## REVISED STAFF REPORT

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| **Agenda Item:** |  | **Name:** | Miranda Leskinen |
| **Proposed No**.: | 2020-0204 | **Date:** |  |

**COMMITTEE ACTION**

***Proposed Substitute Ordinance 2020-0204 passed out of committee on June 30, 2020,with a “Do Pass” recommendation. The ordinance was amended in committee with Amendment 1 to make technical corrections and clarifications regarding the ballot title and the election date in which the proposed charter amendment would appear on the ballot. The ordinance was also amended in committee with Title Amendment T1 to conform the title of the proposed ordinance to the changes made by Amendment 1.***

**SUBJECT**

An Ordinance to submit a charter amendment proposition to the voters to change references to “citizen” to either “public” or “resident” where applicable in the King County Charter.

**SUMMARY**

Proposed Ordinance 2020-0204 would place on the next general election ballot a proposed charter amendment that would replace references to “citizen” to either “public” or “resident” in the preamble and sections 260 and 800 of the King County Charter.

To place this potential charter change amendment on the November 3 ballot, the last regular Council meeting date for adoption is July 21.[[1]](#footnote-1) The deadline for Elections to receive the effective ordinance is August 4.

**BACKGROUND**

Under the King County Strategic Plan, one of the guiding principles of King County government is “Equitable and Fair,” which calls upon the County to “address the root causes of inequities to provide for equal access to opportunities for all”.[[2]](#footnote-2) Ordinance 16948, which established definitions and directed implementation steps related to the “fair and just” principle of the County’s Strategic Plan, defines “equity” and “fair and just” as follows:

* “Equity” means all people have full and equal access to opportunities that enable them to attain their full potential.
* “Fair and just” means the county serves all residents by promoting fairness and opportunity and eliminating inequities through actions to which equity and social justice foundational practices are applied.

In 2016, the County launched its first Equity and Social Justice Strategic Plan (2016-2022) which serves as a policy blueprint in order to advance equity and social justice within County government and in partnership with communities.[[3]](#footnote-3) More recently, in 2018, the Council adopted ordinance 18665[[4]](#footnote-4) to enhance the trust and fairness for King County immigrant communities, strengthening and clarifying existing county policy codified in King County Code Chapter 2.15 which precludes County offices, agencies and employees from conditioning the provision of county services on the citizenship or immigration status of any individual, except as otherwise required by law.

**References to “citizen” in the King County Charter:** The word “citizen” currently appears in the following four areas of the Charter:

* Preamble
* Article 2 (Legislative Branch), Section 260 – Office of Citizen Complaints
* Article 6 (Elections), Section 630 – Qualifications for County officers holding an elective office[[5]](#footnote-5)
* Article 8 (General Provisions), Section 800 – Charter Review and Amendments

**ANALYSIS**

Proposed Ordinance 2020-0204 would place on the November 3, 2020, general election ballot a proposed charter amendment that would replace references to “citizen” to either “public” or “resident” in the Preamble and Sections 260 and 800 of the King County Charter. The amendment itself, which is consistent with the recommendation of the Charter Review Commission[[6]](#footnote-6), shows the specific changes that it would make in the charter language.

The proposed amendment would not make changes to Section 630 of the Charter which relates to elected officer qualifications. For context, as noted on page 17 of the 2018-2019 Charter Review Commission’s Report to Council[[7]](#footnote-7), *“there is one reference to citizenship that will remain in the Charter if this amendment is passed. Currently, state law requires citizenship to hold elective office in Washington. Until state law changes, the [Charter Review] Commission does not recommend removing this reference.”*

Policy considerations. Included in the proposed changes to Section 260 of the charter are the following changes[[8]](#footnote-8):

*“The subpoena power of the office of ((~~citizen~~)) public complaints shall be limited to matters under written complaint by a ((~~citizen of the county~~)) member of the public, and any witness shall have the right to be represented by counsel.”*

Currently, section 260 of the King County Charter and King County Code 2.52.090.E. identify that the subpoena power of the Office of Citizen Complaints is limited to matters under written complaint by a citizen of the county. As the proposed change from “citizen of the county” to “member of the public” could be interpreted as broadened language, this proposed change also presents a policy question for the committee members’ consideration.[[9]](#footnote-9)

Timing and Other Considerations. To place this potential charter change amendment on the November 3 ballot, the last regular Council meeting date for adoption is July 21.[[10]](#footnote-10) The deadline for Elections to receive the effective ordinance is August 4.

Of note, if this proposed charter amendment is approved for placement on the November 3, 2020, ballot and receives voter approval, Chapter 2.52 of the King County Code (KCC) would subsequently need to be updated to align with the updated Charter language.[[11]](#footnote-11)

**AMENDMENT**

Amendment 1 would make technical corrections and clarifications regarding the ballot title and the election date in which the proposed charter amendment would appear on the ballot.

Title Amendment T1 would conform the title of the ordinance to the changes made by Amendment 1.

Please note that the amendments will be included in a Committee of the Whole amendment packet to be distributed to members prior to the committee meeting.

1. An ordinance adopting a charter amendment is not subject to Executive veto, so the legislation is effective 10 days after the Council adopts it. [↑](#footnote-ref-1)
2. The King County Strategic Plan (KCSP) is the highest-level strategic planning document for the County, establishing the strategic priorities for the overall government. The KCSP was first adopted in 2010. [↑](#footnote-ref-2)
3. URL: <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>. Last accessed on June 25, 2020. [↑](#footnote-ref-3)
4. Ordinance 18665, passed by Council on February 26, 2018. [↑](#footnote-ref-4)
5. Under state law (RCW 42.04.020), U.S. citizenship is an eligibility requirement for holding an elected county office in Washington State. [↑](#footnote-ref-5)
6. 2018-2019 Charter Review Commission’s Report to Council, pages 16-17 and Attachment H. URL: <https://www.kingcounty.gov/~/media/independent/charter-review-commission/2020/Approved_KC_CRC_Report_-_Full.ashx>. Last accessed on June 24, 2020. [↑](#footnote-ref-6)
7. Ibid, page 17. [↑](#footnote-ref-7)
8. Excerpted from page 2, lines 25-27 of Proposed Ordinance 2020-0204.1. [↑](#footnote-ref-8)
9. Of note, under current County Code (KCC 2.52.110), the director of the Office of Citizen Complaints shall receive complaints from any source concerning any administrative act and shall conduct a suitable investigation into the subject matter of the complaint within a reasonable time, unless the director believes that:

The complainant has available another remedy or channel of complaint that the complainant could reasonably be expected to use;

The grievance pertains to a matter outside the power of the office of citizen complaints/tax advisor;

The complainant's interest is insufficiently related to the subject matter;

The complaint is trivial, frivolous, vexatious or not made in good faith;

The complaint has been too long delayed to justify present examination of its merit. [↑](#footnote-ref-9)
10. An ordinance adopting a charter amendment is not subject to Executive veto, so the legislation is effective 10 days after the Council adopts it. [↑](#footnote-ref-10)
11. Of note, KCC Chapter 2.52 still contains legacy language (i.e. references to city and county) reflective of when the Office of Citizen Complaints was a joint office of the County and the City of Seattle, which Council may wish to update irrespective of the proposed charter amendment. This office changed to a county office in 1982 (Ordinance 473). [↑](#footnote-ref-11)