



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

**STAFF REPORT**

---

**Agenda Item Nos.: 5-10**

**Date: July 7, 2008**

**Ordinances re charter amendments:**

**Prepared by: Rebecha Cusack  
Nick Wagner**

**2008-0358: Anti-discrimination**  
**2008-0359: Regional committees**  
**2008-0360: Qualifications of elected officials**  
**2008-0361: Charter amendment by citizen  
initiative**  
**2008-0362: Office of economic and financial  
analysis**  
**2008-0363: Budget timeline**

---

**SUMMARY**

As councilmembers are aware from previous briefings, the 2007-2008 King County Charter Review Commission ("CRC") has recommended 12 charter amendments for the Council's consideration.<sup>1</sup> The CRC has suggested that six of the amendments be placed on the ballot in 2008, three in 2009, and three in 2010.<sup>2</sup>

On the agenda of the Committee of the Whole are ordinances that would place five of the CRC-recommended charter amendments on the ballot in November of 2008 (listed below in numerical order):

- Anti-discrimination (Proposed Ordinance 2008-0358);
- Regional committees (Proposed Ordinance 2008-0359);
- Qualifications of elected officials (Proposed Ordinance 2008-0360);
- Charter amendment by citizen initiative (Proposed Ordinance 2008-0361); and
- Budget timeline (Proposed Ordinance 2008-0363).

Also on the agenda is an ordinance that would place on the ballot a proposed charter amendment originating with the Council and the Executive:

- Creation of a forecast council and an office of economic and financial analysis (Proposed Ordinance 2008-0362).

---

<sup>1</sup> The CRC's summary of the proposed amendments (from p. 6 of the CRC's Final Report and Recommendations) is included at p. 22 of these materials. At p. 23 is the CRC's summary of two additional recommendations, which do not entail charter amendments: (1) a proposal to form a task force to consider instant runoff voting and (2) suggested changes involving the King County Library System.

<sup>2</sup> See table at p. 24.

All six proposed ordinances are currently before the committee for discussion and possible action. It is expected that final action by the Council will be taken no later than July 28th. This schedule accommodates a request from the King County Elections Division that the Council act before the Council's August recess (well in advance of the charter deadline of September 19th) in order to avoid an administrative time crunch and the attendant risk that a separate voter pamphlet would need to be published.

**BACKGROUND**

The Committee of the Whole has received eight previous briefings on the 2007-2008 charter review process, beginning with a report on the CRC's public outreach process, continuing with reports on the CRC subcommittee deliberations and recommendations, and finally concluding with a series of reports on the full CRC's draft and final recommendations. The dates of the briefings and the Council briefing numbers are:

- June 18, 2007 (Briefing No. 2007-B0140)
- December 10, 2007 (Briefing No. 2007-B0224)
- February 4, 2008 (Briefing No. 2008-B0017)
- March 3, 2008 (Briefing No. 2008-B0042)
- March 31, 2008 (Briefing No. 2008-B0075)
- May 5, 2008 (Briefing No. 2008-B0114)
- June 2, 2008 (Briefing No. 2008-B0135)
- June 16, 2008 (Briefing No. 2008-B0154)

This staff report will not restate the information presented in previous briefings, which is available online at the Council's website.<sup>3</sup> Instead, the report will focus on the ordinances that are currently before the committee.

**TABLE OF CONTENTS**

	<b>Page</b>
A. Proposed Ordinance 2008-0358 (Anti-discrimination) .....	3
B. Proposed Ordinance 2008-0359 (Regional committees) .....	4
C. Proposed Ordinance 2008-0360 (Qualifications of elected officials).....	10
D. Proposed Ordinance 2008-0361 (Charter amendment by citizen initiative) .....	12
E. Proposed Ordinance 2008-0362 (Office of economic and financial analysis) .....	14
F. Proposed Ordinance 2008-0363 (Budget timeline) .....	18

---

<sup>3</sup> Go to: <http://mkcclegisearch.metrokc.gov/mattersearch/>. Then enter the briefing number in the search box.

