



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 12, 2011**

**Ordinance 17139**

**Proposed No. 2011-0189.3**

**Sponsors McDermott**

1           AN ORDINANCE establishing a framework for public  
2           engagement in unincorporated areas of King County.

3           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

4           SECTION 1. Findings:

5           A. King County serves as a regional government for all county residents and as a  
6           local government for unincorporated area residents.

7           B. The unincorporated area population is two hundred eighty-four thousand one  
8           hundred, which is equivalent to the second largest city in Washington state.

9           C. Consistent with the Growth Management Act, urban unincorporated areas are  
10          to be annexed to cities, which are the appropriate providers of urban services.

11          D. Until all urban unincorporated areas are annexed, King County has a  
12          responsibility to provide services to those areas and to engage and communicate with  
13          residents.

14          E. Also consistent with the Growth Management Act, rural unincorporated areas  
15          are to remain under the jurisdiction of King County in perpetuity.

16          F. King County has an ongoing responsibility to protect rural character, rural-  
17          based economic activity and the natural environment, and to engage and communicate  
18          with rural residents.

19 G. To better serve unincorporated area residents, King County employs a broad  
20 spectrum of public engagement and communication practices, including the use of county  
21 boards, commissions and expert review panels; unincorporated area councils and citizen  
22 advisory groups; public meetings and forums; newsletters and press releases; surveys and  
23 questionnaires; mailed and published notice; brochures and other printed materials; and  
24 email, websites and social media.

25 H. Use of these practices is guided by county codes, policies established by  
26 council-enacted legislation and executive orders, administrative procedures, professional  
27 standards and other protocols.

28 I. In 2010, King County adopted a King County strategic plan that contains goals,  
29 objectives and strategies for public engagement.

30 J. The King County strategic plan provides a unifying framework for the county's  
31 public engagement practices.

32 K. From 1994 until adoption of this ordinance, public engagement in  
33 unincorporated areas has been guided by executive order PRE-7-1, which directs  
34 implementation of the citizen participation initiative.

35 L. As part of the 2011 budget, the council adopted a proviso directing the  
36 executive to develop a new framework for public engagement in unincorporated areas.

37 M. King County's outreach strategy for both incorporated and unincorporated  
38 areas should be guided by the public engagement goal contained in the King County  
39 strategic plan.

40 SECTION 2. The council hereby adopts the following framework, which shall  
41 guide county branches, departments, agencies and offices in their interactions with

42 unincorporated area residents. The executive is hereby directed to take the following  
43 steps, in coordination with other county elected officials, to implement this framework  
44 with existing staff resources and within existing budgets by January 1, 2012:

45         A. Establish unincorporated community service areas, that take into account  
46 demographics, natural features, existing political, administrative and community  
47 boundaries and with logical boundaries that together cover all of unincorporated King  
48 County;

49         B. Identify a single staff contact from county government for residents in each  
50 unincorporated community service area familiar with that service area's community for  
51 the purpose of facilitating service delivery between unincorporated areas and the county;

52         C. Host public meetings in each unincorporated community service area at least  
53 once each calendar year, in collaboration with the elected King County councilmember  
54 for that area, which shall be broadly advertised;

55         D. Annually develop, in collaboration with each community, an interbranch work  
56 program for each community service area, including a plan for public meetings for the  
57 year, and status report on the previous year's work programs and any significant issues  
58 affecting the community service areas for transmittal to the council;

59         E. Create interbranch teams to better coordinate public outreach and service  
60 delivery across King County government;

61         F. Within each service area, identify and engage with community based  
62 organizations such as unincorporated area councils, community councils, community  
63 development associations and other groups. The groups engaged shall include groups  
64 that meet the following criteria: location and operation within the service area, with

65 resident, volunteer officers or directors; broad-based community focus; conduct of open  
66 public meetings available to all area residents; and systems where meeting attendees may  
67 participate in discussion and decision making;

68 G. Provide regular opportunities for community based organizations and  
69 residents to meet with King County elected officials and senior management;

70 H. Develop mechanisms to involve cities in public engagement and work  
71 programs for unincorporated community service areas that are within cities' potential  
72 annexation areas;

73 I. Identify an appropriate county department to co-lead implementation of this  
74 effort with the executive;

75 J. Create and update at least monthly a website that residents and organizations in  
76 the unincorporated community service areas can use as a resource for obtaining  
77 information, such as information on federal state and private grant opportunities and  
78 community events; and

79 K. Transmit to the council with the 2012 executive proposed budget a status  
80 report on the steps above along with any legislation necessary to implement this  
81 framework such as revisions to existing code, staffing or organizational changes, except  
82 that any changes to the King County Comprehensive Plan needed to implement this  
83 framework shall be transmitted with the 2012 Comprehensive Plan update.

84 SECTION 3. The executive is establishing goal teams for each of the goals of the  
85 King County strategic plan, in order to facilitate accountability and coordination of all  
86 branches, departments, agencies and offices of county government regarding  
87 implementation of the strategic plan. During implementation of the new framework

88 through 2012, the public engagement goal team shall include at least one member who  
89 serves on an unincorporated area council. The public engagement goal team will develop  
90 a detailed plan to address the following objectives:

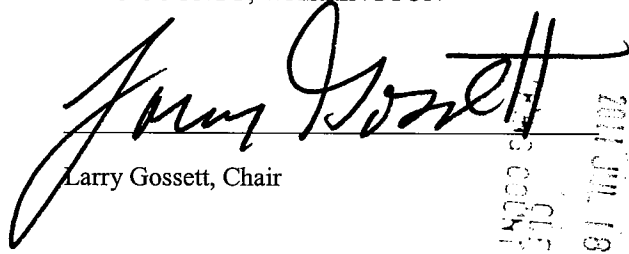
- 91           A. Expand opportunities to seek input, listen, and respond to residents;
  - 92           B. Empower people to play an active role in shaping their future; and
  - 93           C. Improve public awareness of what King County does in service of the
- 94 strategic plan goal to promote robust public engagement that informs, involves and  
95 empowers people and communities. The framework adopted in section 2 of this  
96 ordinance for public engagement with unincorporated areas will be incorporated into the  
97 implementation plan developed by the public engagement goal team. In developing the  
98 transmitted implementation plan, the executive shall engage with existing unincorporated  
99 area council members to help determine the mechanisms for services and activities that  
100 enable and facilitate the county's public engagement efforts. The plan will identify

101 potential funding sources and recommend strategies to the community service areas for  
102 pursuing funds.  
103

Ordinance 17139 was introduced on 6/6/2011 and passed as amended by the Metropolitan King County Council on 7/11/2011, by the following vote:

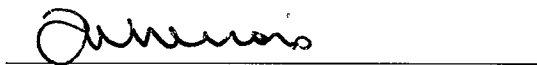
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

RECEIVED  
2011 JUL 18 PM 4:00  
CLERK  
KING COUNTY COUNCIL

APPROVED this 15 day of JULY, 2011.

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Dow Constantine, County Executive

**Attachments:** A. Report to the King County Council: Unincorporated Area Councils, dated April 15, 2011

*Report to the King County Council:*

# **Unincorporated Area Councils**

April 15, 2011

**King County Council-adopted 2011 budget proviso related to Unincorporated Area Councils:**

*Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits and the Council adopts a motion that references the proviso's ordinance, section and number and states that the executive has responded to the proviso.*

*This proviso requires that the office of performance, strategy and budget provide a plan to consolidate the six unincorporated area councils into one unincorporated area commission along with legislation to effectuate the consolidation. The plan must be developed in collaboration with the existing unincorporated area councils and contain recommendations on: (1) how and to what level the unincorporated area commission should be funded; (2) the membership and oversight of the commission; (3) the goals, purpose, and role of the commission; (4) staff support of the commission; and (5) how and when the commission will report on its work to the council and the executive.*

*The executive must transmit to the council the required plan and associated legislation by April 15, 2011, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee and the general government and oversight committee or their successors.*

**Executive Proviso Response Team**

Lauren Smith	King County Executive's Office
Natasha Jones	King County Executive's Office
Karen Wolf	Office of Performance, Strategy and Budget
Julia Larson	Office of Performance, Strategy and Budget
Tyler Running Deer	Office of Performance Strategy and Budget
John Baker	Office of Performance, Strategy and Budget
Terry Mark	Department of Community and Human Services
Bob Burns	Department of Natural Resources and Parks
Paul Reitenbach	Department of Development and Environmental Services
Maria van Horn	Department of Transportation
Caren Adams	Public Health Seattle-King County



## INTRODUCTION

This report and its attachments constitute the Executive's response to a 2011 Council budget proviso related to Unincorporated Area Councils. This report contains 4 sections, as follows:

- I. Background
  - A. Public Engagement in King County
  - B. Citizen Participation Initiative (CPI)
  - C. Strategic Plan Goals
- II. 2011 Budget Proviso and Executive Response
  - A. 2011 Proviso
  - B. Interdepartmental Team Work
    1. Review Strategic Plan for Guidance
    2. Evaluation of CPI Framework and Alignment to Strategic Plan
    3. Development of Guiding Principles for a New Framework
    4. Development and Discussion of Options
  - C. Executive Recommendation
  - D. Timing of Implementation / Next Steps
- III. Relationship to Strategic Plan Implementation Work
- IV. List of Attachments

## I. BACKGROUND

### A. Public Engagement in King County

King County government provides a wide range of regional services (public health, courts, transit) to all 1.9 million county residents, and local services (parks, permitting, law enforcement) to the 284,100 residents who live in urban and rural unincorporated areas<sup>1</sup>. Under the Washington State Growth Management Act, urban unincorporated areas are to be annexed to cities, which are the appropriate providers of urban services. Rural unincorporated areas are to remain under King County's jurisdiction in perpetuity.

To better serve all county residents, King County employs a broad spectrum of public engagement and communication practices, including but not limited to:

- County boards and commissions
- Task forces and expert panels
- Unincorporated Area Councils and citizen advisory groups
- Countywide Community Forums
- Public meetings

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<sup>1</sup> Source: US Census 2010

- Newsletters
- Media releases
- Surveys and questionnaires
- Mailed and published notices
- Brochures and printed materials
- Email, websites and social media
- Elections

Use of these practices is guided by county codes, by policies established in council-enacted legislation and executive orders, and by administrative procedures, professional standards and other protocols.

### **B. Citizen Participation Initiative**

The Citizen Participation Initiative (CPI) was established by Executive Order in 1994<sup>2</sup>. As established in the Executive Order, the primary goals of the CPI are to:

- Improve citizen access to information and services provided by King County
- Make county services convenient to and available in local communities
- Improve opportunities for meaningful involvement by unincorporated area residents in decisions regarding the future of their communities

The CPI established a framework for public engagement in unincorporated areas that is composed of three main elements:

1. Unincorporated Area Councils, to provide a venue for ongoing communication between unincorporated area residents and King County
2. Community Service Centers, to provide convenient access to county services
3. Community Service Representatives, to act as liaisons between UACs and King County

In 1995, the King County Council adopted Motion 9643 establishing additional policy direction to guide implementation of the CPI<sup>3</sup>. The Council included methods to provide for Council interaction with UACs, including:

- Formal recognition of UACs through legislation adopted by the Council
- Use of the Council's Unincorporated Affairs Committee (or its successor) for matters related to UACs
- Council sponsorship of an annual public forum with all formally recognized UACs to discuss how the UAC process is working<sup>4</sup>

<sup>2</sup> See Attachment A: Executive Order PRE-7-1 (AEO)

<sup>3</sup> See Attachment B: King County Motion 9643

<sup>4</sup> Over time, responsibility for hosting the annual forum has shifted from the Council to the Executive branch

*Unincorporated Area Council responsibilities under the CPI*

Pursuant to the Executive Order and Council motion, the primary responsibilities of UACs are to:

- identify issues of concern to the community and suggest strategies for addressing them
- develop and recommend priorities for services and service delivery methods
- serve as a resource for citizen input and advice
- review proposed county spending in the community and recommend priorities or alternatives

In order for a UAC to be formally recognized by the County, community groups must:

- Adopt and maintain bylaws
- Establish geographic boundaries containing at least 7500 residents<sup>5</sup>
- Allow membership to any person or business within its recognized boundaries
- Provide a public and democratic process for choosing officers and board members
- Demonstrate sufficient size and breadth of citizen participation to adequately represent the interests of the community
- Abide by the Washington State Open Public Meetings Act (RCW 42.30)

In addition to these requirements, all of the formally recognized UACs are non-profit organizations under state law and must comply with applicable state requirements.

*King County responsibilities under the CPI*

Pursuant to the Executive Order and Council motion, the County's primary responsibilities are to:

- Identify departmental liaisons to the UACs
- Provide information on County programs and plans regularly and in a manner that allows the UACs time to provide meaningful input
- Respond in a timely fashion to UAC requests for information
- Give due consideration to comments from UACs
- Provide Community Service Representatives to act as liaisons between King County and UACs

In addition to the Executive Order and Council motion governing the CPI, several King County Comprehensive Plan policies have been adopted that direct the County to work with the UACs on various topics including planning, annexation, economic development, and transportation<sup>6</sup>. Additionally, there are several sections of the King County Code that require UAC representation on various county boards and commissions, and notification to UACs of certain proposed actions<sup>7</sup>.

