Committee of the Whole

Meeting Agenda

Councilmembers: Joe McDermott, Chair
               Jeanne Kohl-Welles, Vice Chair;
               Claudia Balducci, Rod Dembowski, Reagan Dunn, Larry Gossett,
               Kathy Lambert, Dave Upthegrove, Pete von Reichbauer

Staff: Patrick Hamacher, Lead Staff (206-477-0880)
      Marka Steadman, Committee Assistant (206-477-0887)

1:30 PM Monday, July 1, 2019 Room 1001

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan
King County Council, whose agenda is limited to the committee business. In this meeting only the
rules and procedures applicable to committees apply and not those applicable to full council
meetings.

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
   June 17, 2019 meeting pp. 3-6

Briefing

5. Briefing No. 2019-B0112 pp. 7-9
   Process for Filling District Court Openings
   Samantha Porter, Council staff
Discussion and Possible Action

6. [Proposed Motion No. 2019-0245](#) pp. 11-19

A MOTION relating to identifying the future allocation of Puget Sound Taxpayers Accountability Account proceeds to priority educational areas and requesting the executive to develop plans to allocate proceeds within the priority educational areas.

**Sponsors:** Mr. McDermott and Ms. Kohl-Welles

Jeff Muhm, Chief Policy Officer

Other Business

Adjournment
King County

Meeting Minutes

Committee of the Whole

Councilmembers: Joe McDermott, Chair
Jeanne Kohl-Welles, Vice Chair;
Claudia Balducci, Rod Dembowski, Reagan Dunn, Larry Gossett,
Kathy Lambert, Dave Upthegrove, Pete von Reichbauer

Staff: Patrick Hamacher, Lead Staff (206-477-0880)
Marka Steadman, Committee Assistant (206-477-0887)

1:30 PM  Monday, June 17, 2019  Room 1001

DRAFT MINUTES

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. Call to Order

   The Metropolitan King County Council’s Committee of the Whole was called to order by Chair Joe McDermott at 1:38 p.m.

2. Roll Call

   Councilmember Balducci participated by telephone, as authorized by K.C.C. 1.24.145.C.1.

   Present:  8 - Mr. Dembowski, Mr. Dunn, Mr. Gossett, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove and Mr. von Reichbauer

   Excused:  1 - Ms. Balducci

3. Approval of Minutes

   Councilmember Kohl-Welles moved approval of the June 3, 2019, meeting minutes. There being no objections, the minutes were approved.
Discussion and Possible Action

4. Public Comment on Item No. 5

The following individuals provided public comment on item no. 5:

Eric Pryne
Annie Miksch
Tag Gornell
Jane Radke Slade
Alex Tsimerman

5. Proposed Ordinance No. 2019-0228

AN ORDINANCE establishing November 5, 2019, as the date of a special election on the question of creating a public hospital district on Vashon-Maury Island; establishing the boundary lines of the proposed public hospital district; and determining the number of commissioners of the proposed district and the manner of their election.

Jeff Muhm, Chief Policy Director, briefed the Committee and answered questions from the members. Councilmember von Reichbauer moved amendment S1. The amendment was adopted.

A motion was made by Councilmember von Reichbauer that this Ordinance be Recommended Do Pass Substitute Consent. The motion carried by the following vote:

Yes: 7 - Mr. Dembowski, Mr. Dunn, Mr. Gossett, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott and Mr. Upthegrove

Excused: 2 - Ms. Balducci and Mr. von Reichbauer

Working Session
6. **Public Comment on Item No. 7**

The following individuals provided public comment on item no. 7:

Russel Brooks  
Carmen Corbin  
Mariah Mitchell  
Amy Yau  
Michael Jackson  
Erin Lovell  
Paul Lwali  
Eugene Shen  
Roslyn Kagy  
Samantha Castro  
Yasmin Hussein  
Kyla Lackie  
Eric Dent  
Sarah Reyneveld  
Rebecca Chan  
Stephan Blanford  
Ruel Olardy  
Renorlido Mixion  
Becca Meredith  
Joy Sebe  
Denise Perez Lally  
Miko Pugal  
Russell Brooks  
Colleen Liang  
Alice Park  
Shouen Pan  
Jacob Morrison  
Garrett Davis  
Josh Castle  
Richard Loo  
Larissa Reza  
Anthony Austin  
Danika Martinez  
Jeff Corey  
Amy Morrison  
Ruby Hayden  
Amanda Sandoval  
Katy Warren  
Stephan Petryczler  
Kendrick Glover  
Meredith Turner  
Lina Thompson  
Abdulghi Osman  
Ulysses Onan  
Erin Halligan  
Angelia Maxie
7. Proposed Motion No. 2019-0245

A MOTION relating to identifying the future allocation of Puget Sound Taxpayers Accountability Account proceeds to priority educational areas and requesting the executive to develop plans to allocate proceeds within the priority educational areas.

Jeff Muhm, Chief Policy Director, briefed the Committee and answered questions from the members.

This matter was Deferred

Other Business

There was no further business to come before the Committee.