## A. PROPOSED ORDINANCE 2008-0358

“AN ORDINANCE proposing an amendment to Section 840 of the King County Charter, to prohibit discrimination on the basis of disability, sexual orientation or gender identity or expression in county employment and in county contracting with nongovernmental entities; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

### 1. Background

The King County Code and the Revised Code of Washington contain provisions prohibiting discrimination based on several grounds, including sexual orientation, gender identity or expression, and disability.<sup>4</sup> The anti-discrimination section of the King County Charter, however, does not include sexual orientation, gender identity or expression, or disability as prohibited grounds for discrimination.

### 2. Summary of the proposed amendment

The proposed Charter amendment would bring the Charter into line with existing code provisions by adding “sexual orientation,” “gender identity or expression,” and “disability” to the prohibited grounds for discrimination in employment, compensation, or contracting. The amendment would introduce an exception for contracting with governmental entities.<sup>5</sup>

### 3. Text of the proposed amendment

#### Section 840. ~~((Anti-Discrimination))~~ Antidiscrimination.

There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions~~((;))~~, and the county shall not enter into any contract with any person, firm, organization, ~~((or))~~ corporation ~~((which))~~ or other nongovernmental entity that discriminates on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions.

---

<sup>4</sup> See K.C.C. 12.16.010(O), 12.16.020; RCW 49.60.040(15), 49.60.030.

<sup>5</sup> The exception for contracting with governmental entities is in recognition that the federal government does not follow a policy of non-discrimination based on sexual orientation or gender identity or expression and that, practically speaking, King County is not in a position to forego all contractual relationships with the federal government.

**4. Options and supporting arguments**

**a. Approve for 2008 ballot.**

- The amendment would bring the Charter into line with county policy, as expressed in the county code.
- The proposed amendment has been recommended unanimously by the Charter Review Commission.
- Equal Rights Washington (ERW), on behalf of 15 advocacy groups, strongly supports the amendment. ERW’s letter to the CRC, which is included at pages 30-32 of these materials, explains in detail the reasons for its support.
- The amendment would prohibit only conduct that is already prohibited by the county code, though the amendment would, in effect, prevent repeal of existing code prohibitions by ordinance.

**b. Defer to 2009 or 2010 ballot.**

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for re-election.

**c. Disapprove.**

- The conduct that the proposed new Charter language would prohibit is already prohibited by the county code.

**5. Related materials**

**Page**

▪ Proposed Ordinance No. 2008-0358.....	25
▪ CRC summary.....	28
▪ K.C.C. 12.16.010(O), 12.16.020.....	29
▪ RCW 49.60.040(15), 49.60.030.....	29
▪ Equal Rights Washington (ERW) letter to CRC, April 18, 2008.....	30

**B. PROPOSED ORDINANCE 2008-0359**

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

## **1. Background**

The regional committees were created as part of the Metro merger in 1992. The current impetus for change comes from both the Council, six of whose members currently serve on each regional committee, and the city representatives on the committees.

Because of the downsizing of the Council from 13 to nine members in 2004 and the resulting additional workload that each councilmember has had to take on, councilmembers would like to reduce the number of county councilmembers on each regional committee from six to three, while maintaining the balance of voting power between county and city members on each committee.

The cities, for their part, support the following changes: (1) allow the Regional Policy Committee to develop its own work program without the need for Council approval, (2) allow all the regional committees to introduce legislation in the Council, and (3) allow the cities to designate a vice-chair of each committee to work with the committee chair, who is appointed by the Council chair.<sup>6</sup>

The proposed Charter amendment is the product of extensive discussion and negotiation between representatives of all the interested parties, which was facilitated by the CRC's Regional Governance Subcommittee.

## **2. Summary of the proposed amendment**

The proposed amendment would:

- Reduce county council membership on each regional committee from six to three, while allocating two votes for each councilmember, thereby maintaining the balance of voting power between county members and city members;
- Allow the Regional Policy Committee to develop its own work plan, within its charter purview, without Council approval;
- Allow the regional committees to introduce legislation and require Council "action" on such legislation within a prescribed time limit;
- Provide for a vice-chair of each regional committee, to be selected by non-Council members, and require the chair to consult with the vice-chair on the development of the work program and the schedule for its implementation and on canceling or changing the date, time, or place of meetings (with any disagreements between the chair and vice-chair to be resolved by the full committee);

---

<sup>6</sup> In addition, the City of Bellevue has sought its own seat, with one half-vote, on each of the three regional committees, on the basis of proportional representation. The City of Seattle supports Bellevue's request; however, the Suburban Cities Association is adamantly opposed. There is expected to be a motion to amend Proposed Ordinance No. 2008-0359 to grant Bellevue's request.