<sup>5</sup> Communities unable to meet the population requirement may request recognition under King County Motion 9643

<sup>6</sup> See King County Comprehensive Plan policies RP-102, U-202, R-101, R-102, T-504, T-506, ED-108, and ED-503

<sup>7</sup> See King County Code sections 2.98.060(A)(1b); 2.110.030(C3); 9.14.070(A7); 9.14.080(A8); 9.14.095(A8); 10.24.020(D); 20.18.030(D); 20.18.060(C); 20.18.070(B); 20.18.120(B); 21A.06.217; 21A.20.190(A); and 21A.20.190(C1)

In addition to these formal requirements, over the past several years, King County has interacted with UACs through mechanisms that are not explicitly required by the CPI. These include:

- Quarterly meetings with UAC representatives to discuss county work impacting unincorporated areas
- Annual meeting with the UACs and the Deputy Directors' group
- Annual meeting between the UAC Presidents and the Executive
- Contracting with UACs for outreach and communication services

Through contracts with each UAC, the County has historically provided funding to these organizations. The contracts allow this annual funding to be used for general communication and outreach services (website hosting, printed materials and postage) administrative costs (insurance, elections, postage, office supplies), and special community events and activities. The County provides funding to UACs on a cost-reimbursable basis. Two conditions in the contracts create additional administrative requirements for the UACs. These include:

- Maintain general liability insurance
- Abide by the Washington State Public Records Act (RCW 42.56)

#### *Unincorporated Area Councils Formally Recognized by the County*

King County currently recognizes six Unincorporated Area Councils<sup>8</sup>. Together, they represent approximately 96,110 unincorporated area residents out of a total unincorporated area population of 284,100, or 33% of the unincorporated area population. Geographically, their boundaries cover 221 out of 1728 square miles, or approximately 13% of the unincorporated land base<sup>9</sup>.

**Table 1. County-Recognized UACs**

UAC	Council Approval	Approx Population <sup>10</sup>	Square Miles <sup>11</sup>
Four Creeks	Motion 9977 (10/96)	16,500	38
Greater Maple Valley	Motion 9860 (5/96)	14,800	116
North Highline	Motion 9838 (4/96)	17,400	6
Upper Bear Creek	Motion 10708 (6/99)	21,140	22
Vashon-Maury Island	Motion 9859 (5/96)	10,620	37
West Hill	Motion 9858 (5/96)	15,650	2
<b>Total</b>		<b>96,110 (33%)</b>	<b>221 (13%)</b>

<sup>8</sup> See Attachment C: King County Motions recognizing Unincorporated Area Councils

<sup>9</sup> See Attachment D: UACs at a Glance

<sup>10</sup> Source: US Census 2010

<sup>11</sup> Source: King County GIS

### C. King County Strategic Plan Goals: Public Engagement, Service Excellence and Financial Stewardship

In 2010, the Executive proposed and the Council adopted a countywide Strategic Plan to direct the County in all areas of its work. The County is currently working to realign its policy and management systems with the Strategic Plan.

#### *Guidance from the King County Strategic Plan*

The Strategic Plan contains many goals that are relevant in this discussion. This includes goals that articulate *what* the County will do, and goals that articulate *how* King County will do it. While the "what" goals are important because they relate directly to services that are delivered to unincorporated area residents, this report focuses primarily on the "how" goals:

**Table 2. King County Strategic Plan Goals**

WHAT King County Delivers	HOW King County Delivers
Justice and Safety	Service Excellence
Health and Human Potential	Financial Stewardship
Economic Growth and Built Environment	Public Engagement
Environmental Sustainability	Quality Workforce

Additionally, while the goals of the CPI are still relevant, the Strategic Plan public engagement goals, objectives and strategies provide a new, unifying framework for the County's public engagement processes:

**Table 3. King County Strategic Plan - Public Engagement Goals**

<b>Promote robust public engagement that informs, involves, and empowers people and communities</b>
<b>OBJECTIVE 1: Expand opportunity to seek input, listen and respond to residents</b>
Strategies:
<ul style="list-style-type: none"> <li>a. Develop communication channels that allow all residents ongoing opportunities to be heard and receive a timely and appropriate response</li> <li>b. Increase and improve the use of new technology and social media tools for citizen involvement</li> <li>c. Ensure that communication, outreach and engagement efforts reach all residents, particularly communities that have been historically under-represented</li> </ul>
<b>OBJECTIVE 2: Empower people to play an active role in shaping their future</b>
Strategies:
<ul style="list-style-type: none"> <li>a. Provide accurate, secure and accessible elections</li> <li>b. Promote meaningful community participation in decisions that affect their community</li> </ul>
<b>OBJECTIVE 3: Improve public awareness of what King County does</b>
Strategies:
<ul style="list-style-type: none"> <li>a. Develop guidelines and standards for public engagement and education for use by all county agencies</li> <li>b. Create a countywide plan to coordinate communication across different lines of business</li> <li>c. Use public outreach to better communicate who we are and what we do</li> </ul>

In addition to the public engagement goals, some of the goals, objectives and strategies around service delivery and financial stewardship are also relevant. These include:

- Improve local service delivery
- Strengthen King County's collaborative role with cities and communities
- Improve collaboration internally, including among the county's elected leadership, across departments, and with employees
- Create single points of contact for residents, clients, and other partners
- Encourage entrepreneurship, grant-seeking, and leveraging private sector talent and resources

## II. 2011 BUDGET PROVISIO and EXECUTIVE RESPONSE

### A. 2011 Budget Proviso

As part of the 2011 budget, the Council adopted the following proviso related to Unincorporated Area Councils:

*"This proviso requires that the office of performance, strategy and budget provide a plan to consolidate the six unincorporated area councils into one unincorporated area commission along with legislation to effectuate the consolidation. The plan must be developed in collaboration with the existing unincorporated area councils and contain recommendations on: (1) how and to what level the unincorporated area commission should be funded; (2) the membership and oversight of the commission; (3) the goals, purpose, and role of the commission; (4) staff support of the commission; and (5) how and when the commission will report on its work to the council and the executive."*

Executive staff communicated with Council regarding the intent of the proviso and the Executive's interest in considering other options in addition to an unincorporated area commission. The commission option, along with several others, is included in this report.

To develop a response to the proviso, the Executive convened an interdepartmental team that included staff representatives from the Executive's Office and all Executive departments. The Executive also invited the King County Sheriff and the County Council to each appoint a staff representative to attend the meetings, and both did so. The staff team met regularly from January-March, 2011. As directed by the Council proviso, members of the staff team consulted with the UACs by holding three public meetings and by meeting with the UAC Presidents individually and in small groups<sup>12</sup>. During this time, the annual meeting between the Executive and the UAC Presidents took place.

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<sup>12</sup> See Attachment E: List of meetings with Unincorporated Area Councils.

## B. Interdepartmental Team Work

The team's general approach to developing a proviso response was to 1) seek guidance from the King County Strategic Plan; 2) evaluation of the CPI framework and alignment with the Strategic Plan; 3) development of guiding principles for a new framework; and 4) development and discussion of options.

### 1. *Seeking guidance from the King County Strategic Plan*

There are many goals, objectives and strategies in the Strategic Plan that provided guidance to the team in its work. The most relevant include Public Engagement, Service Excellence and Financial Stewardship.

### — 2. *Evaluation of the CPI Framework and Alignment with the Strategic Plan*

Evaluating the CPI framework within the three months the Interdepartmental team had to complete its work was challenging, as no performance measures were ever developed to gauge its success. No task force or commission has ever been specifically tasked with evaluating it. The one known instance of a commission looking at any part of the CPI is the 2007-2008 Charter Review Commission. The commission created a Rural and Local Issues subcommittee that examined Unincorporated Area Councils as part of its work<sup>13</sup>. The findings of the subcommittee were mixed:

*"The comments received about the UACs indicated that these bodies are not fully meeting the expectations of citizens and lawmakers. A number of citizens stressed that better methods for more direct representation were needed, noting that UACs do not represent everyone in the county, and that they lack decision-making power. Some people argued that the UACs should not be treated as governmental entities, given the small numbers of people voting in often- uncontested UAC elections, and the UACs' lack of representation of the citizens in their areas."*

*-King County 2007-2008 Charter Review Commission (Rural /Local Issues Subcommittee)*

The work of the Charter Review Commission, in addition to information gathered from council and executive staff, UACs and members of the public, provide insight as to the strength and weaknesses of the CPI framework.

### *Strengths and Weaknesses of the CPI Framework*

Some of the major strengths and weaknesses of the CPI framework are listed below. While not an exhaustive list, the team found these to be among the most relevant considerations.

<sup>13</sup> See Attachment F: Selected text from the Rural/Local Issues Subcommittee Report (2007-2008 Charter Review Commission)

Strengths of the CPI framework include:

- UACs provide a local forum for residents. UACs provide a local place for residents to air their interests and concerns, and for the community (and County staff) to hear those interests and concerns. For many, this is seen as a more desirable alternative to driving into Seattle to meet with County staff or to testify before the King County Council.
- UACs encourage community action. Perhaps the most successful aspect of the CPI is in creating community action. These volunteers undertake many activities on behalf of their communities. Examples include: sponsoring clean-up and graffiti removal events, hosting community events such as outdoor movies and concerts, conducting community opinion polls and surveys, hosting candidate forums, reviewing and commenting on proposed county policies and regulations, sitting on other county boards and commissions, and providing umbrella support for other community organizations that lack insurance or non-profit status<sup>14</sup>.
- UAC funding leverages many hours of community volunteerism. The funding that the County provides to the UACs is seen by many UAC members as an efficient use of taxpayer dollars because it supports and leverages the work of many volunteers.
- UACs help facilitate relationships between residents and King County. In many cases, the existence of UACs has helped to improve relations between residents and King County. UACs can help bridge communication gaps and build trust in county government. For some residents, UAC meetings are a more comfortable place to express their opinions than a County-sponsored meeting.
- Single Point of Contact The UACs have indicated that having a County staff liaison to serve as a single point of contact is tremendously helpful in navigating the County organization, obtaining information and resolving issues.
- Community Service Centers. In general, the establishment of service centers throughout the county has allowed easier access to county services and is popular with residents.
- Community Service Representatives. In general, the UACs have been very appreciative that the County provides Community Service Representatives. Having a single point of contact is much easier than trying to navigate the County unassisted.

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<sup>14</sup> See Attachment G: UAC actions and accomplishments



Some weaknesses of the CPI framework include:

- Many unincorporated area communities are not represented by a UAC. As noted earlier in this report, current UAC boundaries only cover about 13% of the unincorporated area land base, and represent only 32% of the unincorporated population. Despite repeated efforts by King County staff to generate interest in forming new UACs among unincorporated area residents, no new UACs have been formed in over a decade.
- UACs have varying levels of participation and representation. Although UACs are required to demonstrate sufficient size and breadth of participation, there is no definition as to what comprises sufficient participation, and no metrics have been identified to assess and track it. This can result in less than adequate community consultation if county staff feels their work is complete once they have met with a UAC.
- The CPI does not adequately engage all branches of County government. Because it is established by Executive Order, the CPI applies only to executive departments, and does not sufficiently engage the Council or other branches of County government, although the team did note that the Sheriff has successfully engaged the UACs through its community policing efforts.
- General administrative requirements. The administrative requirements of the UACs under the CPI are significant, which often causes UAC members to turn to the County with questions about bylaw interpretation, Robert's Rules, state laws governing non-profits, electronic records management, public disclosure laws and other legal questions and concerns. There have also been requests to host website domains, provide county email addresses, host document archiving, conduct public records searches, and provide more funding and staffing. The County lacks sufficient resources to provide such advice and assistance to the UACs. This has led to frustration among UAC members, who feel that the County created the administrative requirements and should provide assistance in meeting them. Feedback from Community Service Representatives indicates that the requirements for running a UAC have in the past kept new UACs from forming.
- Compliance with public disclosure laws. After receiving a formal inquiry from one of the UACs, the King County Prosecuting Attorney's Office concluded that UACs are likely subject to the Washington State Public Records Act<sup>15</sup>. A similar finding was made by the Washington State Attorney General's Office<sup>16</sup>. Compliance with public disclosure laws requires a clear understanding of the law and careful records management. Full compliance with the PRA is beyond the capacity of most small non-profit organizations. Although UACs are required to carry insurance, their

<sup>15</sup> Attachment H: King County Prosecuting Attorney's Office legal opinion.

<sup>16</sup> Attachment I: Washington State Attorney General's Office findings.

policies more than likely do not provide coverage for fines and penalties of a claim stemming from a public disclosure violation. This presents an unacceptable risk for some residents, and led directly to the resignation of an entire UAC board. If this requirement continues, it may significantly hinder future participation.

- Organizational framework. While the Department of Community and Human Services has ably led the CPI for the past 17 years, asking a single department to lead a countywide initiative has proven challenging when it comes to promoting countywide knowledge of UAC issues, and coordinating outreach and service integration among departments.

### *Conclusion*

As individuals and groups, all of the UACs are providing important services in their communities. The question is not so much whether UACs are producing value, but whether the CPI as an overall engagement strategy is broad enough to meet the County's responsibilities under the Strategic Plan. There are at least four areas where it may not be:

1. Expand opportunities to seek input, listen and respond to residents
2. Ensure that engagement efforts reach all residents, particularly communities that have been historically under-represented
3. Improve public awareness of what King County does
4. Employ consistent public engagement practices across all branches of government

Expand opportunities to seek input. To meet the public engagement goals of the Strategic Plan, the County should provide residents with more engagement opportunities across a spectrum of public participation. Examples along this spectrum range from attending a County information fair (broad engagement) to sitting on a County board or commission (deep engagement). While the UACs do provide opportunities for engagement with the County, they alone cannot ensure adequate participation. With most of the unincorporated area unrepresented by a UAC, there are many communities the County is not actively engaging. Broader engagement with unincorporated area residents is a County responsibility and it is work the County must commit itself to.

Engaging under-represented groups. The Strategic Plan requires the County to make particular efforts to engage with traditionally under-represented groups. As the County grows ever more diverse, this work becomes more critical and is something that takes dedicated time and resources<sup>17</sup>. The UACs do not have the technical resources or capacity to do this type of engagement, which is the County's responsibility.

Improve public awareness of what King County does. While most UAC members are aware of the range of services King County provides, there are always new residents to engage, and even many existing residents do not know the County well. The County must find new

<sup>17</sup> Non-whites currently make up 29.7% of the unincorporated area population. Source: US Census 2010.

and effective ways of making sure residents know what the County does and who they should contact with service delivery issues and concerns.

Consistent Public Engagement Practices. The CPI only applies to the Executive branch, which does not meet the Strategic Plan's guidance for a consistent engagement strategy across county branches and agencies. The King County Strategic Plan motto of "Working Together for One King County" means that residents should experience consistent interactions by the County, not variable responses and service delivery.

For the above reasons, it is important that the County develop a new framework for a public engagement strategy that aligns more fully with the Strategic Plan.

