



Legislation Text

File #: 2004-0338, **Version:** 3

Clerk 07/20/2004

AN ORDINANCE amending Ordinance 14767, Section 1, and Ordinance 14767, Section 2, proposing an amendment to the King County Charter reducing in size the King County council from thirteen to nine members; consequently reducing council voting requirements related to the size of the council; phasing in the reduction of council members with elections and terms of office; reducing the size of the regional committees of the council from twelve to six members; amending Section 220.10 of the King County Charter, Section 230.10 of the King County Charter, Section 230.20 of the King County Charter, Section 230.30 of the King County Charter, Section 270.20 of the King County Charter, Section 270.30 of the King County Charter, Section 460 of the King County Charter and Section 650.10 of the King County Charter, adding a new Section 650.40.15 to the King County Charter, adding a new Section 650.40.25 to the King County Charter, repealing Sections 650.40.10 and 650.40.20 of the King County Charter and submitting the same to the voters of the county for their ratification or rejection at the November 2004 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of fact. The council hereby finds:

A. King County has been a home rule county since the freeholders wrote and the voters approved the county charter in 1969. The charter created the nine-member county council as the legislative body of the

county. In 1992 the voters of King County and the city of Seattle voted to approve the merger of King County government and Municipality of Metropolitan Seattle. The merger involved expanding the nine-member county council by four new council seats in recognition of the elimination of the Metro council. The new metropolitan King County council took office on January 1, 1994.

B. On February 5, 2003, an initiative petition was filed proposing to amend the King County Charter to reduce the number of council members from thirteen to nine. On July 29, 2003, the proposed initiative petition was certified as having the requisite number of signatures. Litigation regarding the legal effect of the petition culminated in a decision by the Washington state supreme court that an amendment to the King County Charter could be proposed by initiative. As a result of the ruling, on September 29, 2003, the council adopted the initiative as Ordinance 14767 submitting the proposed charter amendment to reduce the size of the council to the voters of the county for their ratification or rejection at the November 2004 general election.

C. There are several practical problems with the implementation of the proposed charter amendment that were not addressed in the original proposed initiative petition as filed or in Ordinance 14767 as originally adopted. The measure does not correctly account for the time necessary to comply with the districting procedures required by county charter and state law. The measure calls for the creation of a districting committee and completion of a districting process in 2004, but such an action is not authorized until after the ballot measure is approved by the voters. If the measure were approved by the voters in November 2004 then it would not be possible to convene a districting committee and complete a districting process in time for the 2005 election cycle. The measure also does not address the need to adjust the size of the regional committees to reflect the reduction in the size of the council and to account for the increase in workload created by the smaller council size if the measure is approved by the voters.

D. The council finds that it is necessary to amend the ballot measure to address the practical, legal and policy problems posed by potential implementation Ordinance 14767 as outlined in subsection C of this section. This amendment would provide sufficient time for the creation of a districting committee and for the

districting committee to complete the districting process required by state law and county charter. The amendment would change the implementation date of the smaller council size to allow for the districting process required by state law and county charter. The amendment reduces the size of the three regional committees from twelve to six and makes proportionate reductions in the membership of the county, Seattle, suburban cities and sewer districts.

SECTION 2. Ordinance 14767, Section 1, is hereby amended to read as follows: There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than forty-five days after the enactment of ~~((this ~~o~~))~~ Ordinance 14767 ~~((, or in the event that the council fails to enact this ordinance, at the next general election to be held in this county occurring more than one hundred thirty-five days after presentation of the Petition Ordinance No. _____,))~~ an amendment to the King County Charter by amending Section 220.10 of Article 2, Section 230.10 of Article 2, Section 230.20 of Article 2, Section 230.30 of Article 2, Section 270.20 of Article 2, Section 270.30 of Article 2, Section 460 of Article 4 and Section 650.10 of Article 6, amending Article 6 by adding new Sections 650.40.15 and 650.40.25 and amending Article 6 by repealing Sections 650.40.10 and 650.40.20, to read as follows:

220.10. Composition and Terms of Office.

The metropolitan county council shall consist of ~~((thirteen))~~ nine members. The county shall be divided into ~~((thirteen))~~ nine districts, and one councilmember shall be nominated and elected by the voters of each district. The term of office of each councilmember shall be four years and until his or her successor is elected and qualified.

230.10. Introduction and Adoption.

Proposed ordinances shall be limited to one subject and may be introduced by any councilmember, by initiative petition 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 ~~((seven))~~ five affirmative votes shall be required to adopt an ordinance.