- Allow the Council to add, by ordinance, non-voting representation to the Regional Water Quality Committee for areas outside King County that are served by county sewage treatment services.

In addition to the proposed charter amendment, the CRC recommends amendments to Council Rule 7 (K.C.C. 1.24.065), which pertains to the operation of the regional committees. The proposed changes to Rule 7 are redlined at pages 42-51 of these materials in proposed ordinance format. If the proposed charter amendment were placed on the ballot and approved by the voters, the Council could enact the changes in Rule 7 by ordinance.

A council staff summary of the proposed changes, in both the charter and the code, is attached to these materials at pages 52-53. A table showing the path that legislation would take if the proposed changes were adopted is attached at page 54.

### **3. Text of the proposed amendment**

#### **Section 230.10. Introduction and Adoption.**

Proposed ordinances shall be limited to one subject and may be introduced by any councilmember, by initiative petition, by proposal of a regional committee in accordance with Section 270.30 of this charter or by institutional initiative. At least seven days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption or enactment, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Except as otherwise provided in this charter, a minimum of five affirmative votes shall be required to adopt an ordinance.

#### **Section 270.20. Composition of Regional Committees.**

Each regional committee shall consist of ~~((twelve))~~ nine voting members. ~~((Six))~~ Three members shall be metropolitan county councilmembers appointed by the chair of the council, and shall include councilmembers from districts with unincorporated residents. Each county councilmember vote shall be weighted as two votes. The remaining six members of each committee except the water quality committee shall be local elected city officials appointed from and in proportion to the relative populations of: (i) the city with the largest population in the county and (ii) the other cities and towns in the county. Committee members from the city with the largest population in the county shall be appointed by the legislative authority of that city. Committee members from the other cities and towns in the county shall be appointed in a manner agreed to by and among those cities and towns representing a majority of the populations of such cities and towns, provided, however, that such cities and towns may appoint two representatives for each allocated committee membership, each with fractional (1/2) voting rights.

The special purpose districts providing sewer service in the county shall

appoint two members to serve on the water quality committee in a manner agreed to by districts representing a majority of the population within the county served by such districts. The remaining four local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. The council may by ordinance authorize the appointment to the water quality committee of additional, nonvoting members representing entities outside of the county that receive sewerage treatment services from the county. Allocation of membership of each committee's members who are city and town representatives shall be adjusted January 1 of each even-numbered year beginning in 1996 based upon current census information or, if more recent, official state office of financial management population statistics.

In the event any areas are annexed pursuant to powers granted to metropolitan municipal corporations under state law, the populations of any cities and towns in such annexed areas shall be considered as if they were within the county for purposes in this section with regard to regional committee participation on policies and plans which would be effective in such annexed areas.

Members representing six and one-half votes constitute a quorum of a regional committee. In the absence of a quorum, the committee may perform all committee functions except for voting on legislation or a work program. Each committee shall have a chair and a vice-chair with authority as specified by ordinance. The chair shall be a county councilmember appointed by the chair of the county council. The vice-chair shall be appointed by majority vote of those committee members who are not county councilmembers, in accordance with voting rights that are apportioned as provided in this section.

### **270.30. Powers and Duties.**

Each regional committee shall develop, propose, review and recommend action on ordinances and motions adopting, repealing, or amending ((county-wide)) transit, water quality or other regional countywide policies and plans ((relating to)) within the subject matter area ((for which a regional)) of the committee ((has been established)). The subject matter area of the regional policies committee ((may, by majority vote, request that the county council assign to the committee proposed policies and plans concerning other regional issues including but not limited to public health, human services, regional services financial policies, criminal justice and jails, and regional facilities siting)) shall consist of those countywide plans and policies included in the committee's work program by a majority of the members present and voting, with no fewer than three and one-half affirmative votes.