### *3. Development of Guiding Principles for a New Framework*

The interdepartmental team found the guidance in the Strategic Plan to be very helpful and used it to evaluate how well the CPI aligns or does not align to the Strategic Plan. Review of the Strategic Plan and this analysis assisted the team in identifying characteristics of a successful public engagement program. These characteristics were shared with the Unincorporated Area Councils at a public meeting in January 2011 and revised based on their input:

1. Provide all unincorporated area residents with an opportunity to participate
2. Make it easier for people to interact with King County
3. Empower residents to choose their level of involvement across a spectrum of public participation
4. Acknowledge and respect the unique characteristics of communities: geographic, cultural and otherwise
5. Help the County transition to being a rural service provider, and ease the transition for residents
6. Involve the cities that will eventually annex urban unincorporated areas
7. Make efficient use of limited public resources
8. Integrate the County's public engagement, service delivery and customer service frameworks
9. Engage the County Council and other branches of County government

### *4. Development and Discussion of Options*

The interdepartmental team considered options suggested by UACs, the County Council, the Executive staff, and in previous reports on King County government. A more detailed examination of each of these options is included in an attachment to this report<sup>18</sup>. These options included:

- A. Maintain the Citizen Participation Initiative. After consulting with the UACs, it is clear that a majority of their members would like to see the CPI continue, with

<sup>18</sup> See Attachment J: Alternative frameworks for public engagement approaches

greater participation by other branches of county government and with more administrative support from the County.

- B. Create an Unincorporated Area Commission. As required by the Council budget proviso, the interdepartmental team considered this option. However, as mentioned above, each of the UACs operates as an independent non-profit organization under state law. Therefore, the County does not have the legal authority to dissolve the UACs and subsume them into one commission. Additionally, after consulting with the UACs it became clear that many UAC members felt that creating another organizational layer would dilute their voices and lead to participation fatigue. The team concluded that creating an umbrella commission was not by itself an adequate substitute for local community-based organizations. Lastly, it was unclear what the mission of such a commission would be.
- C. Create a King County Board or Commission for each unincorporated area community. This option was suggested by some UAC members, primarily as a way of having the County shoulder more of the administrative burdens. The trade-offs for residents include the County having greater control over the agenda and work items, which would need to be closely linked to King County operations. Generally, membership on county boards and commissions requires Executive appointment and Council confirmation; although a new appointment process could be created. In the current fiscal environment, the County does not have the resources to support six new Boards or Commissions<sup>19</sup>.
- D. Create a King County Planning Commission. The team considered this option because it has been considered on at least two occasions by other commissions and consultants, most recently by the 2007-2008 Charter Review Commission. Land use and comprehensive planning are among the most important issues to unincorporated area residents, and establishing a planning commission composed of unincorporated area representatives is one method of giving residents a greater say in county policy and regulatory matters.
- E. Identify and engage with many groups, including the existing UACs (without creating new Boards or Commissions). This option was seen as a viable way for the County to comply with the increased requirements for public engagement in the Strategic Plan, while continuing to build on the strong relationship with the UACs. Creating a new framework aimed at broadening the County's outreach might initially be more staff intensive, but if well coordinated could be accomplished with existing staff resources and within existing budgets.

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<sup>19</sup> Presumably, some number greater than six new Boards or Commissions would be needed to represent all unincorporated areas, including those which currently have no UAC.

In addition to these engagement methods, the team discussed some administrative and programmatic elements that could be incorporated with any of the above models. These include:

- Community Service Areas. Establish these areas as an organizing and coordinating service delivery in the unincorporated area.
- Community Grant Program. Such a program could be used to fund community activities, events and services in the unincorporated area.
- Community Service Centers. Examine service delivery statistics and consider whether changes are warranted.
- Community Liaison Program. Identify existing employees to serve as liaisons to specific unincorporated area communities.
- Maintain a central list of community-based organizations. Such a list could serve as a resource for public engagement staff, and ensure the County is engaging with the right groups on the right issues.

A more detailed examination of each of these options is included in an attachment to this report<sup>20</sup>

### **C. Executive Recommendation**

Consistent with the above analysis, the Executive recommends replacing the Citizen Participation Initiative with a new framework for public engagement in unincorporated areas beginning January 1, 2012. Under this framework, the County would establish between 8-12 unincorporated Community Service Areas with logical boundaries that together cover all of unincorporated King County.

Within each service area, the County would:

- Identify a single point of contact for residents
- Broadly advertise and host public meetings at least once each year
- Identify, engage, and follow up with community based organizations such as unincorporated area councils, community councils, community development associations and other groups
- Annually develop, in collaboration with residents and community based organizations, an interbranch work program to address the needs of unincorporated area residents, and for transmittal to the Council
- Create interbranch teams to better coordinate public outreach and service delivery across King County government
- Provide regular opportunities for unincorporated area residents to meet with King County elected officials and senior management
- Develop mechanisms to involve cities in public engagement and work programs that are within cities' potential annexation areas (for urban service areas only)

<sup>20</sup> See Attachment J: Alternative frameworks for public engagement approaches

Under this proposal the County would:

- Continue to engage with UACs, but expand its engagement practices to include other incorporated areas, residents and groups
- Eliminate annual contracts with the UACs
- Provide one-time, transition funding to each UAC in the amount of \$2500
- Rescind Executive Order PRE-7-1 and legislation related to the Citizen Participation Initiative

#### **D. Timing of Implementation / Next Steps**

If this approach is favorable to the Council, it may be implemented in three phases:

1. Council adoption of the attached ordinances, establishing a framework for unincorporated area public engagement and providing one time transition funding to the UACs. (Spring, 2011)
2. Executive transmittal and Council adoption of any additional legislation necessary to implement the new public engagement framework concurrent with the 2012 budget.
3. Executive transmittal and Council adoption of any Comprehensive Plan policies necessary for implementation concurrent with the 2012 update to the Comprehensive Plan.

### **III. Relationship to Strategic Plan Implementation Work**

The Executive is in the process of establishing high level goal teams for each of the goals of the King County Strategic Plan, in order to facilitate accountability and coordination by all branches, departments, agencies and offices of county government regarding implementation of the Strategic Plan. The Public Engagement goal sets forth broad objectives and strategies to guide county activities across all branches and lines of business. The objectives and strategies are applicable to the unincorporated areas but do not specifically address the unique characteristics and needs of the unincorporated areas and the county's role as local service provider.

The Executive's recommended framework for public engagement in unincorporated areas in this report and attached ordinance will be integrated in to the work of the Public Engagement goal team.

The Public Engagement goal team will support the county's application of public engagement practices through:

- Articulating a operational vision for the Public Engagement Goal to facilitate implementation
- Inventorying current public engagement practices across the county

- Identifying immediate priorities and opportunities for improvement
- Developing appropriate performance measures to monitor performance and outcomes


#### **IV. LIST OF ATTACHMENTS**

- A. King County Executive Order PRE-7-1 (AEO)
- B. King County Council Motion 9643
- C. 2011 Recognized Unincorporated Area Councils
- D. List of meetings between Interdepartmental Team and UACs
- E. Rural/Local Subcommittee report (2007-2008 Charter Review Commission)
- F. King County Prosecuting Attorney's Office Legal Opinion
- G. Washington State Attorney General's Office findings
- H. Matrix of alternative frameworks for public engagement



King County  
Administrative Policies and Procedures

**Attachment A**  
Executive Orders,  
Policies & Procedures

Title Executive Order PRE 7-1 (AEO) Citizen Participation Initiative	Document Code No PRE 7-1 (AEO)
Department/Issuing Agency County Executive Office	Effective Date December 30, 1994
Approved  12/20/94	

An Executive Order implementing the Citizen Participation Initiative to enhance opportunities for public involvement and to improve citizen access to the information and services provided by King County government, through recognition of unincorporated area councils, establishment of Community Service Centers to serve incorporated and unincorporated King County and the provision of Community Service Representatives at those Community Service Centers located within unincorporated communities.

WHEREAS, there are 1.6 million people residing in King County who depend on county government for regional services ranging from marriage licensing to public transit; and

WHEREAS, there are 500,000 people residing in unincorporated communities for whom county government is both a regional and local government; and

WHEREAS, it is essential to the successful and effective provision of government services that King County make those services that can be efficiently decentralized, convenient to and available in local communities; and

WHEREAS, King County is committed to improving opportunities for meaningful involvement by citizens of unincorporated areas in decisions regarding the future of their communities;

NOW, THEREFORE, I, Gary Locke, King County Executive, do order that the King County Department of Human Services be the lead agency, and that all other King County departments cooperate to implement the Citizen Participation Initiative. Elements of the initiative shall include the following:

1. Procedures for recognizing existing area councils in the unincorporated area and assistance for communities that wish to establish new area councils in unincorporated King



County Executive Office  
Effective Date: 12/30/94

PRE 7-1 (AEO)  
Page 2 of 5

County in order to provide effective and continuing opportunities for citizens to participate in county government processes and decisions that affect their communities.

2. Direction to departments when to seek advice and comment from unincorporated area councils (UAC) regarding policies, county programs, citizen appointments to advisory committees, community plans, subarea plans, and other plans and issues specifically affecting the citizens within the geographic boundary of the UAC. All departments shall, to the best of their ability, respond to the requests of the UACs for notice and information regarding policies, county programs, citizen appointments to advisory committees, community plans, subarea plans, and other plans and issues affecting the citizens living within the geographic boundary of the UAC.

3. King County recognition for UACs that have met the following minimum requirements for recognition:

a. UAC membership must be open to any person who lives within the recognized boundaries of the UAC. Other persons, including but not limited to property and business owners, may be members if further provided in each UAC's bylaws. A UAC must demonstrate that it has sufficient size and breadth of citizen participation to adequately represent the interests of the community.

b. Each UAC must have clearly stated geographic boundaries in its bylaws. The geographic area of a UAC should correspond to and respect existing community identities, and should not overlap that of any other UAC.

c. A UAC must not discriminate against individuals or groups on the basis of race, religion, color, sex, sexual orientation, age, disability, national origin, income or political affiliation in any of its policies, recommendations or actions.

County Executive Office  
Effective Date : 12/30/94

PRE 7-1 (AEO)  
Page 3 of 5

d. Membership contributions may be collected on a voluntary basis only.

e. The UAC shall maintain a complete and up-to-date set of bylaws at a public location designated by King County.

f. Each UAC shall, in its bylaws, provide for a public and democratic process for voting and choosing its officers and board members.

g. Each UAC shall set forth meeting requirements for the membership in the bylaws and shall abide by the Washington State Open Public Meetings Act (RCW 42.30.010 ) relative to public meetings and public records.

FURTHERMORE, UACs may provide the County with community input on behalf of citizens living within the geographic boundary of the UAC, including but not limited to the following issues, programs and policies:

1. Identify issues of concern to the community and suggest strategies for the county to address affordable housing, environmental protection, open space, water quality, surface water management, economic development, and growth management.

2. Develop and recommend priorities for services and methods of service delivery in the community for such issues as public safety, public health, human services, transportation, transit, parks, recreation, and arts and heritage programs.

3. Serve as a resource for citizen input and advice on community or subarea plans affecting the community.

4. Review proposed county spending in the community and recommend priorities or alternatives desired by the community.

5. Encourage and solicit community development block grant proposal from organizations in the community.
6. Assist the County in the development of community or subarea plans, and plan updates.
7. Review and comment on all other matters referred to it by the County Executive.
8. Receive notice of, review and comment on land use applications pursuant to all provisions of the King County Code.
9. Regularly recommend to the County Executive candidates for appointment to County boards, commissions, task forces and citizen advisory committees.

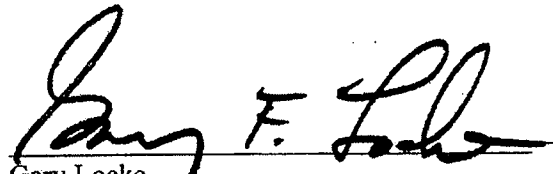
FURTHERMORE, to enhance citizen access to the information and services provided by King County government the Departments of Executive Administration and Human Services are directed to develop a system of Community Service Centers in unincorporated and incorporated communities to provide basic county services to citizens within and near their own communities. Services to be provided should include but not be limited to licensing, assessments, tax and fee payments, small building permits, transit information, and referrals and assistance in obtaining other county services. Community Service Centers within incorporated areas should be located at an existing city hall, or municipal or county facility. Community Service Centers within unincorporated areas should be located appropriately and be of sufficient size and quality to accommodate other county functions such as public safety "storefront precincts". Computer and telecommunications technology should be employed to further enhance citizen access to information and services. Community Service Centers located in unincorporated communities shall also be staffed by a Community Service Representative who shall act as a link between

County Executive Office  
Effective Date: 12/30/94

PRE 7-1 (AEO)  
Page 5 of 5


unincorporated citizens and their county government. Duties and responsibilities of a Community Service Representative shall include assisting citizens to organize in order to better represent their interests in county affairs; be a central contact for citizens or groups seeking access to county departments, policy makers, and elected officials; and provide information to local citizens and organizations regarding county issues, programs and services that may affect their community. The first Community Service Centers should be open by July 1, 1995.

DATED this 20<sup>th</sup> day of December, 1994.



Gary Locke  
King County Executive

ATTEST:



John Charles, Manager  
Records and Elections

AUGUST 7, 1995

Introduced By: Maggi Fimia, Louise Miller, Greg Nickels, Cynthia Sullivan, Bruce Laing, Brian Derdowski, Christopher Vance, Larry Gossett, Jane Hague, Larry Phillips, Ron Sims

EXECCPIs.MF8

Proposed No.: 95-0394

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MOTION NO. **9643**

A MOTION establishing policy direction for implementation of Executive Order PRE 7-1 (AEO) "Citizen Participation Initiative"

WHEREAS, the King County Executive has, by Executive Order PRE 7-1 (AEO), established a "Citizen Participation Initiative" for King County, and

WHEREAS, this Executive Order includes three major elements: recognition of organized unincorporated area councils; provision of Community Service Centers (CSC's); and for those Community Service Centers located in unincorporated areas, provision of Community Service Representatives to staff the CSC's and "act as a link between unincorporated citizens and their county government", and

WHEREAS, the King County council desires to provide policy direction for this initiative;

NOW, THEREFORE BE IT MOVED by the Council of King County:

A. That it shall be the policy of King County to officially recognize and acknowledge unincorporated area councils which meet the following criteria.

