



King County

King County Charter Review Commission

King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104-3272

May 31, 2019

Honorable Rod Dembowski
Chair, King County Council
516 3rd Avenue, Suite 1200
Seattle, WA 98104

Dear Chair Dembowski:

The Charter Review Commission has been meeting since 2018. To date, we have had twelve meetings of the full Commission, three town hall meetings and more than twenty subcommittee meetings. Despite our best efforts, we will not be done with our Commission Report until the end of 2019. However, we have had success in addressing several issues brought to the Commission's attention in a dispositive manner. While the County Charter directs the Commission to submit "a written report" to the County Council, we felt it pragmatic to forward several "early action" Charter amendment recommendations for your consideration. To that end, we submit this letter, together with its attachments, as interim recommendations that we ask you to consider placing on the 2019 general election ballot. These three charter amendments enjoy consensus support of the full Commission and will be included in our final report. We, as Co-chairs are happy to answer any questions regarding any of these proposal, as are other members of the Commission. These Charter amendments are NOT submitted in any ranked order.

Recommendation 1: Inquests

The Charter Review Commission recommends that the King County Charter be amended to add two provisions to the King County Charter. These are to: 1) guarantee the right to counsel (at County expense) to families of the decedent when going through the inquest process and 2) clarify that an inquest should be done in the cases where a decedent has died in county custody. This charter amendment is included as Attachment 1 to this letter. The Commission did have concern about what the potential costs of the increased number of inquests and the Council should carefully consider these concerns. However, the Commission felt that the desire to understand in-custody deaths, learn anything we can from each death, and use that information to make positive changes to the system was also very important. Due to public testimony and Commission discussions, the Commission also believes there needs to be clear guidelines on the definition of "family" as it pertains to whom is eligible for assignment of an attorney at public defense.

Recommendation 2: Affordable Housing Language

Despite a state law change in 2018 that allows local governments, in some circumstances, to sell publicly owned land for less than full value for affordable housing purposes, the Charter still has a prohibition in place for the former Metro funds that would prevent such an action. We recommend the removal of that restriction. There may still be a number of restrictions preventing land owned by the former Metro agencies to be sold at below market rates for affordable housing, nonetheless removing the prohibition will allow the County to have that option should it be legally allowable. Whether or not the County moves forward with any sales under this new provision is to be seen in the future due to other covenants or rules that might preclude land from being sold at less than full value. However, the Commission thought that it was very important that the County have access to all the options under the law to address the housing shortage facing the County. This Charter Amendment is included as Attachment 3 to this letter. A report from the Regional Coordination subcommittee is also included as Attachment 5 and contains a number of additional considerations the Council should resolve prior to undertaking actual land sales, should this amendment pass.

Recommendation 3: Subpoena Power for the Office of Law Enforcement Oversight

The Charter Review Commission was convinced that the Office of Law Enforcement Oversight (OLEO) needs to have access to subpoena power as one item in a toolbox to make sure that OLEO can effectively carry out the mandates of the office. The CRC understands that inclusion of this item in the Charter doesn't immediately create the authority. However, there was not a compelling reason to not provide the office with similar subpoena powers that other county agencies currently possess. The charter amendment granting subpoena power to OLEO is included with this letter as Attachment 6. The Commission felt that inclusion of subpoena power in the charter itself sends a strong signal that this important office should have all the investigatory tools necessary to complete its work, even though it is our hope and expectation that a subpoena would rarely need to actually be used.

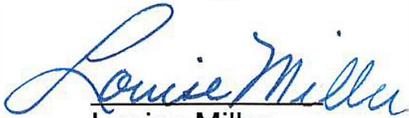
In conclusion, we realize that the County Council is very busy and that this interim report is not the complete work of the Charter Review Commission. Nevertheless, we believe the Council should consider these amendments for placement on the 2019 general election ballot.

Charter Review Commission Interim Report

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Thank you for your support and the support of your staff throughout the process and we would be happy to answer any questions you might have.

Sincerely,


Louise Miller


Ron Sims

Co-Chairs
2018-2019 Charter Review Commission

Attached:

1. Charter Amendment on Inquests
2. Commission Staff Report on Affordable Housing
3. Charter Amendment on Affordable Housing
4. Commission Staff Report on Affordable Housing
5. Issue Paper on Additional Consideration for Affordable Housing
6. Charter Amendment on Subpoena Power for OLEO
7. Commission Staff Report on Subpoena Power for OLEO

Cc: All King County Councilmembers
Dow Constantine, King County Executive
Melani Pedroza, County Clerk
Carolyn Busch, Chief of Staff, King County Council
Rachel Smith, Chief of Staff, King County Executive
Jeff Muhm, Chief Policy Officer, King County Council
Charter Review Commissioners

PHH