The((metropolitan)) county council shall ((assign)) refer each such proposed ordinance or motion, except those developed and proposed by a regional committee, to a regional committee for review. ((When a proposed policy or plan is referred to a)) The regional committee ((for)) shall complete review((, a time-limit for such review shall be)) and recommend action within one hundred twenty

days or such other time as is jointly established by the ((metropolitan)) county council and the committee, which shall be confirmed in the form of a motion by the ((metropolitan)) county council. If the committee fails to act upon the proposed ((policy or plan)) ordinance or motion within the established time limit, the ((metropolitan)) county council may adopt the proposed ((policy or plan)) ordinance or motion upon six affirmative votes. The committee may request, by motion to the county council, additional time for review.

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

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. Such proposals must be approved by a majority of the members present and voting, with no fewer than three and one-half affirmative votes. Within one hundred twenty days of introduction or such other time as is jointly established by the county council and the committee, which shall be confirmed in the form of a motion by the county council, the council shall consider the proposed legislation and take such action thereon as it deems appropriate, as provided by ordinance.

The council shall not call a special election to authorize the performance of an additional metropolitan municipal function under state law unless such additional function is recommended by a regional policy committee, notwithstanding the provisions of Section 230.50.10 of this charter. Such recommendation shall require an affirmative vote of at least two-thirds of the membership of each of: (1) metropolitan councilmembers of the committee; (2) members from the city with the largest population in the county; and (3) other city or town members of the committee. Nothing in this section prohibits the metropolitan county council from calling a special election on the authorization of the performance of one or more additional metropolitan functions after receiving a valid resolution adopted by city councils as permitted by RCW 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by RCW 35.58.100(2).



#### 4. Proposed ordinance amendment

There is expected to be a motion to amend the proposed ordinance. The current form of the proposed ordinance amendment is attached at pages 58-59 of these materials. One effect of the amendment would be to provide a dedicated seat and one half-vote on each regional committee for the City of Bellevue, on the basis that it has at least one eighth of the total population of incorporated King County, excluding Seattle.

#### 5. Options and supporting arguments

##### a. Approve for 2008 ballot.

- The proposed charter amendment has been recommended by the Charter Review Commission.
- The proposed amendment represents a negotiated compromise that balances the needs of the parties.
- The only participant in the negotiations that failed to achieve one of its major objectives is the City of Bellevue, which had sought its own seat on the regional committees. The Suburban Cities Association (“SCA”) took the position that if the proposed amendment gave Bellevue its own seat, SCA would oppose the amendment. *See* the attached letter from the City of Bellevue and the City of Seattle in support of a seat for Bellevue (pp. 56-57) and the attached letter from SCA in opposition (p. 55).
- Deferral of action on this proposed amendment until 2009 or 2010 might result in unraveling of the negotiated agreement.

##### b. Defer to 2009 or 2010.

- The proposed charter amendment does not provide the City of Bellevue with its own seat on the regional committees, which was one of Bellevue’s major objectives. Deferral to 2009 might allow time for negotiation of a compromise that would address Bellevue’s concerns.
- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for re-election.

#### 6. Related materials

Page

▪ Proposed Ordinance No. 2008-0359.....	33
▪ CRC summary.....	40
▪ K.C.C. 1.24.065 (draft ordinance as proposed) .....	42
▪ Staff summary of proposed amendment and code changes.....	52

- Summary of processing of legislation under proposed new charter and code provisions .....54
- Suburban Cities Ass'n letter to CRC, Feb. 20, 2008 .....55
- Cities of Bellevue and Seattle letter to CRC, Feb. 25, 2008.....56
- Draft amendment to Proposed Ordinance No. 2008-0359 .....58

**C. PROPOSED ORDINANCE 2008-0360**

“AN ORDINANCE proposing an amendment to Section 630 of the King County Charter, to authorize the county council to establish additional qualifications for separately elected officials who head executive departments, including the sheriff, assessor, and the proposed director of elections; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

**1. Background**

Charter section 630 currently states minimal qualifications for county elected officials: “at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each councilman shall be a resident of the district which he represents.” Section 630 provides that additional qualifications may be established by ordinance for the office of sheriff, but is silent about whether additional qualifications may be established by ordinance for other county elected officials, such as assessor (and, if Initiative 25 passes this November, elections director). The Prosecuting Attorney’s Office has advised that an argument could be made that the silence in Section 630 implies that additional qualifications may be established *only* for the office of sheriff, *not* for the separately elected heads of other executive departments.