- 1. Membership must be open to all residents within the recognized boundaries of the UAC;

- 1 2. The bylaws shall specify the voting rights of members and
  - 2 must provide for a public process for voting for or otherwise
  - 3 choosing UAC officers and board members
  - 4 3. Non-resident property and business owners may be members
  - 5 if provided for by the UAC bylaws;
  - 6 4. The UAC must demonstrate that its size and breadth
  - 7 provides for equitable representation of citizens of the
  - 8 area;
  - 9 5. The UAC may not discriminate against individuals or
  - 10 groups on the basis of race, religion, color, gender, sexual
  - 11 orientation, disability, national origin, income or political
  - 12 affiliation;
  - 13 6. The UAC must develop bylaws which are to be maintained at
  - 14 public locations which are mutually acceptable to the UAC and
  - 15 King County;
  - 16 7. The bylaws must identify the geographic boundaries of the
  - 17 UAC;
  - 18 8. The bylaws must provide for regularly scheduled open
  - 19 public meetings;
  - 20 9. The bylaws must address conflict of interest and ethics
  - 21 issues;
  - 22 10. Membership fees may be collected on a voluntary basis
  - 23 only.
- 24 Recognition of a UAC shall be accomplished by motion proposed by
- 25 the executive and approved by the county council. Any UAC which
- 26 has within its boundaries at least 7500 residents, does not
- 27 overlap any other recognized UAC and meets the above criteria
- 28 shall be recognized. Any communities that are unable to meet the
- 29 population requirement for a UAC may apply for recognition if the
- 30 community can demonstrate that the area covered is of sufficient
- 31 breadth and size as to represent a diversity of community
- 32 interests and that the geographic isolation of the community makes

1 UAC participation with an adjacent community unrealistic, provided  
2 that they do not overlap with any other recognized UAC.

3 B. Each department shall determine methods for establishing  
4 liaisons with the various UAC's as part of the county's overall  
5 commitment to improving services to unincorporated communities.  
6 Recognized UAC's shall be provided information on programs and  
7 plans of the various county departments and the county council  
8 which may affect those areas on a regular and ongoing basis, and  
9 in a timeframe sufficient to allow the UAC to provide meaningful  
10 input throughout the development of the program. The departments  
11 and the county council shall also respond in a timely fashion to  
12 requests from UAC's on issues raised by the communities they  
13 represent. The Executive shall report to the Unincorporated  
14 Affairs Committee, specifying how these objectives are to be  
15 accomplished. As an example, the Executive department's roads and  
16 parks CIP budget item for a UAC area should be discussed with  
17 UAC's beginning no later than August of that year.

18 C. All departments and the county council shall give due  
19 consideration to UAC's comments on matters affecting the quality  
20 of life in their communities. All departments shall provide  
21 written responses to UAC comments when requested by the UAC.

22 D. The council through its unincorporated affairs committee or  
23 its successor shall, at least annually, conduct a public forum  
24 with all recognized UAC's to discuss how the UAC process is  
25 working. Executive departments shall also be involved in this  
26 forum, and unrecognized community groups shall be invited to  
27 attend.

28 E. The King County Council supports the Executive's efforts to  
29 provide services at decentralized locations throughout the county  
30 in order to provide county residents with some general county  
31 services at convenient locations.

1 F. The provision of Community Service Centers (CSC's) may impact  
2 county programs and operations as well as departmental budgets.  
3 The county council concurs in the establishment of one CSC on an  
4 experimental "pilot" basis. The executive is requested to submit  
5 an interim operational and financial plan for the pilot site by  
6 October 30, 1995. Prior to the expansion of the program, the  
7 executive is requested to submit operational and financial plans  
8 for such expansion for council approval.

9 G. Criteria to be used in determining the locations of any CSC's  
10 shall include:

11 the possibility of co-location with existing county  
12 facilities;

13 the presence of other activity centers with services such as  
14 libraries, post offices or community centers;

15 convenience, accessibility and security;

16 the availability of local community resources and support  
17 such as service groups and unincorporated area councils;

18 multi-service capability;

19 availability of community meeting facilities with or in close  
20 proximity to the CSC and

21 ability to serve substantially unincorporated long term area  
22 populations initially.

23 H. The Council believes that staff providing direct services to  
24 the public at CSC's must be distinguished from staff who are  
25 acting in a liaison function in the community, because these are  
26 separate functions that cannot adequately be combined. Staff  
27 providing direct services at the CSC's may be loaned staff from  
28 the agency for which the service is being provided. The executive  
29 shall identify FTE requirements in the budget for 1996. The  
30 executive is to submit a plan and budget request for the liaison  
31 function by October 30, 1995. This plan shall specify how the  
32 liaison is to be coordinated with the executive and councilmembers



1 representing the districts and UAC's which the CSC's serve, and  
 2 who liaison staffs will be accountable to. The Community Service  
 3 Representatives should work closely with the staffs of the county  
 4 councilmembers representing the area served, to assure that issues  
 5 of legislative policy are appropriately addressed by the  
 6 councilmember for the district, and administrative matters are  
 7 addressed by the appropriate executive department.

8 PASSED by a vote of 13 to 0 this 14<sup>th</sup> day of  
 9 August, 1995.

10 KING COUNTY COUNCIL  
 11 KING COUNTY, WASHINGTON

12 Kent Pullen  
 13 Chair

14 ATTEST:  
 15 Donald A. Peterson  
 16 Clerk of the Council

17 Attachments: A. Executive Order PRE 7-1 (AEO)  
 18

Attachment C

BRIAN DERDOWSKI  
MAGGI FIMIA  
RON SIMS  
GREG NICKELS

March 5, 1996

Introduced By:

tm.l.nhauacmot

Proposed No.:

96-280

MOTION NO. **9838**

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A MOTION approving the North Highline Unincorporated Area Council as a King County unincorporated area council.

WHEREAS, the King county executive has, by Executive Order PRE 7-1 (AEO) established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King county council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King county council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

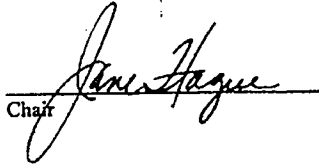
WHEREAS, the North Highline Unincorporated Area Council has completed the application for formal recognition as a King county unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

NOW, THEREFORE, BE IT MOVED by the Council of King County:


King County hereby approves the North Highline Unincorporated Area Council as an official unincorporated area council.

PASSED by a vote of 12 to 0 this 15<sup>th</sup> day of April, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

Attachments:

May 8, 1996

Introduced By:

Ron Sims  
Greg Nickels

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Proposed No.:

96-399

MOTION NO. **9858**

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A MOTION approving the West Hill Community Council as a King County unincorporated area council.

WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO) established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

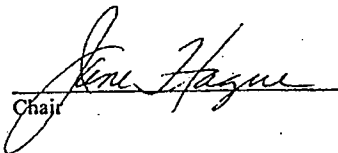
WHEREAS, the West Hill Community Council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

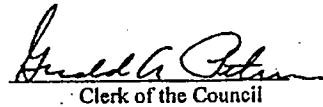
King County hereby approves the West Hill Community Council as an official unincorporated area council.

PASSED by a vote of 11 to 0 this 28th day of May, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

Attachments:

May 8, 1996

Introduced By:

Greg Nickels

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Proposed No.:

96-400

MOTION NO. **9859**

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A MOTION approving the Vashon-Maury Island Community Council as a King County unincorporated area council.

WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO) established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

WHEREAS, the Vashon-Maury Island Community Council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

King County hereby approves the Vashon-Maury Island Community Council as an official unincorporated area council.

PASSED by a vote of 11 to 0 this 28th day of May, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

Attachments:

May 8, 1996

Introduced By:

Brian Derdowski  
Greg Nickels

gmvmtot.doc

Proposed No.:

96-423

MOTION NO. **9860**

A MOTION approving the Greater Maple Valley Area Council  
as a King County unincorporated area council.

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WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO) established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

WHEREAS, the Greater Maple Valley Area Council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

King County hereby approves the Greater Maple Valley Area Council as an official unincorporated area council.

PASSED by a vote of 12 to 0 this 28th day of May, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

Attachments:

MAGGI FIMIA  
BRIAN DERDOWSKI  
GREG NICKELS

September 10, 1996

Introduced By:

fermot.docx

Proposed No.:

96-805

MOTION NO. 9977 1

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A MOTION approving the Four Creeks Unincorporated Area Council as a King County unincorporated area council.

WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO) established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

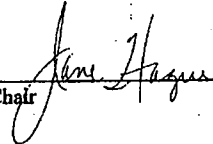
WHEREAS, the Four Creeks Unincorporated Area Council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

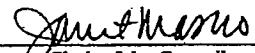
King County hereby approves the Four Creeks Unincorporated Area Council as an official unincorporated area council.

PASSED by a vote of 10 to 0 this 14<sup>th</sup> day of October, 19 96

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council  
DEPUTY

**10708**

05/24/99  
BSD:bsd  
Upbearcrkmot

jym  
Clerk 05/26/99

Introduced By: Brian Derdowski  
Louise Miller

Proposed No.: 1999-0303

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**MOTION NO. 10708**

A MOTION approving the Upper Bear Creek community council as a King County unincorporated area council.

WHEREAS, the King County executive has, by Executive Order PRE 7-1 (AEO), established a citizen participation initiative for King County which includes the recognition of unincorporated area councils, and

WHEREAS, the King County council established policy direction for the citizen participation initiative in Motion 9643, and

WHEREAS, the King County council requested in Motion 9643 that the executive submit proposed unincorporated area councils to the council for approval, and

WHEREAS, the Upper Bear Creek community council has completed the application for formal recognition as a King County unincorporated area council and fulfilled the protocols for recognition criteria in Motion 9643;

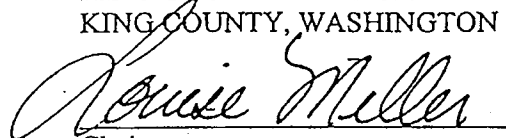
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NOW, THEREFORE, BE IT MOVED by the Council of King County:

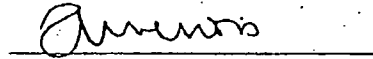
King County hereby approves the Upper Bear Creek community council as an official unincorporated area council.

PASSED by a vote of 11 to 0 this 14th day of June, 1999.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

Attachments: Upper Bear Creek Community Council Application for Unincorporated Area Council Recognition  
Upper Bear Creek Community Council Citizen Participation Initiative  
Unincorporated Area Council Application Check-List



# UAC

## Unincorporated Area Council *At a glance*

Four Creeks Unincorporated Area Council  
P.O. Box 3501  
Renton, WA 98056

Website: [fourcreeks.org](http://fourcreeks.org)

**Population:** Approximately 16,500

**Councilmembers:** Peter Eberle, President  
Edie Jorgensen, Vice President  
Sean Kronberg, Secretary  
Rich Nelson, Treasurer  
Tom Carpenter  
Bette Filley  
Sharon Schimke  
Dick Fackenthall  
Kelley O'Donoghue  
Paul Dutton  
Vern Redecker

**Elections are held bi-annually during the month of November.**

**Meetings:** The Four Creeks Unincorporated Area Council meets on the 3<sup>rd</sup> Wednesday of each month, 7:00 p.m. at the May Valley Alliance Church, 16431 SE Renton-Issaquah Rd. Renton.

**Recognized by King County Motion 9977, October 14, 1996**

**Background:** The roots of the Four Creeks UAC date back to the late 1980's and early 1990's. During that time King County sponsored meetings relating to long-term planning for the East Renton Plateau, urban and rural boundaries, as well as other issues affecting the quality of life for rural King County residents. This UAC represents the neighborhoods of Ellenswood, Lake Kathleen, Licorice Fern, Hi-Valley, Sunset Farms, South Firs, Lake McDonald, Maple Hills, Mirrormont, Lower May Valley and Four Creeks.

**Contact** Peter Eberle, President [Council@Fourcreeks.org](mailto:Council@Fourcreeks.org)  
Marissa Alegria, Dept. of Community & Human Services, 206-205-1003  
November, 2010

# UAC

## Unincorporated Area Council *At a glance*

Greater Maple Valley Area Council  
P.O. Box 101  
Maple Valley, WA 98038

Website: [Greatermaplevalleyareacouncil.org](http://Greatermaplevalleyareacouncil.org)

**Population:** Approximately 14,800

**Councilmembers:** Steve Hiester, Chair  
David Fields, Vice Chair  
Peter Rimbo, Corresponding Secretary  
Leslie Dawson, Recording Secretary  
Susan Dawson, Treasurer  
Warren Iverson  
Gordon Moorman  
Rob Morris  
Patrick Seiver  
Don Butler  
James Callow  
Bruce Trelstad

**Elections** are held bi-annually at the General Election during the month of November.

**Meetings:** The Greater Maple Valley Area Council meets the 1<sup>st</sup> Monday of each month, 7:00 p.m. at the King County Police Precinct #3, 22300 SE 231<sup>st</sup>.

**Recognized by King County Motion 9860, May 28, 1996.**

**Background:** The Greater Maple Valley Area Council has been around for approximately 30 years. It was originally established as an advisory group to governmental agencies, primarily King County, about the issues of the community. This UAC serves the neighborhoods of Hobart, Ravensdale, Francis, and River Heights.