230.20. Executive Veto.

Except as otherwise provided in this charter, the county executive shall have the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for his or her veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for his or her partial veto. If an ordinance is not returned by the county executive within ten days after its presentation it shall be deemed enacted without his or her signature. Within thirty days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of ~~((nine))~~ six affirmative votes.

230.30. Emergency Ordinances.

Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that an emergency exists and that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of ~~((nine))~~ six affirmative votes shall be required to enact an emergency ordinance; and unless it is an emergency appropriation ordinance, it shall not be subject to the veto power of the county executive.

270.20. Composition of regional committees.

Each regional committee shall consist of ~~((twelve))~~ six voting members. ~~((Six))~~ Three members shall be metropolitan county councilmembers appointed by the chair of the council, and shall include at least two councilmembers from districts with unincorporated residents. The remaining ~~((six))~~ three 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))~~ one member~~((s~~)) 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))~~ two local government members of the water quality committee shall be appointed in the manner set forth above for other regional committees. 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.

270.30. Powers and Duties.

Each regional committee shall develop, review and recommend ordinances and motions adopting, repealing, or amending county-wide policies and plans relating to the subject matter area for which a regional committee has been established. 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.

The metropolitan county council shall assign each such proposed ordinance or motion to a regional committee for review. When a proposed policy or plan is referred to a regional committee for review, a time limit for such review shall be ~~((120))~~ 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 within the established time limit, the metropolitan county council may adopt the proposed policy or plan upon ~~((eight))~~ six affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed policy or plan recommended by a regional committee may be adopted, without amendment, by the metropolitan county council by ~~((seven))~~ five affirmative votes. If the metropolitan county council votes prior to final passage thereof to amend a proposed policy or plan that has been reviewed or recommended by a regional committee, the proposed policy or plan, 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. After the regional committee has had the opportunity to review all metropolitan county council amendments, final action to adopt any proposed policy or plan which differs from the committee recommendation shall require ~~((eight))~~ six affirmative votes of the metropolitan county council.

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).

Section 460. Consideration and Adoption of Appropriation Ordinances.

Prior to the adoption of any appropriation ordinances for the next fiscal year, the county council shall hold a public hearing to consider the budget presented by the county executive and shall hold any other public hearing on the budget or any part thereof that it deems advisable. The county council in considering the appropriations ordinances proposed by the county executive may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditures of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the county executive. The appropriation ordinances adopted by the county council shall not exceed the estimated revenues of the county for the next fiscal year for each fund including surpluses and reserves, but the county council may increase the amount of the estimated revenues contained in the budget presented by the county executive by reestimating the amount by motion passed by a minimum of ~~((nine))~~ six affirmative votes or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the county executive.

650.10. Districts.

The county shall be divided into ~~((thirteen))~~ nine districts numbered one through ~~((thirteen))~~ nine.

650.40.15. Districting in ~~((2004))~~ 2006.

Notwithstanding any other provision of this charter, the districting committee called for in Section 650.30 of this charter also shall be appointed and shall perform its duties in ~~((2004))~~ 2006 according to the months and days specified in Section 650.30 of this charter to prepare a districting plan for nine council districts.

650.40.25. Elections and terms of office for ~~((2004))~~ 2007 and thereafter.

Elections for all council districts, as redistricted under Section 650.40.15 of this charter, shall be held in

~~((2005))~~ 2007. Councilmembers elected in ~~((2005))~~ 2007 to represent districts one, three, five, seven and nine each shall serve four-year terms. Councilmembers elected in ~~((2005))~~ 2007 to represent districts two, four, six and eight each shall serve an initial term of two years. Councilmembers elected in ~~((2007))~~ 2009 to represent districts two, four, six and eight each shall serve a term for four years. All subsequent elections shall be held according to the existing provisions of this charter.

650.40.10 and 650.40.20 repealed. Sections 650.40.10, "Districting in 1993," and 650.40.20, "Initial Elections and Terms of Office for Districts Ten, Eleven, Twelve and Thirteen," of the King County Charter are each hereby repealed.

SECTION 3. Ordinance 14767, Section 2, is hereby amended to read as follows:

Effective date. Upon approval by the voters at the November ~~((4, 2003))~~ 2, 2004, countywide general election of the amendment to Articles 2, 4 and 6 of the charter as provided in this ordinance, the amendment takes effect January 1, ~~((2006))~~ 2008, except that new Sections 650.40.15 and 650.40.25 and the repeals of Sections 650.40.10 and 650.40.20 take effect January 1, ~~((2004))~~ 2005.

SECTION 4. Severability. If any provision of this ordinance, or its application

to any person or circumstance is held invalid, the remainder of the ordinance, or its application to other persons or circumstances is not affected.