**2. Summary of the proposed amendment**

The proposed amendment would explicitly permit additional qualifications to be established by ordinance for the offices of separately elected officials who head departments that are subject to the charter. This would include the sheriff, the assessor, and, if I-25 passes, the elections director. The amendment would thereby eliminate the risk of such an ordinance being successfully challenged as contrary to Charter section 630 in its current form.

**3. Text of the proposed amendment**

**Section 630 Qualifications.**

Each county officer holding an elective office shall be, at the time of his appointment or election and at all times while he holds office, at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each (~~councilman~~) councilmember shall be a resident of the district (~~which he~~) that the councilmember represents. Any change in the

boundaries of a ~~((councilman's))~~ councilmember's district ~~((which shall cause him))~~ that causes the councilmember to be no longer a resident of the district ~~((which he))~~ that the councilmember represents shall not disqualify ~~((him))~~ the councilmember from holding office during the remainder of the term for which ~~((he))~~ the councilmember was elected or appointed. Additional qualifications ~~((of the office of sheriff,))~~ for those separately elected officials who head executive departments may be established by ordinance.

**4. Options and supporting arguments**

**a. Approve for 2008 ballot.**

- The proposed amendment has been recommended unanimously by the Charter Review Commission.
- Establishment of additional qualifications could help prevent election of a candidate for assessor or elections director who lacked essential qualifications for the position.
- There is precedent for the proposed amendment in that, when the office of sheriff was made an elected office by charter amendment in 1996, the same amendment added the current provision allowing the Council to establish additional qualifications for the office of sheriff by ordinance.
- If Initiative 25 passes in November of 2008, an election will be held in February of 2009 to fill the office of elections director. In order for additional qualifications to be in place for that election, the proposed Charter amendment arguably would need to be on the ballot in November of 2008 (and an appropriate ordinance establishing additional qualifications for the position would need to be adopted).

**b. Defer to 2009 or 2010.**

- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

**c. Disapprove.**

- The voters should be permitted to choose whomever they want. A department head can hire subordinates with the necessary technical skills and experience.

**5. Related materials**

**Page**

▪ Proposed Ordinance No. 2008-0360.....	60
▪ CRC Summary .....	63

## D. PROPOSED ORDINANCE 2008-0361

“AN ORDINANCE proposing to amend Section 800 of the King County Charter, to establish a process and signature threshold for citizen initiated amendments to the King County Charter; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

### 1. Background

The Charter contains no explicit provision for amendment by citizen initiative. The Washington Supreme Court, however, has interpreted the Charter as allowing such amendments and as setting a signature threshold of 10 percent of the votes cast for the office of county executive in the last election for that office.<sup>7</sup> In addition, two separate elections are currently needed for enactment of a charter amendment by citizen initiative. First, the proposed initiative ordinance that would place the charter amendment on the ballot must be approved by the voters at a special or general election unless the initiative ordinance is enacted by the county council. Second, the charter amendment itself must be approved by a majority of the voters at a general election.

Of the other five Washington charter counties<sup>8</sup>:

- Three counties have set the signature threshold for charter amendment by citizen initiative at 20 percent of the votes cast in that county for the office of governor in the last election for that office (as applied to King County, this would set the threshold at 175,234 signatures) (*see* tables at pp. 69-70);
- One county has set the threshold at 15 percent of the votes cast for governor (131,425 signatures, as applied to King County); and
- One county has set the threshold at 20 percent of the votes cast for county executive (105,633 signatures, as applied to King County).

Compared with the other charter counties, the current King County signature threshold (52,817 signatures) is:

- 30 percent of what it would be if King County adopted the formula used by Clallam, Snohomish, and Whatcom Counties (175,234 signatures);
- 40 percent of what it would be if King County adopted the formula used by San Juan County (131,425 signatures); and
- 50 percent of what it would be if King County adopted the formula used by Pierce County (105,633 signatures)—which is the formula that the proposed charter amendment would adopt.

There are two reasons for these disparities. First, the percentage threshold in King County currently is 10 percent, rather than the 20 percent found in four of the

---

<sup>7</sup> *Maleng v. King County Corrections Guild*, 150 Wn.2d 325 (2003).