**Contact:** Steve Hiester 425-432-8391 e-mail: [Hies\\_skel@hotmail.com](mailto:Hies_skel@hotmail.com)  
Marissa Alegria, Dept. of Community & Human Services, 206-205-1003

January, 2011

# UAC

## Unincorporated Area Council *At a glance*

North Highline Unincorporated Area Council  
1215 SW 112<sup>th</sup> Street  
Seattle, WA 98106

Website: [northhighlineuac.org](http://northhighlineuac.org)

**Population:** Approximately 17,400

**Boardmembers:** Christine Waldman, President  
Heidi Johnson, Vice President  
Ron Johnson, Treasurer  
Jessica Stoneback, Correspondence Secretary  
Barbara Dobkin  
Liz Giba  
Douglas Harrell  
Rebecca Lopes  
Richard Miller  
Patrick Mosley  
Stephen Porter  
Pat Price

**Elections are held every year in May.**

**Meetings:** The North Highline Unincorporated Area Council meets on the 1<sup>st</sup> Thursday of each month, 7:00 p.m. at the North Highline Fire District, 1243 SW 112<sup>th</sup> Street.

**Recognized by King County Motion 9838, April 15, 1996.**

**Background/Boundaries:** The North Highline Unincorporated Area Council (NHUAC) was the first community group recognized by King County as a UAC. Three existing community groups banded together to seek recognition from King County formed the core of the NHUAC: the White Center Citizens Advisory Committee, the Boulevard Park/White Center Governance Strategies Committee, and the Boulevard Park Community. This UAC serves the neighborhoods of White Center, Salmon Creek, Boulevard Park, Beverly Park, Glendale, Riverton Heights, Shorewood, South Park, and Top Hat.

**Contact:** Christine Waldman, [cwaldman@northhighlineuac.org](mailto:cwaldman@northhighlineuac.org)  
Bong StoDomingo, Dept. of Community & Human Services, 206-296-3325

# UAC

## Unincorporated Area Council *At a glance*

Upper Bear Creek Community Council  
18718 NE 161<sup>st</sup> PL  
Woodinville, WA 98072

Website: [upperbearcreek.com](http://upperbearcreek.com)

**Population:** Approximately 21,140

**Board Members:** Nancy Stafford, President  
Rich Lund, Vice President  
Mary Filkins, Treasurer  
Jerry Hicks  
Kevin Coughlin

**Election of Board Members is held annually in the month of October.**

**Meetings:** The Upper Bear Creek Community Council meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7:30 p.m. The 4<sup>th</sup> Tuesday meetings are usually held at the Woodinville Water District Offices. Please contact Nancy Stafford at 425-788-5841 to confirm all meeting locations.

**Recognized by King County Motion 10708, June 14, 1999**

**Background:** In August of 1997, community members residing in the Woodinville/Cottage Lake area began a series of meetings with King County exploring the formation of a UAC. The idea of forming a UAC was presented to the general public on April 30, 1998. At this meeting, other community organizations became part of the steering committee that founded the present UBCCC.

**Contact:** Nancy Stafford, [nancy@go2email.net](mailto:nancy@go2email.net) 425-788-5841  
Marissa Alegria, Dept. of Community & Human Services, 206-205-1003

# UAC

## Unincorporated Area Council *At a glance*

Vashon-Maury Island Community Council  
P.O. Box 281  
Vashon Island, WA 98070

Website: [vmicc.org](http://vmicc.org)

**Population:** Approximately 10,620

**Boardmembers:** Tim Johnson, President  
Carl Sells, Vice President  
AnnaLisa Lafayette, Secretary  
Bill Rowling, Clerk of the Council  
Doug Skove, Treasurer  
Tom Bangasser  
Gay Rosser  
John Staczek  
Frederick Woodruff

**Elections are held every two years during the November general election.**

**Meetings:** The Vashon-Maury Island Community Council Board meets the 1<sup>st</sup> Monday of each month at 7:30 p.m. at McMurray Elementary. The Council General meeting is held on the 3<sup>rd</sup> Monday of each month at 7:00 p.m. at McMurray Elementary.

**Recognized by King County Motion 9859, May 28, 1996.**

**Background/Boundaries:** In the 1940's, an organization called the "chamber of commerce" did the work of a community council rather than a traditional chamber. By the 1950's, the precursor to today's community council, was organized and called itself the "Civic Assembly." Today, the Vashon-Maury Island Community Council is an active UAC charged with working to preserve the rural nature of Vashon-Maury Island.

**Contact:** Tim Johnson, 206-552-4883, [tim.vmicc@gmail.com](mailto:tim.vmicc@gmail.com)  
Bong StoDomingo, Dept. of Community & Human Services, 206-296-3325

# UAC

## Unincorporated Area Council *At a glance*

West Hill Community Council, Inc.  
P.O. Box 78583  
Seattle, WA 98178

Website: [westhillcommunity.com](http://westhillcommunity.com)

**Population:** Approximately 15,650

**Board of Directors:** Paul Berry, President  
Gurine Nordby, Vice-President  
Pam Vitiritti, Secretary  
Mark Fitzgerald, Treasurer  
Bill Bowden  
Joyce Clark  
Darrel Dobson  
Curtis Faulks  
Lou LeCroy  
Gene Lux  
Linda Cassee

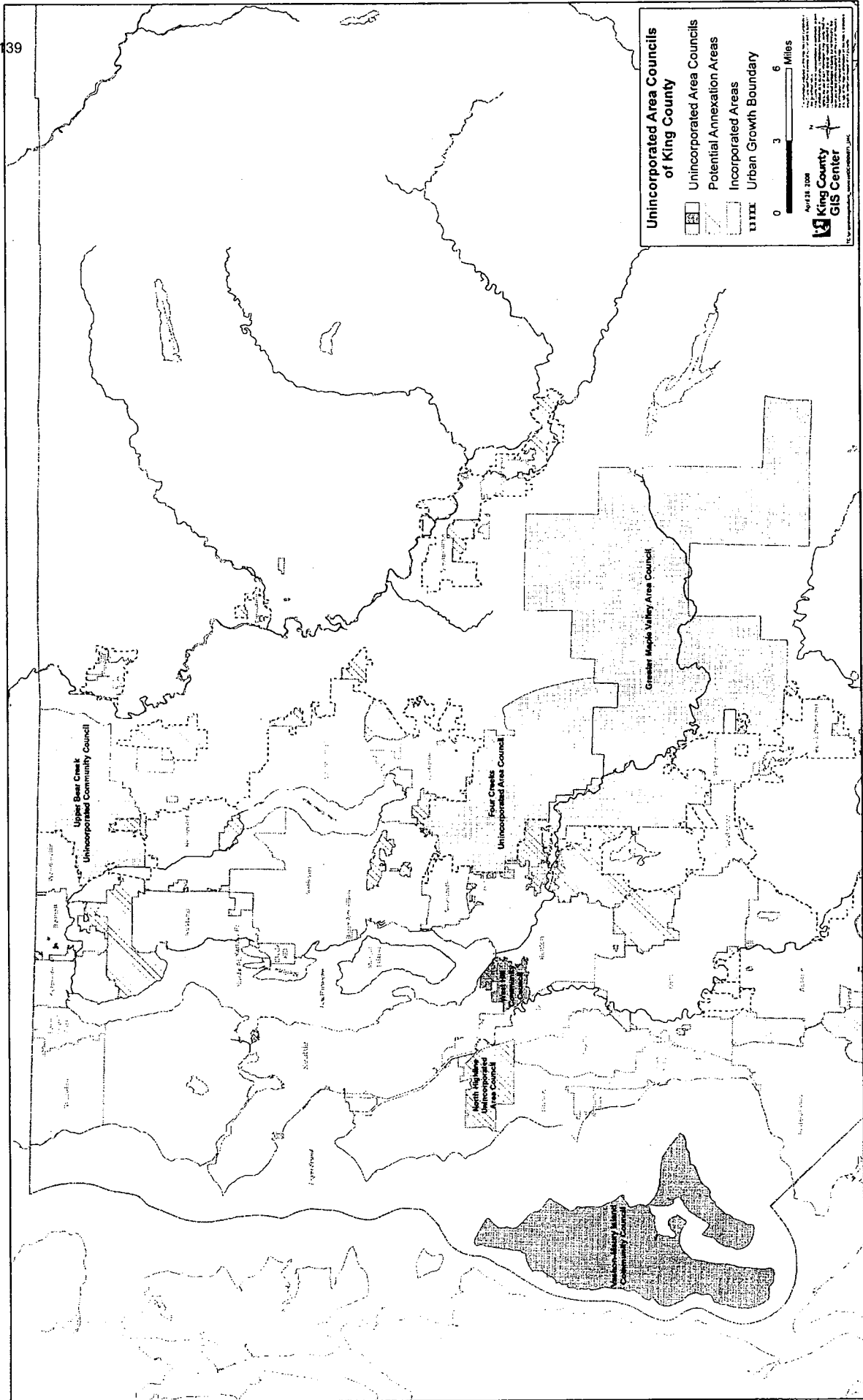
**Elections are held annually at the General Membership meeting in April.**

**Meetings:** The board of directors meets every 2<sup>nd</sup> Wednesday of the month at 7:00 p.m. at the Skyway Fire District #20, 12424 76<sup>th</sup> Avenue. The general meeting is held quarterly on the 3<sup>rd</sup> Tuesday of January, April, July and October at 7 p.m. at the Skyway VFW, 7421 So. 126<sup>th</sup>.

**Recognized by King County Motion 9858, May 28, 1996.**

**Background:** The West Hill Community Council was founded in February 1990. This UAC is bordered by the cities of Seattle, Tukwila and Renton. The West Hill Community Council serves the neighborhoods of Skyway, Lakeridge, Bryn Mawr, Campbell Hill, Earlington and Panorama View.

**Contact:** Paul Berry, 206-772-1772; [pnberry@earthlink.net](mailto:pnberry@earthlink.net); [www.westhillcommunity.com](http://www.westhillcommunity.com)  
Bong StoDomingo, Dept. of Community & Human Services, 206-296-3325.



## **Meetings with Unincorporated Area Councils**

### *Meeting between the King County Executive and UAC Presidents / Chairs*

- February 2 – County Executive's Office

### *Meetings between the Executive Office staff and UAC Presidents / Chairs*

- February 2 – All UAC Presidents (County Executive's Offices, Seattle)
- March 15 – All UAC Presidents (Burien)
- April 4 – Four Creeks and Maple Valley Presidents (Maple Valley)
- April 5 – North Highline President (Seattle)
- April 7 – Upper Bear Creek, Vashon-Maury, West Hill Presidents (Woodinville, Vashon, Renton)

### *Public Meetings with UAC General Membership and Interdepartmental Team members*

- January 13 –Issaquah
- April 11 –Skyway
- April 14 –Vashon Island



### Unincorporated Area Councils –

In 1995, Executive Gary Locke approved the creation of a new type of advisory body for the unincorporated areas of the county: Unincorporated Area Councils. The UACs are recognized community groups that self-organize and operate according to the county's guidelines. The UACs' mission is "to provide effective and continuing opportunities for citizens to participate in county government processes and decisions that affect their communities" on policies, county programs, citizen appointments to advisory committees, community plans, and subarea plans. Board members of UACs are elected in county elections by the general voting population within their boundaries. Geographic boundaries of UACs are suggested by the citizen organizers.

It was originally envisioned that the UACs would have a strong role in the adoption of land use plans and zoning for their areas, and would serve as a focus for reviewing and discussing unincorporated area services such as roads and parks. The King County Prosecutor's Office, however, concluded that the broad authority proposed unlawfully delegated the Council's legislative authority. The adopted ordinance enacting the UACs specified a more limited, advisory role.

There are six UACs currently operating: Four Creeks Unincorporated Area Council, Greater Maple Valley Area Council, North Highline Unincorporated Area Council, Upper Break Creek Community Council, Vashon-Maury Island Community Council, and West Hill Community Council.<sup>9</sup> UACs currently represent 114,000 residents, or 31% of the unincorporated population.

The UACs are staffed part-time by two county employees in the Department of Community and Human Services. The staff serve as liaisons between the UACs and county government.

Figure 4: UAC facts

UAC	Council Approval	Approx # Voters	Acres
<i>Four Creeks</i>	Oct-96	14,000	24,417
<i>Greater Maple Valley</i>	May-96	15,000	74,381
<i>North Highline</i>	Apr-96	40,000	3,894
<i>Upper Bear Creek</i>	Jun-99	22,000	14,039
<i>Vashon- Maury Island</i>	May-96	10,000	23,606
<i>West Hill</i>	May-96	13,000	2
	Total:	114,000	140,339

Source: Four Creeks UAC, presentation to the Charter Review Commission, 5/29/2007

<sup>9</sup> [http://www.metrokc.gov/dchs/admin/dchs\\_bro.htm](http://www.metrokc.gov/dchs/admin/dchs_bro.htm)

### *Changes to Unincorporated Area Councils*

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*Background* – The comments received by the Commission about the UACs indicated that these bodies are not fully meeting the expectations of some citizens and lawmakers. A number of citizens stressed that better methods for more direct representation were needed, noting that UACs do not represent everyone in the county, and that they lack decision-making power. Some people argued that the UACs should not be treated as governmental entities, given the small numbers of people voting in often-uncontested UAC elections, and the UACs' lack of representation of the citizens in their areas.

The 1997 did not recommend changes to the UACs, in part because the model was so new. They considered the following options, however:

- Actively encourage the creation of more UACs, and/or create a forum for local representation for unincorporated areas without UACs
- Improve UAC staffing
- Give UACs a formal voice in planning
- Create subarea plans for the geographic region covered by each UAC

#### *Public Comments* –

The unincorporated area councils have no teeth. The council still has the final say. – Steve Hammond

Establish better methods for more direct representation of the county's unincorporated area residents; something more responsive and equitable. Unincorporated Area Councils lack decision-making authority and do not represent everyone residing in rural King County. – Judy Kelley

The UACs should not be treated as governmental entities, given the small numbers of people voting in those elections. – Claire Hanson

UAC elections are very small, and the UACs do not represent the areas well. There should be a clarification of roles, and UAC's should not be making policy. – Mark Ufkes

#### *Options* –

The UACs are established by ordinance, not by the charter. Therefore, changes to the UACs would most likely also take place in ordinance. The CRC might recommend a range of changes, including:

- Strengthening the UACs. Actively encourage the creation of more UACs, improve UAC staffing, create subarea plans for the geographic region covered by each UAC, or other measures. Another option, suggested by Councilmember Lambert, would be to require approval by UACs for any legislation regarding local government services.

