOSED ORDINANCE 2009-0348, VERSION 1**

2 On page 2, line 23, after "amendments" insert ", as provided by ordinance"

3 **EFFECT: Makes clear that the Council may establish by ordinance the nature of**
4 **the decision that the Council is called upon to make regarding recommendations of**
5 **the Charter Review Commission.**

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Date Created:	May 29, 2009
Drafted by:	ms
Sponsors:	Ferguson and Lambert
Attachments:	None

1 ..Title

2 AN ORDINANCE implementing Section 800 of the King
3 County Charter requirements regarding council
4 consideration of charter review commission-recommended
5 amendments to the charter; and adding a new section to
6 K.C.C. chapter 1.24.

7 ..Body

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 1.24 a
10 new section to read as follows:

11 **Rule 33: Response to charter review commission report and recommendation.**

12 Upon receipt of a report and recommendation of the charter review commission done in
13 compliance with Section 800 of the King County Charter, the council or a standing
14 committee of the council shall consider the commission's report and recommendations
15 and, in an open public meeting, take such action on the commission's recommended
16 charter amendments as the council or committee deems appropriate, which may consist of
17 approval, rejection, amendment, postponement or any other action of record.

18 SECTION 2. This ordinance takes effect the effective date of the proposed
19 amendment of the King County Charter submitted to the qualified voters of King County
20 by Ordinance ----- (Proposed Ordinance 2009-0348). This ordinance does not take

21 effect if the proposed amendment to the King County Charter is not approved by the
22 voters.

DRAFT



Signature Report

June 1, 2009

Ordinance 16205

Proposed No. 2008-0359.1

Sponsors Phillips, Hague and Lambert

1 AN ORDINANCE proposing an amendment to Section
2 230.10 of the King County Charter, Section 270.20 of the
3 King County Charter and Section 270.30 of the King County
4 Charter, to reduce the number of county council members
5 on regional committees, establish a vice chair position on
6 regional committees, authorize the regional policy
7 committee to adopt its own work program and add
8 authority for regional committees to initiate legislation; and
9 submitting the same to the voters of the county for their
10 ratification or rejection at the November 2008 general
11 election.

12
13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. There shall be submitted to the voters of King County for their
15 approval and ratification or rejection, at the next general election to be held in this county
16 occurring more than forty-five days after the enactment of this ordinance, an amendment
17 to Sections 230.10, 270.20 and 270.30 of the King County Charter as set forth herein:

87 A proposed (~~policy or plan recommended~~) ordinance or motion that has been
88 reviewed and recommended or developed and proposed by a regional committee may be
89 adopted, without amendment, by the (~~metropolitan~~) county council by five affirmative
90 votes. If the (~~metropolitan~~) county council votes prior to final passage thereof to amend
91 a proposed (~~policy or plan~~) ordinance or motion that has been reviewed or
92 recommended or proposed by a regional committee, the proposed (~~policy or plan~~)
93 ordinance or motion, as amended, shall be referred back to the appropriate committee for
94 further review and recommendation. The committee may concur in, dissent from, or
95 recommend additional amendments to the (~~policy or plan~~) ordinance or motion. After
96 the regional committee has had the opportunity to review all (~~metropolitan~~) county
97 council amendments, final action to adopt any proposed (~~policy or plan~~) ordinance or
98 motion that differs from the committee recommendation shall require six affirmative
99 votes of the (~~metropolitan~~) county council.

100 Each regional committee may develop and propose directly to the council an
101 ordinance or motion adopting, amending or repealing a countywide policy or plan within
102 the subject matter area of the committee. Such proposals must be approved by a majority
103 of the members present and voting, with no fewer than three and one-half affirmative
104 votes. Within one hundred twenty days of introduction or such other time as is jointly
105 established by the county council and the committee, which shall be confirmed in the
106 form of a motion by the county council, the council shall consider the proposed
107 legislation and take such action thereon as it deems appropriate, as provided by
108 ordinance.

109 The council shall not call a special election to authorize the performance of an



Signature Report

June 1, 2009

Ordinance 16301

Proposed No. 2008-0609.1

Sponsors Phillips and Lambert

1 AN ORDINANCE relating to council rules and order of
2 business for regional committees; and amending Ordinance
3 11683, Section 7, as amended, and K.C.C. 1.24.065.
4

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Ordinance 11683, Section 7, as amended, and K.C.C. 1.24.065 are
7 each hereby amended to read as follows:

8 **Rule 7: Regional committees.**

9 A. Establishment. Three regional, standing committees are established as
10 provided under the King County Charter to develop, recommend and review regional
11 policies and plans for consideration by the council: the regional transit committee, the
12 regional water quality committee and the regional policies committee.

13 B. Membership.

14 1. Composition of committees.

15 a. The regional policies committee and regional transit committee are to each
16 have ~~((twelve))~~ nine voting members. ~~((Six))~~ Three members of each committee, including
17 the chair of each, must be county councilmembers appointed by the chair of the council and

199 criminal justice, jails and district court services, and regional facilities siting. In addition,
200 the regional policies committee may consider major regional governance transition and
201 consolidation issues, particularly those involving potential changes in organization and
202 responsibilities with other county, city or regional organizations.

203 L. Policies or plans proposed by regional committees. A regional committee may
204 develop and propose directly to the council, an ordinance or motion adopting, amending or
205 repealing a countywide policy or plan regarding regional transit, water quality or other
206 countywide policies and plans within the subject matter area of the committee. The
207 proposals must be approved by a majority of the committee members present and voting,
208 with no fewer than three and one-half affirmative votes. For purposes of this subsection,
209 "the subject matter area" of the regional policies committee includes matters in the

210 committee's adopted work program. Within one hundred twenty days of introduction by
211 the committee, the council or a standing committee shall consider the proposed legislation
212 and take such action on the proposed legislation as the council or standing committee
213 deems appropriate, including approval, rejection, amendment and rereferral,
214 postponement or any other action of record during a council or standing committee
215 meeting. Within five calendar days following council or standing committee action, the

216 clerk of the council or the standing committee shall notify the vice-chair of the committee
217 of the action taken. If the council amends the proposed legislation, the procedures
218 described in subsection H. of this rule shall be followed, except that the council's duty to
219 act on the legislation under subsection H.3. of this rule shall be satisfied by approval,
220 rejection, amendment and rereferral, postponement or any other action of record taken