<sup>8</sup> They are: Clallam, Pierce, San Juan, Snohomish, and Whatcom Counties.

other five charter counties. Second, the percentage threshold in King County is based on the votes cast for county executive, an office that is filled in an off-year election, whereas in four of the other five charter counties the threshold percentage is based on the votes cast for governor, an office that is filled in a Presidential election year, when turnout tends to be substantially greater.

The proposed charter amendment would change King County's signature threshold from 10 percent to 20 percent, but would continue to base the calculation on the votes cast for county executive in the most recent election for that office. Thus, it would reduce, but not entirely eliminate, the disparity with the other Washington charter counties.

## **2. Summary of the proposed amendment**

The proposed amendment would explicitly allow charter amendment by citizen initiative, with a signature requirement of 20% of the votes cast for the office of county executive in the most recent election for that office.<sup>9</sup> In addition, the amendment would eliminate the current need for a separate election on the issue of whether the initiative should be placed on the ballot.

## **3. Text of the proposed amendment**

### **800.20. Citizen Initiated Charter Amendments. [NEW SECTION]**

Citizens of the county may propose an amendment to the charter by filing petitions with the county council bearing a number of signatures of registered voters of the county equal to or greater than twenty percent of the votes cast for the office of county executive at the last preceding election for county executive. The petitions shall contain the full text of the proposed charter amendment. Publication of a proposed amendment and notice of its submission to the voters shall be made in accordance with the state constitution and general law. Submittal to the voters shall occur at the next general election occurring more than one hundred thirty-five days after the petitions are filed. Within ninety days after the petitions are filed, the county council may enact an ordinance to submit a substitute charter amendment concerning the same subject matter on the same ballot with the proposed amendment; and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for either, then the version receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither version approved regardless of the vote on the second issue. Any amendment that is approved by a majority of the voters voting on the issue becomes effective ten days after the results of the election are certified unless a later date is specified in the amendment.

---

<sup>9</sup> The existing signature threshold for citizen initiatives to adopt, modify, or repeal an ordinance is 10 percent.

**4. Options and supporting arguments**

**a. Approve for 2008 ballot.**

- The proposed amendment has been recommended by the Charter Review Commission.
- The proposed amendment would raise the current signature threshold from 10% to 20%, in recognition that the Charter has served King County well for almost 40 years, has been amended only 19 times (interpreting each ordinance amending the Charter as one amendment), and should not lightly be amended.
- Of the other five Washington charter counties, four have set a signature threshold for charter amendments that is substantially higher than the proposed amendment would set for King County, and the fifth county has set a threshold that is the same as what the proposed amendment would set. *See* the tables at pp. 69-70.
- The proposed amendment would eliminate the need for two votes for each initiative (as was required for I-25 and I-26).
- If the amendment were deferred, there might be a rush to put amendments on the ballot by citizen initiative in anticipation that the threshold may be raised to 20 percent. This could result in poorly-conceived initiatives.

**b. Approve for 2008 ballot, but decrease the signature threshold to 10%.**

- A signature threshold of 20 percent creates a higher threshold for amendment by citizen initiative.

**c. Defer to 2009 or 2010.**

- The CRC has suggested deferring this amendment to 2009.
- The November 2008 ballot could be relatively crowded, compared with 2009 and 2010.
- The 2009 election could have a greater focus on county issues, since the County Executive and several councilmembers will be running for reelection.

**5. Related materials**

- Proposed Ordinance No. 2008-0361 .....64
- CRC summary.....68
- Comparison of signature thresholds.....69
- King County election turnout data.....70

**E. PROPOSED ORDINANCE 2008-0362**

“AN ORDINANCE proposing an amendment to Section 310 of the King County Charter, Section 430 of the King County Charter and Section 550 of the King County Charter and

addition of a new Section 425 to the King County Charter, requiring the establishment of the forecast council and the office of economic and financial analysis; and submitting the same to the voters of the county for their ratification or rejection at the November 2008 general election.”

## **1. Background**

In order to address Council concerns about the economic and revenue forecasts provided to it by the Executive during the 2007 budget adoption process, the consulting firm FCS Group was retained to (1) assess alternative approaches to financial forecasting and economic analysis, (2) research how other, comparable counties carry out these functions, and (3) make recommendations to the Council. The main recommendation of FCS Group was to form a forecast council and an office of economic and financial analysis.