- Replace UACs with Unincorporated Area Districts (UADs). Fall City Historian Jack Kelley has recommended UADs modeled after the process for forming a district outlined in state law (RCW 36.69.010). If the CRC recommended an incompatible form of governance, such as a township model, UACs may become redundant.
- Reduce the role of the UACs. Some residents are concerned that UAC boards act as representatives of unincorporated areas, while being elected in extremely low-turnout elections. Others feel the UACs are so powerless that they are functionally useless for representing residents.

*Pros/Cons –*

See summary table on page 13.

Fig 6: Summary of Options

Option	Pros	Cons
<p><b>Strengthen the UACs</b></p>	<ul style="list-style-type: none"> <li>- Existing structure; relatively easy and inexpensive to supplement</li> <li>- UACs have been a moderately successful model to inform and represent the interests of residents</li> </ul>	<ul style="list-style-type: none"> <li>- UACs only have advisory powers and do not directly represent residents</li> <li>- No new UACs have been created since 1999 (though a new UAC is being actively discussed in Fall City)</li> <li>- Only 31% of the unincorporated population lives within a UAC boundary</li> </ul>
<p><b>Replace the UACs with UADs</b></p>	<ul style="list-style-type: none"> <li>- UADs would be a stronger model than UACs; would have taxing authority and other governmental powers</li> <li>- Would require a vote of the people to create a UAD</li> </ul>	<ul style="list-style-type: none"> <li>- Legal questions (1 person 1 vote)</li> <li>- Existing UACs and their functions would be lost; resistance from UACs</li> <li>- New taxing district may not be popular</li> </ul>
<p><b>Reduce UAC Role</b></p>	<ul style="list-style-type: none"> <li>- Addresses concerns regarding low-turnout UAC elections and UACs are speaking as representatives of residents</li> </ul>	<ul style="list-style-type: none"> <li>- UACs are one of the only ways that unincorporated residents are informed and represented, other than their councilmembers</li> </ul>
<p><b>Rural/Unincorporated Affairs Department</b></p>	<ul style="list-style-type: none"> <li>- A department would add new staff who are dedicated to unincorporated area affairs, and would work with the various local services departments, Executive, and council to <i>permanently</i> and <i>proactively</i> serve residents' short and long-term needs</li> <li>- A department would fit within the existing structure of government (Executive Office)</li> </ul>	<ul style="list-style-type: none"> <li>- Some stakeholders, such as the Executive and Councilmember Lambert, have expressed a lack of support for the idea of a new department (though Councilmember Lambert does support merging local service delivery functions into an unincorporated areas department).</li> <li>- Could potentially de-emphasize the importance of rural and unincorporated issues within the departments</li> </ul>

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<b>Subarea/Community Planning</b>	<ul style="list-style-type: none"> <li>- Subarea planning would give unincorporated residents a strong voice in their communities' futures</li> <li>- Would help to resolve conflicts with the county over land use planning (one of the biggest issues for unincorporated residents)</li> <li>- Implementing subarea planning is a relatively low-cost solution that functions within the existing structures of county government</li> </ul>	<ul style="list-style-type: none"> <li>- Including unincorporated areas in planning does not speak directly to the major concern of residents: greater representation in county government</li> <li>- DDES already provides a process for providing input on land use decisions</li> <li>- If planning commission(s) were formed, they would likely report to the Council, while DDES reports to the Executive; could create an awkward situation</li> </ul>
<b>Townships</b>	<ul style="list-style-type: none"> <li>- The establishment of townships would ensure that unincorporated area residents have a local government that is dedicated to that purpose, providing for local services and representing the people.</li> <li>- The county would be relieved of its duty to perform two roles, as both a regional and local government</li> </ul>	<ul style="list-style-type: none"> <li>- Currently not permitted by state law</li> <li>- The township model would require a significant amount of organizational work and funds to establish</li> <li>- Residents may find townships to be "just another layer of government" without resolving concerns with under-representation on the council</li> </ul>
<b>Rural/Unincorporated Advisory Council</b>	<ul style="list-style-type: none"> <li>- A standing advisory council would serve as a point of contact for unincorporated area residents and a forum for their concerns.</li> </ul>	<ul style="list-style-type: none"> <li>- A council would not necessarily be a permanent fixture of government, and would have only advisory powers.</li> <li>- The county council recently decided not to enact this suggestion.</li> </ul>

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<p><b>More staff for councilmembers with unincorporated areas in their districts</b></p>	<ul style="list-style-type: none"> <li>- Supports directly elected officials in better serving their unincorporated area constituents.</li> <li>- Relatively inexpensive.</li> </ul>	<ul style="list-style-type: none"> <li>- Is not a permanent solution.</li> <li>- Does not create a dedicated focus for policy or planning on the Executive side.</li> </ul>
<p><b>Staff restructuring under Executive</b></p>	<ul style="list-style-type: none"> <li>- Inexpensive way to improve communication with residents.</li> <li>- Liaisons could act as advocates for their rural communities, and bring their ideas to the highest levels of county government.</li> <li>- Relatively inexpensive, and does not require major change to the structure of county government.</li> </ul>	<ul style="list-style-type: none"> <li>- Not necessarily a permanent solution; a staffing arrangement may be eliminated easily with the next Executive or budget cycle.</li> <li>- Does not provide representation for unincorporated rural residents, so much as improved communication.</li> </ul>
<p><b>No action/ Status quo</b></p>	<ul style="list-style-type: none"> <li>- Avoids temptation to 'just do something' to resolve unincorporated area residents' concerns.</li> <li>- Gives credence to the effectiveness of existing mechanisms, such as the UACs and Rural Ombudsman.</li> </ul>	<ul style="list-style-type: none"> <li>- Does not provide additional representation for or better communication with unincorporated rural residents.</li> </ul>

## **Four Creeks Unincorporated Area Council**

The Four Creeks UAC Strategy is embodied in the following statement. "The purpose of the FCUAC, as is the purpose of all UAC's, is to act as a conduit between the citizens in the FCUAC area and the King County Government." We represent approximately 15,000 registered voters and an even greater number of residents in our area. The council is a truly diverse representation of the population. The council members are made up of community activists who have connections to other citizen activist groups, various Churches, School district groups, Youth groups, home owner associations, block watch groups and equestrian groups.

Since 2007, FCUAC has participated in the following activities:

- We are a current signatory to an MOU with the County and CARE/SWAN for the care of cemetery pond and trib 291 along with a visioning process for Coalfield Park.
- We helped facilitate the cooperation of landowners with the county to clean out a portion of May Creek of Reed Canary Grass to improve drainage of the continually flooded valley bottom.
- Council Members are currently working with Green River Community College to provide high quality mapping programs to area residents. The first of which will provide guidance for possible community trail systems that will link existing trails in Cougar Mtn. Regional park for equestrian and multi use. Second to provide, mapping guidance for Tributary 291 and its drainage area.
- Last year we worked on transportation corridor review with King County Roads to identify needs and improvements, and to provide input on current projects. This year we are working on an update to this.
- The UAC along with Area Citizens Partnered with the King County Sherriff's Storefront office to provide a program for National Night Out in the Maple Hills Neighborhood last year. This year we are planning to help set up a program in the Mirrmont neighborhood.
- Over the last couple of years, Council members along with other community members worked on the East Renton Plateau Form Based Code project and gave valuable input as to its ultimate effectiveness for our community.
- Council members along with other citizen groups continue to lobby both King County and Renton to achieve an Interlocal agreement to cover the transition of the Potential Annexation Area east of Renton.
- The council participates in discussions with both the Cedar Hills Landfill administrators and also Cedar Grove composting, both of which impact our community in various ways. One of our members sits on the land fill board.

**Greater Maple Valley Area Council "VALUE" LIST**  
**Current Work**

1. Promote and provide unfettered access for local citizens to interact directly with their "local" government.
2. Promote and provide a forum for King County to discuss issues of mutual interest with their customers--local citizens.
3. Review and provide comprehensive comments and recommendations on the King County Comprehensive Plan on an annual basis with much more thorough reviews every four years on major KCCP Updates.
4. Review and provide comprehensive comments and recommendations on the King County Code on a periodic basis.
5. Conduct Opinion Polls that provide the GMVUAC and King County great direction unfiltered from our citizens on issues they consider important.
6. Provide consulting support to unincorporated citizens south of the GMVUAC around the Green River area to form their own UAC.
7. Participate in providing citizen input to the Ravensdale Park development to help mitigate differences between KC DNRP and Ravensdale.
8. Actively reviews conditional use applications in the Rural Area for compliancy seeking positive citizen input.
9. Actively helping Rural Area citizens around Black Diamond in voicing their concerns regarding the massive Master Planned Developments proposed in the City and acting as a liaison with KC officials.
10. Publish articles in local newspapers to keep people informed on all Area Council activities, meetings, speakers, and decisions.
11. Participate in Countywide Community Forums.
12. Attend and participate in WIRA Meetings.
13. Help promote local businesses used by rural residents, such as the Maple Valley Market.
14. Maintain an up-to-date well-recognized web site that can be accessed by citizens interested in any aspect of Rural Area affairs.
15. Provide public testimony on behalf of the UAC, as well as individually based on our constituents concerns and our passion for keeping the Rural Area rural.
16. Organize and conduct an Annual Operating Model Train Show which generates local camaraderie and donations for non-profits organizations in the greater Maple Valley area.

**Past Work** (abridged list)



**GMVUAC "VALUE" LIST**

1. Directly worked with Gary Locke to put together the first Cedar River Basin Plan.
2. Helped to create the Citizens' participation Initiative.
3. Instrumental in the founding of the City of Maple Valley by funding the first incorporation feasibility studies.
4. Members of the first King County Committee investigating what parameters needed to be considered for buffer standards around Streams and Wetlands.
5. Directly worked with then King County Councilman Dow Constantine in re-vamping the original Critical Areas Ordinance.
6. Participated in the definition of Rural Character.
7. Directly supported the Cedar River Council.
8. Played a leading role in the establishment of the EOC in Sheriff's Precinct #3.
9. GMVUAC members sit on the Fire District 43 Citizens Advisory Committee and, in fact, a GMVUAC member serves as Chair.
10. A GMVUAC member served as a representative for Sheriff's Precinct #3 to the King County DARE Board. Later he was elected and served as Secretary of the DARE Board.
11. Directly involved in the Sheriff's Precinct #3 Citizen's Academies.
12. Participated in the improving the juvenile justice system.
13. Participated on the 2008 DDES Permit Review committee (monthly meetings for 7 months, 3 hours each).
14. Participated in a King County filmed documentation of the Ravensdale Park history and mitigation process.
15. Assisted local sports groups take-over of Gracie Hansen Community Center, thus taking a negative County expenditure off the County budget transforming it into a productive community facility.
16. Worked with King County Department of Transportation to rectify unsafe speed limit changes on Issaquah-Hobart Rd.
17. Helped to establish the Countywide Community Forums.
18. Worked with KCDOT on local unincorporated area road work that would be detrimental to local area businesses.
19. Established and run local citizen assemblies on campaign issues and candidates.

## North Highline Unincorporated Area Council Activities and Accomplishments

- Graffiti Eradication program - offer free paint brushes/rollers, paint & "Goof Off" to residents & businesses - by request NHUAC will also assist in painting/removing the graffiti
- Adopted Steve Cox Memorial Park several years ago - NHUAC now has work parties - planting flowers, picking up trash & removing graffiti
- Helped save Puget Sound Park from development right before its annexation to Burien
- Last fall held a candidate forum in the community
- Advocate for our community libraries
- Put together a listing of area grocery stores & their contact #'s for stray grocery cart removal
- For two years in a row, NHUAC took the lead in objecting to the liquor license renewal of the Oriental Market in White Center. We held meetings & requested letters from other community groups, businesses & residents to forward to the Sheriff's Office
- Voice community concerns to King County - current examples: Club E & medical marijuana
- Strong advocate for the King County Sheriff's office - example: 2009 attending KC Council meetings to show support
- 2005 - Worked with and supported sidewalk project – downtown White Center
- Worked with King County sheriff dept on speeding issues
- Working with councilmember Steve Cox we were instrumental in getting SOAP and SODA ordinances passed
- Work with Friends of Hicks Lake re Lakewood Park issues – Ongoing
- Have a booth at White Center Jubilee Days – provided community issue information
- Worked with Weed and Seed program for the five years it was in operation
- Worked with Metro to get a bus stop by WC Public Health and Food Bank
- Chair of Transportation committee sat on several Roads Community Advisory Groups
- Active participation with Code Enforcement regarding issues – Ongoing
- Provide community input to King County Council members
- Bring County department leaders to community meetings
- Advocate for the community in issues of importance for us

## UPPER BEAR CREEK COMMUNITY COUNCIL

### Current Involvement

1. Promote and provide unfettered access for local citizens to interact directly with their "local" government. (reference and referral)
2. Promote and provide a forum for King County and other Public Agencies to discuss issues of mutual interest with their customers--local residents and businesses.
3. Review and provide comprehensive comments and recommendations on the King County Comprehensive Plan on an annual basis with much more thorough reviews every four years on major KCCP Updates.
4. Review and provide comprehensive comments and recommendations on the King County Code on a periodic basis by holding Public Forums 8 months of the year.
5. Actively reviews conditional use applications in the Rural Area for compliancy seeking positive citizen input.
6. Provide consulting support to unincorporated citizens south and east of the Upper Bear Creek area to form their own UAC.
7. Actively helping Rural Area citizens around Woodinville in voicing their concerns regarding the County changes affecting our area and acting as a liaison with KC officials.
8. Hold an average of 8 Public Forums annually where community concerns can be addressed by appropriate County personel and give the community previews/updates on issues directly involving the Upper Bear Creek area.
9. Publish articles in local newspapers to keep people informed on all Area Council activities, meetings, speakers, and decisions.
10. Help promote local businesses used by rural residents, such as the Woodinville Weekly, Banner Bank, Woodinville Signs, Cascade Country Realty and King County Community Service Center.
11. Maintain an up-to-date well-recognized web site that can be accessed by citizens interested in any aspect of Rural Area affairs.
12. Provide public testimony on behalf of the UAC, as well as individually based on our constituents concerns and our passion for keeping the Rural Area rural.
13. Send King County Council Rep for District 3 notice and minutes of each UBCC Public Forum held via UAC support staff.
14. Organize and conduct annual **Music in the Park** featuring local talent, showcasing Cottage Lake Park generating local camaraderie and invites non-profit organizations in the Upper Bear Creek area to display their services.

## West Hill Community Council - Recent Activities and Achievements

- The West Hill Community Council UAC (WHCC) is entirely structured and operated by volunteer community members. As such, it provides a mechanism and opportunity for these individuals to actively and directly engage in the circumstances, conditions and events of the people and area immediately where they live. If the mechanism did not exist, they would not be as exposed to, and focused on, what is happening in their community, to its needs, and to others with interest like their selves. There are many in the community that connect at least minimally with the UAC, but there is a core group of 25-30 or so who regularly spend countless hours participating. No amount of money could purchase such intensive and committed effort.
- WHCC serves as an enabling communication conduit between people in the community, and County and other agencies. In the last three years, **at our regular all-community meetings**, we have had presentations from, and discussions with the King County Sheriff's office (presentations on specific subjects like the Gang environment, burglary prevention, and crime reporting, as well as general reporting and Q&A sessions at every meeting), King County Prosecutor, DDES, King County Roads, King County Surface Water Management, King County Community Development, Metro (Transportation), Seattle King County Public Health, and Metro (Sewers). In addition, other agencies serving our area such as King County Housing Authority, King County Library, and Renton Public Schools have also made presentations and had discussions with us. Finally we have constant and regular participation and reports at all our meetings from our local Fire District, our Water/Sewer District, and our local Business Association.
- The WHCC Board meets monthly and directly organizes the WHCC activities. This includes our all-community meetings and administrative efforts (like our annual contract with King County, our insurance, bank accounts etc.) We also organize and orchestrate specific programs.
  - Annually we provide a summer weekly series of outdoor cinema events; providing free movies to the community, last year accompanied by additional entertainment from community performing groups
  - Bi-annually in the spring and fall we have an all community clean-up effort that removes trash, weeds and improves community gardens and common areas, and does other spruce-up activities
  - We have been a sponsor of community festival events – the last two years all day Car Shows, open to the community with entertainment and other activity
  - Installation of a community mural on ROW retaining walls. Paint and fix-up of local business storefronts, and other community improvement activities have occurred under WHCC sponsorship and with WHCC volunteer support.
- The WHCC Board also monitors and tracks specific community issues and concerns, working with agency representatives to report and address problems, and providing information to members of the community about how to express their views and concerns. Recent examples include specific Code enforcement concerns, serious illegal dumping problems, apartment development proposal responses, and specific public safety concerns.
- The WHCC Board periodically establishes short or long term committees to pursue specific activities or issues area. Examples include our establishment of a

Public Safety Committee to pursue both community activity to improve public safety (such as organizing and encouraging more block watch), or a few years ago, a committee to meet with local businesses to pursue clean-up and fix-up of the local business district.

- The WHCC provides for mechanisms to convey information to the community, and for members of the community to exchange information with each other.
  - The WHCC operates its own website (WestHillCommunity.com), which provides notices and calendars of meetings and community activities, audio recording of our quarterly meeting for those not able to attend, contact information of numerous agencies and groups, articles about current issues and happening, and historical information on the community history, prior studies of the area, etc.
  - The WHCC has published several times in recent years, an all-community newsletter, mailed to all households in the area, and containing information on community activities, as well as status updates on such matters as Annexation.
  - The WHCC maintains a community billboard for regular posting of meeting notices, and promotion of community activities. It also places signs throughout the community to publicize WHCC and other group's meeting and events.
  - The WHCC helped organize and participates in an extensive "google" discussion group on line (WestHill Connects), that provides active and current exchange of information and comment among community members.
- The WHCC operates to represent Community views and concerns to County officials and Dept. Heads. Our leaders or representatives attend several all county meetings each year, meeting with the Executives cabinet, with the executive himself, and at county officials/all-UAC member meetings. In those sessions, we convey the broad outline of community concerns and needs to county officials from a broad community perspective (as opposed to a narrower single issue group agenda).
- WHCC has provided seed impetus and encouragement, and umbrella organization support for emerging community organizations aimed at community development and improvement. One good example of that is "Skyway Solutions," which early on was both financially and organizationally supported by the WHCC, operating initially as a committee of WHCC. Only recently has it been able to develop to a level to gain its own nonprofit corporation status, and get grants in its own right.



April 14, 2011

To: Lauren Smith—Land Use & Unincorporated Area Relations Manager, Office of King County  
Executive Dow Constantine

RE: VMICC Values

Dear Lauren:

In response to your request for the values, goals, and activities of the VMICC, let me start first with our stated purpose.

The Vashon-Maury Island Community Council is a forum for discussion of issues relevant to the residents of Vashon and Maury Islands. The Council is recognized by King County as an Unincorporated Area Council. The Council makes recommendations to King County government and other public and private groups.

The VMICC has existed since 1933 and was a charter member of the UAC system. It would take a long, long letter to detail the entirety of this body's accomplishments and activities, so I will stick to more current issues, activities, accomplishments and goals.

As an unincorporated area in King County, but also a rural area, and further an island, Vashon-Maury Island is among the most unique places in the county. Our citizens face challenges and conditions unlike any other place in the county. Whether that be the unique geography and topography, the limits on available water, or the fact that ferries form the only road to our home, we exist in a realm unknown to most King County residents. Our primary task has always been to take the reality of our situation and transmit it to the larger, different reality of King County as a whole, and to ensure that the one-size-fits-all nature of such a large county government recognizes, acknowledges, and accommodates the special needs of our island to as great a degree as possible. To that end, among many tasks, we:

- Hold monthly meetings where the public can address the issues of the island, and make motions of requests, information, demands, and questions to take to the decision making officials of the county. We also invite agency heads and staffers, other non profits, and local police and fire officials to attend and address our constituents. We are a two-way transmitter of information between our citizens and those who govern, serve, and regulate them.
- Take a leadership role in matters related to ferries. Our transportation committee is a driving force behind the Ferry Community Partnership (FCP), which represents all of the ferry-served communities. We recently responded to the Governor's and Legislature's funding and service cut proposals with a petition and lobbying drive. The VMICC provided the majority of the

Vashon-Maury Island Community Council PO Box 281 Vashon, WA 98070 [www.vmicc.org](http://www.vmicc.org)

petition signatures despite being among the smallest communities served by ferries, and also  
17139 provided the majority of the bodies to lobby every legislator who would see us on the matter  
during the current session. Our committee, in conjunction with our member of the Ferry  
Advisory Committee (FAC), is the finest repository of information regarding legislation, issues  
regarding ferry service, statistics, and costs and benefits you'll find anywhere in the region. We  
also are a prime source of outreach and information to legislators, King and other county  
officials, and citizens and groups that rely on ferries.

- Take a leadership role in dealing with community issues that are not served or adequately served by current systems. An example of this would be our recycling event of last year, which helped countless citizens deal with items our inadequate recycling center would not take.
- Stand on the forefront of self-governance issues. Our efforts clarified the obligations of the UACs under the Public Records Act, and our current board continues to exemplify leadership in recognizing, understanding, and complying with the many regulations we fall under.
- Understand and facilitate difficult regulatory issues with relevant agencies. Our Septic Committee did yeoman's work with County agencies such as the DDES and the County Health Department in tackling the special issues related to the Marine Recovery Areas (MRA), helping many home owners comply with regulations, identifying and coordinating ways to transmit information and guidelines, in some cases helping to create them, and keeping all of the residents of those areas from having to "go it alone".
- Work to maintain our unique character within the County Comprehensive Plan. Our Town Plan Committee is a robust, well-populated entity working to define the specifics of our needs and desires, and incorporate them into a plan that is submitted as part of the proposed Comprehensive Plan.
- Provide a version of the "elected to elected" advocacy and representation to the county that most municipalities have, developing relationships with officials and their staff members to address the wide concerns of islanders in a direct and effective manner.
- Provide a platform for County officials to address our population. We coordinate such activities, relieving the staff of these officials from having to make arrangements, and we continue to transmit the information they bring broadly to our populace.

Despite making up around 1% of King County's population, as well as being somewhat isolated, literally, the VMICC ensures that Vashon's voice is heard far and wide within the county and in Olympia. We lobby, testify on legislation, propose activities and changes, deal with concerns and complaints, transmit a wealth of information both directions, and are a vibrant, energetic, often quite noisy voice that is known and heard quite broadly. Decision makers are well aware when we become involved, and we like to think this is constructive and mutually beneficial, not just loud opposition. We do this partly through the diligence and energy of our membership, but also through the effective use of our official, recognized voice, and our willingness and effectiveness in utilizing it, both publicly and in individual meetings. The above list is just a small, illustrative sample of what we are proud and pleased to accomplish on behalf of our neighbors. We hope to have a real, effective opportunity to continue doing so.

Best Regards,

Tim Johnson

DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY



**King County**

**Attachment H**

Office of the Prosecuting Attorney  
CIVIL DIVISION  
W400 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9015  
FAX (206) 296-0191

18 August 2010

## **MEMORANDUM**

TO: Dow Constantine, King County Executive

FROM: Kevin Wright, Chief Civil Deputy  
Darren Carnell, Senior Deputy Prosecuting Attorney  
John Gerberding, Senior Deputy Prosecuting Attorney

SUBJECT: Unincorporated Area Councils

### **BACKGROUND**

On August 3, 2010, the President of the Vashon-Maury Island Community Council (VMICC), Jean Bosch, sent you a letter requesting "the County state its opinion as to whether the community council is a governmental entity, and consequently, whether it is subject to Washington's Public Records Act and Open Public Meetings Act." (Copy attached as Exhibit 1). Subsequently, a member of the Four Creeks Unincorporated Area Council (FCUAC) inquired whether the FCUAC must comply with the Public Records Act (PRA). This memo addresses the questions raised by these UACs.

### **BRIEF ANSWERS**

We believe UACs are subject to the PRA. Although there are no cases that directly address this situation, we believe a court would find that UACs must comply with the PRA given the close interaction between the County and the UACs, as well as the County funding provided for the UACs. This is particularly true in light of the broad mandate of the PRA and the fact that courts have liberally construed its provisions.

While the UACs are subject to the PRA, the UACs are not part of County government. The UACs are non-profit corporations and are separate entities from the County. Despite not being part of the County, we believe the UACs are subject to the PRA in their own right.

The VMICC's question regarding the Open Public Meetings Act (OPMA) is answered by the County documents establishing the UAC program. The Citizen Participation Initiative specifically requires that a UAC must comply with the OPMA in order to be recognized by King County.



## AUTHORITY

### 1. FACTUAL BACKGROUND

In 1994, King County Executive Gary Locke issued Executive Order PRE 7-1 (AEO) implementing the Citizen Participation Initiative. This Initiative was followed in 1995 by motion 9463, which provided policy direction for the implementation of the Citizen Participation Initiative. The Citizen Participation Initiative sets forth criteria UACs must meet in order to be recognized by King County, requires the establishment of County liaisons with the UACs to facilitate providing information to and receiving input from the UACs, and requires that the County consider and respond to UAC comments on matters affecting their communities.

In order for a UAC to be recognized by the County a UAC must, among other things, have bylaws, elect officers and board members, comply with the open public meetings act, and make membership open to all residents within the boundaries of the UAC.

### 2. THE UACS ARE SUBJECT TO THE PUBLIC RECORDS ACT

No case law specifically addresses whether UACs are subject to the PRA<sup>1</sup>. The PRA requires an "agency" to make public records available for public inspection and copying, with certain exceptions. The question here is whether a UAC would be considered an "agency" under the PRA. Courts liberally construe the PRA disclosure provisions to promote full access to public records and narrowly construe its exemptions. *Spokane Research & Def. Fund v. W. Cent. Cmty. Dev. Ass'n*, 133 Wn. App. 602, 606 (2006).

Under the PRA, a four factor test is used to determine when an entity is an "agency" for purposes of the PRA. These factors are: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by the government. The factors are balanced on a case by case basis. *Clarke v. Tri-Cities Animal Care & Control Shelter*, 144 Wn. App. 185, 192 (2008).

Only three cases consider whether an entity is an "agency" for purposes of the PRA; *Clarke*, 144 Wn. App. 185 (2008); *Spokane Research*, 133 Wn. App. 602 (2006); *Telford v. Thurston County Board of Commissioners*, 95 Wn. App. 149 (1999). In *Clarke*, the court concluded that a privately run corporation that provided animal control services qualified as an "agency" under the PRA. The private corporation was created by a private entity and was independent in its day to day operations, but it performed a government function and received almost all of its funding from the government.

In *Spokane Research*, the court concluded that a community development association was not an agency under the PRA. The Court concluded that in providing services to benefit low to moderate income residents, the association "simply rents space from the City, administers public

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<sup>1</sup> The Attorney General's Office has concluded, by letter opinion, that the UACs are subject to the PRA and the OPMA. (Copy attached as Exhibit #2)

and private grants, subleases space for its own benefit, and operates apart from government control."

In *Telford*, the court concluded that two organizations, the Washington Association of County Officials (WACO) and the Washington State Association of Counties (WSAC), were agencies subject to PRA requirements. WACO and WSAC were created and funded by government entities and performed a "public purpose."

Applying the four factor test to the UACs leads to the conclusion that they are subject to the PRA.

**Government Function.** The purpose of the UACs is to facilitate dialogue and input between community members and the County. UACs are encouraged to provide input to the County and County Departments are directed to respond to requests for information from the UACs. The UACs, however, are under no obligation to provide any specific input to the County, nor is the County obligated to undertake any action suggested by the UAC. The UACs are also not charged with creating, administering or enforcing County programs.

**Funding.** The UACs receive \$10,000 annually from the County. We believe this comprises the majority of the UAC's operating budget.