## **2. Summary of the proposed amendment**

The proposed amendment, which is the result of collaboration between the Council and the Executive and is supported by the Executive, would create a forecast council and an office of economic and financial analysis. This is intended to provide accountability to the public through the advancement of sound financial policies based on objective and transparent financial analysis and reporting, with a new process for producing official economic and revenue forecasts for King County to be used as the basis for the Executive’s proposed budget.

The forecast council would consist of the County Executive, two county councilmembers appointed by the Council chair, and a county employee, appointed by the Executive, with knowledge of the county’s budgeting and financial management practices. The office of economic and financial analysis would be administered by the chief county economist, who would be appointed by unanimous vote of the forecast council following an open and competitive selection process. The chief economist could be removed by a vote of three of the four members of the forecast council.

By April 1 and August 1 of each year, the chief economist would be required to prepare and submit to the forecast council, respectively, proposed preliminary and updated official economic and revenue forecasts for county government. A forecast would be deemed adopted by the forecast council unless the council revised it by majority vote within 15 days after submittal.

The amendment would require the preliminary forecast to be used as the basis for the Executive’s preliminary budget preparation and the updated forecast to be used as the basis for the Executive’s proposed budget.

The chief economist and the staff of the office of economic and financial analysis would not be career service positions.

### **3. Text of the proposed amendment**

#### **Section 310. Composition and Powers.**

The executive branch shall be composed of the county executive, the county administrative officer, the county assessor, the officers and employees of administrative offices and executive departments established by this charter or created by the county council and the members of the boards and commissions, except the forecast council and office of economic and financial analysis, the board of appeals and the personnel board. The executive branch shall have all executive powers of the county under this charter.

#### **Section 425. Economic and Financial Analysis. [NEW SECTION]**

##### **425.10. Forecast Council and Office of Economic and Financial Analysis.**

The county council shall by ordinance establish the forecast council, which shall adopt official county economic and revenue forecasts that must be used as the basis for the executive's annual budget proposal. The county council shall by ordinance establish the office of economic and financial analysis.

##### **425.20. Oversight of Office of Economic and Financial Analysis.**

The forecast council shall by unanimous vote appoint the chief county economist who shall administer the office of economic and financial analysis. The forecast council shall conduct an open and competitive process to select the chief economist. The chief economist may be removed by a vote of three members of the forecast council. The chief economist shall be responsible for the employment and supervision of those employees whom he or she deems necessary to assist in the performance of the duties of the office.

The forecast council shall approve an annual work program for the office of economic and financial analysis and also may assign additional economic and financial studies to the office.

##### **425.30. Forecast Council Composition.**

The forecast council shall be composed of the executive, two county council members and a county employee with knowledge of the budgeting and financial management practices of the county to be appointed by the executive. County council members shall be appointed annually by the chair of the county council. Appointments to the forecast council shall not be subject to confirmation.

##### **425.40. Revenue Forecasts.**

By April 1 and August 1 of each year, the chief economist shall prepare, respectively, proposed preliminary and updated official economic and revenue



forecasts for county government and submit these to the forecast council. Forecasts may be adopted or revised by a vote of the majority of the forecast council within thirty days of their submittal by the chief economist, or the forecast shall be deemed adopted. The preliminary forecast shall be used as the basis for the executive's preliminary budget preparation including preparation of the status quo budget, budget instructions to departments, and preliminary review of departmental submittals to the executive. The updated forecast shall be used as the basis for the executive's proposed budget.

#### **Section 430. Contents of Budget.**

The budget shall include all funds, revenues and reserves; shall be divided into programs, projects and objects of expense and shall include supporting data deemed advisable by the county executive or required by ordinance; shall indicate as to each program, project or object of expense the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year; and shall include the proposed capital improvement program for the next six fiscal years. The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues as forecast under Section 425.40 of this charter.

#### **Section 550. Career Service Positions.**

All county employees and officers shall be members of the career service except those in the following positions: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the county executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the county executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified ((herein)) in this section; all employees of those officers who are exempted from the provisions of this charter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Part-time Employees. All part-time employees shall be exempted from career service membership except, effective January 1, 1989, all part-time employees employed at least half-time or more, as defined by ordinance, shall be members of the career service.