**Extent of Government Involvement.** The County and the UAC have an annual contract that outlines the obligations of the UAC in return for receipt of County funds. This contract gives the County the ability to review UAC records and accounts, and requires that the UACs submit accounting and monthly activity reports. Community Service Representatives, employed by the County, are responsible for working closely with the UACs. Community forums held by UACs also necessitate involvement of County officials.

**Creation.** The UAC's are registered as corporations with the Washington Secretary of State. Some of the UACs were created prior to the County's 1994-95 Citizen Participation Initiative, and others were created after the Citizen Participation Initiative.

The balancing test required under the applicable case law supports the conclusion that the UACs are subject to the PRA. While a case could be made that the UACs are independent, volunteer organizations that do not undertake governmental functions, the close interaction between the County and the UACs, as well as the extent of County funding for the UACs weigh in favor of applicability of the PRA. This is particularly true in light of the strong mandate for broad applicability of the PRA. The fact that the Executive Order and council motion incorporate the OPMA into the UAC structure also supports the conclusion that the PRA applies to UACs.

The letter from Jean Bosch also references litigation filed by Thomas Bangasser against King County, the Vashon-Maury Island Community Council and several other entities. This letter suggests that the court's decision in the Bangasser case supports the conclusion that the community council is not a governmental entity and therefore is not subject to the Public Records Act or Open Public Meetings Act. This is a misreading of the court's holding in the Bangasser case.

The Bangasser case arose out of Mr. Bangasser's appeal to the Growth Management Hearings Board of the County's decision to redesignate the old K2 site during the County's 2008 comprehensive plan update process. The Board dismissed Mr. Bangasser's appeal based on its determination that he lacked standing because he had not personally participated in the County's comprehensive plan update process. Mr. Bangasser appealed the Board's decision to superior court. Mr. Bangasser contended that he had participated before the VMICC, and that such participation was sufficient to satisfy the GMA standing requirement that he participate in the County process. The court rejected this argument, based in part on the holding that the VMICC was not a part of King County government and as such, participation before the VMICC did not constitute participation before the county. Although the court found that the VMICC was not an agency of King County government, the court did not consider the question of whether the VMICC was an agency, in its own right, subject to the Public Records Act and Open Public Meetings Act.

The court's ruling in the Bangasser case is consistent with the County's historical view of these issues. The County has consistently taken the position that UACs are not County agencies. In 2005, Deputy Director Terry Mark addressed the issue of whether a UAC is an "agency" of King County through a letter to the VMICC. Ms. Mark stated, "UACs are separate entities and are not a part of King County government. They are non-profit corporations . . ." The County is not obligated to undertake any action suggested by the UACs. Furthermore, the County's contracts with the UACs require the UACs to obtain insurance and to defend and indemnify the County for their actions.

The issue here is whether UACs are agencies under PRA, despite not being part of the County. As outlined above, we believe the UACs are subject to the PRA.

**3. THE UACS MUST COMPLY WITH THE OPMA TO BE RECOGNIZED BY KING COUNTY.**

Executive Order PRE 7-1 (AEO) provides that each UAC "shall abide by the Washington State Open Public Meetings Act." Council motion 9463 requires that UAC bylaws "provide for regularly scheduled open public meetings." Accordingly, UACs must comply with the OPMA if they wish to be recognized by King County.

**CONCLUSION**

We believe UACs are required to comply with both the PRA and the OPMA. If you would like additional information about any of the matters discussed in this memo, please let us know.



Rob McKenna  
ATTORNEY GENERAL OF WASHINGTON  
1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

November 20, 2009

Ms. Claudia Donnelly  
10415 - 147<sup>th</sup> Avenue SE  
Renton, WA 98059

RE: Unincorporated Area Councils

Dear Ms. Donnelly:

I apologize for the delay in responding to your letter received by our office on November 6, 2009. You ask whether the Unincorporated Area Councils (UAC) are subject to the state laws of the Public Records Act (PRA) and the Open Public Meetings Act (OPMA). I reviewed the materials you provided and went to King County's website to learn about the UAC's.<sup>1</sup>

I have previously concluded in 2007 that the Vashon-Maury Island Community Council (one of five UAC's) is subject to the PRA and OPMA upon a review of its website and bylaws and an executive order signed by Gary Locke as the executive of King County:

The definition of a "public agency" subject to the OPMA includes:

Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

RCW 42.30.020(1)(c).

Also, the definition of "Local Agency" subject to the PRA includes:

...every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

RCW 42.17.020(2).

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<sup>1</sup> [www.kingcounty.gov/operations/DCHS/Boards/UAC.aspx](http://www.kingcounty.gov/operations/DCHS/Boards/UAC.aspx)

## ATTORNEY GENERAL OF WASHINGTON

Claudia Donnelly  
 November 20, 2009  
 Page 2

Gary Locke's Executive Order (PRE 7-1 (AEO)) stated that the UAC's are subject to the OPMA. The King County Council approved a motion implementing the executive order and set forth criteria for the recognition of UAC's. The executive order and motion constitute an "other legislative act" under RCW 42.30.020(1)(c). Therefore I concluded that Vashon-Maury Island Community Council is an "other local public agency" (pursuant to RCW 42.17.020(2)) and a "subagency" (pursuant to RCW 42.30.020(1)(c)) of King County.

Moreover, the Vashon-Maury Island Community Council seemed to meet several of the factors outlined in *Telford v. Thurston County Bd. of Comm'rs*, 95 Wn. App. 149, 152 (1999), for determining whether an entity is the functional equivalent of a public agency and therefore subject to the PRA and/or the OPMA. Under *Telford*, the appeals court established a four factor balancing test: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by government.<sup>2</sup>

In 2007, the Vashon-Maury Island Community Council was self described in its operating policy<sup>3</sup> as:

Vashon-Maury Island Community Council operates as a participatory, non-partisan form of government, sometimes called "town meeting," (one person, one vote of all members present); it aims to:

- Represent the interests of the entire community.
- Promote a rural atmosphere and a thriving business community.
- Limit the issues brought to the VMICC to those that affect the entire community. Avoid private concerns unless they have broad community implications. Avoid partisan political activity that supports or opposes one or more political parties or individuals for public office.
- Conduct outreach to citizens and other island organizations. Assist, as we can, such individuals or groups in their dealings with other governmental bodies.
- Establish and maintain points of contact with appropriate governmental entities.
- Comply with the spirit of the open public meetings act in all operations.
- Strive to be accessible to island residents and other interested participants.
- Be a strong advocate for island issues at all levels of government (county, state, and federal).
- Seek out and consider all sides of issues in VMICC activities.
- Deal with citizens with equity and fairness.
- Be a leader in representing the changing needs of the island.

<sup>2</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=44-14-01001>

<sup>3</sup> [http://www.vmicc.org/policies\\_operation.html](http://www.vmicc.org/policies_operation.html)

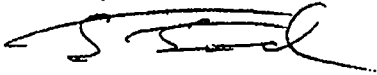
ATTORNEY GENERAL OF WASHINGTON

Claudia Donnelly  
November 20, 2009  
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These goals are to enhance citizen opportunities for public involvement and improve citizen access to information and services of King County.

As such, these UAC's fulfill a basic governmental function. It is clear from the totality of facts that the UAC's creation was formally recognized by King County and their level of governmental involvement is extensive for the express purpose of governmental planning. Using the four factor test in *Telford*, on balance, the UAC's are the functional equivalent of public agencies.

Sincerely,



TIMOTHY D. FORD  
Open Government Ombudsman

TDF:eg

cc: Toby Nixon, Washington Coalition for Open Government

KING COUNTY - PUBLIC ENGAGEMENT APPROACHES (2011) DRAFT

Approach	Description	Establishment	Composition/Membership	Roles	KC Staffing/Support	Comments
1. Citizen Participation Initiative (Status quo)	KC officially recognizes, staffs and resources independent, non-profit community organizations.	Executive Order PRE-7-1 (12/30/1994) and KC Motion 9643 (8/14/1995) KC Motions 9977 (FCUAC), 9860 (GMVAC), 9838 (NHUAC), 10708 (UBCCC), 9859 (VMICC) King County Code Title 2	General membership open to all residents within identified UAC boundaries. Board members elected by general membership. In some cases, officers selected by Board.  Options 1. Existing community groups nominate representatives 2. Executive appoints, Council confirms other members 3. Executive, Council each appoint some other members 4. Other combinations of the above	UACs: Give input to KC on policy, programs, budget, and service delivery. KC: Seek advice and comment on policy, programs, budget and service delivery.  Commission: Make recommendations to KC on policy, programs, budget and service delivery. KC: Seek advice and comment on a focused set of policy, program and service delivery issues.	-2.0 FTE Community Service Representatives -\$10K to each UAC for general support (insurance, elections, etc) -Total \$331K  -Would require staffing to support commission operations (work program, insurance, PRA requests, Financial Disclosure forms, etc.)	-Current model -UAC boundaries only cover 1/3 of unincorporated area -KC requires compliance with OPMA <sup>1</sup> -Close ties to KC means PRA <sup>2</sup> likely applicable -Could include representatives from areas with no existing community groups -Could meet monthly, quarterly, biannually, annually -Could take up local and/or regional issues -OPMA / PRA applicable; -compliance managed by KC -Not an adequate substitute for engaging directly with local communities
2. Create an Unincorporated Area Commission (per Council budget proviso)	Existing community groups send representatives to umbrella commission, which King County staffs and resources.	King County Code Title 2	Options 1. Communities nominate 2. Executive appoints, Council confirms 3. Executive, Council each appoint some members 4. Other combinations of the above	Boards / Commissions: Make recommendations to KC on a focused set of policy, program and service delivery issues. KC: Seek advice and comment on a focused set of policy, program and service delivery issues.	-Would require staffing to support up to ten new Boards / Commissions (work program, insurance, PRA requests, Financial Disclosure forms, etc.)	-Decision to disincorporate entirely up to UACs -Work program would need to be focused on County-related issues (currently, UACs may take up non-KC issues) -OPMA / PRA applicable; -compliance managed by KC
3. Create a King County Board or Commission for each unincorporated community	UACs disincorporate as non-profits and become official King County Boards or Commissions; create new Boards / Commissions for unrepresented areas	King County Code Title 2	Options 1. Executive appoints, Council confirms members 2. Executive, Council each appoint some members 3. Other options	Commission: Make recommendations to KC on comprehensive planning-related issues KC: Seek advice and comment on comprehensive planning-related issues.	- Would require staffing for commission operations (work program, insurance, PRA requests, Financial Disclosure forms, etc.)	-Comprehensive plan covers broad range of policy areas -Could cover local or regional issues, or both -OPMA / PRA applicable; -compliance managed by KC -Not an adequate substitute for engaging directly with local communities
4. Create a King County Planning Commission	Commission of residents, stakeholders and technical experts to advise King County on comprehensive planning-related issues	King County Code Title 2	KC has no role in determining composition or membership; they are independent entities	Community: Mission / Vision, Goals entirely self-determined KC: Seek general input on policy, programs and service delivery.	-Would still require staff resources to engage with all the different groups, track issues, respond to concerns	-Seek out new groups to cover more of unincorporated KC -Compliance with OPMA desired, but no longer required by KC -Greatly reduces likelihood of PRA applicability
5. Identify and engage with many different community groups, including the existing UACs (without creating new Boards or Commissions)	KC does not officially recognize or fund, but still engages with UACs (which still exist as non-profits) and actively works to identify and connect with other community groups.	KC has no role in how new groups are established; they are independent entities				

<sup>1</sup> Open Public Meetings Act  
<sup>2</sup> Public Records Act

KING COUNTY - PUBLIC ENGAGEMENT APPROACHES (2011) DRAFT

Other Service Delivery / Programmatic Ideas - Can be incorporated with any of above		How Established	Comments
Name	Description		
Create Unincorporated Area Service Districts	KC establishes service districts and interdepartmental service teams; holds regular meetings (quarterly or semi-annually) to engage with community at large	Ordinance	-Integrated service delivery model with goal of improved customer service -Could cover both local and regional issues -Work with communities to identify annual work plans, adopt MOUs similar to the one being used in Four Creeks
Establish a Community Matching Grant Program	Competitive grant program for unincorporated area projects; special events, services	Budget item	-Develop criteria for appropriate use -Provides monitoring and transparency for use of funds
Enhance existing Community Service Centers	Provide greater resources (staff and/or services) in unincorporated areas	Budget item	-Promotes greater connection to communities -Improved customer service
Establish Community Liaison Program	KC identifies existing employees to serve as liaisons to specific unincorporated area communities.	Ordinance	-Idea initially proposed to Council in 2008 budget as part of Rural Services Initiative, but overall initiative was rejected
Develop Community Group Database	King County identifies and maintains a database of existing community groups who want to interact with King County, including contact information, mission and interests/priorities.	Administrative	-Database of community groups is centrally maintained, shared with PIOs and outreach staff. -Helps to ensure that all departments are aware of and are engaging with the right groups on the right issues. -Customize our interaction with residents based on their interests

**KING COUNTY GOALS for PUBLIC ENGAGEMENT:**

**Citizen Participation Initiative (1994)**

1. Improve access to information and services provided by King County
2. Improve opportunities for meaningful involvement by citizens of unincorporated areas in decisions regarding the future of their communities
3. Make services that can be efficiently decentralized, convenient to and available in local communities

**Countywide Strategic Plan (2009)**

**Goal:** Promote robust public engagement that informs, involves, and empowers people and communities

**Objectives:**

1. Expand opportunities to seek input, listen, and respond to residents
  - Strategies:**
    - a. Develop communication channels that allow all residents ongoing opportunities to be heard and receive a timely and appropriate response
    - b. Increase and improve the use of new technology and social media tools for citizen involvement
    - c. Ensure that communication, outreach and engagement efforts reach all residents, particularly communities that have been historically under-represented
2. Empower people to play an active role in shaping their future
  - Strategies:**
    - a. Provide accurate, secure and accessible elections
    - b. Promote meaningful community participation in decisions that affect their community
3. Improve public awareness of what King County does
  - Strategies:**
    - a. Develop guidelines and standards for public engagement and education for use by all county agencies
    - b. Create a countywide plan to coordinate communication across different lines of business
    - c. Use public outreach to better communicate who we are and what we do