Adjournment

The meeting was adjourned at 3:30 p.m.

Approved this ____________ day of ________________

__________________________________________
Clerk's Signature
SUBJECT

Briefing on the process to fill judicial vacancies in King County District Court.

SUMMARY

Currently there are two judicial vacancies in the Northeast Division of King County District Court; Positions 2 and 5. Under state law\(^1\) the King County Council, as the county legislative authority, is directed to fill district court vacancies by appointment. The King County Code\(^2\) provides a merit selection process for filling such vacancies.

Two proposed motions will be introduced to fill the vacancies. In their current form, the motions have a blank for the name of the person being appointed.

BACKGROUND

District Court is the County’s court of “limited jurisdiction” and has responsibility for traffic infractions, small claims, and misdemeanor criminal offenses in the County’s unincorporated areas, cities that do not have municipal courts and contract with the court to provide those services, and for the adjudication of “state” offenses (violations of state statute in the county or when the arresting agency is the Washington State Patrol or other state law enforcement agency). The court handles approximately 250,000 filings annually throughout the North, South, and East Divisions.

Recently, Judges David Steiner\(^3\) and Ketu Shah\(^4\) were appointed by Governor Jay Inslee to King County's Superior Court leaving Positions 2 and 5 in the Northeast Division of District Court vacant.

The merit selection process for filling these vacancies is described in KCC 2.70.020 and includes:

- Advertising existing or anticipated vacancies by the clerk of the Council;

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\(^1\) RCW 3.34.100
\(^2\) KCC 2.70
\(^3\) https://www.governor.wa.gov/news-media/inslee-appoints-david-steiner-king-county-superior-court
By the application deadline\textsuperscript{5}, candidates must have a current rating of, at a minimum, "qualified" from the King County Bar Association and at least one other bar association with an eligible\textsuperscript{6} judicial candidate evaluation procedure;

- Review and interviews of candidates by the Committee of the Whole, which then must make a recommendation to the full Council\textsuperscript{7}; and
- Final appointment by the Council through the adoption of a legislative motion.

**ANALYSIS**

In accordance with the merit selection process outlined in KCC 2.70.020, by the application deadline, eligible candidates must submit:

1. A current rating of, at a minimum, “qualified” for a district court judicial position from the King County Bar Association and at least one other eligible\textsuperscript{6} bar association operating in King County;
2. A letter of interest and résumé;
3. A copy of the completed responses to questionnaires submitted to the King County Bar Association to obtain its rating; and
4. Any supporting information the individual would like the council to consider.

Eight individuals submitted applications, six of whom appear to be eligible. Current bar association ratings for the eligible candidates can be seen in Attachment 1 to this staff report. These candidates are:

- George Bianchi
- Michelle Gehlsen
- Jill Klinge
- Kevin Peck
- Joshua Schaer
- Mychal Schwartz

Pursuant to KCC 2.70.020.G.1.b(3) the Chair of the Committee of the Whole (COW) has determined the process by which the committee will receive recommendations for selecting final candidates to be interviewed. This will involve a subcommittee of four councilmembers selected to perform the initial candidate interviews. The subcommittee members are Councilmembers Balducci, Dembowski, Lambert, and McDermott. The interviews will be conducted on July 8\textsuperscript{th} and 10\textsuperscript{th} and the final candidates will be interviewed by COW on July 15\textsuperscript{th}. Judges appointed through this process hold office until a successor is elected and qualified in the next general election, November 2020.

**ATTACHMENTS**

1. Attachment 1, Current Bar Association Ratings of Northeast Division KCDC Candidates

\textsuperscript{5} Ordinance 18561
\textsuperscript{6} KCC 2.70.020.F.2
\textsuperscript{7} KCC 2.70.020.G.1.d
\textsuperscript{8} Eligible bar associations must have a judicial evaluation process that is open to any candidate who is eligible under state law for appointment to the district court; and written procedures and criteria governing its judicial evaluation process and makes copies of such procedures and criteria available upon request.
# Current Bar Association Ratings of Northeast Division KCDC Candidates

Gray background indicates rating arrived after the deadline for the 1st vacancy.

<table>
<thead>
<tr>
<th>BAR ASSOCIATION</th>
<th>King County Bar Association</th>
<th>QLaw&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Joint Asian Judicial Evaluation Committee&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Latina/o Bar Association of Washington&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Washington Women Lawyers&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Cardozo Society of Washington&lt;sup&gt;5&lt;/sup&gt;</th>
<th>Loren Miller Bar Association&lt;sup&gt;6&lt;/sup&gt;</th>
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<td>Bianchi, G</td>
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<td>Q</td>
<td></td>
</tr>
</tbody>
</table>

EWQ = Exceptionally Well Qualified  
WQ = Well Qualified  
HQ = Highly Qualified  
Q = Qualified

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1 As described on its website, QLaw "Serves as a voice of LGBT lawyers and other legal professionals in the State of Washington on issues relating to diversity and equality in the legal profession, in the courts, and under the law."

2 As described in their judicial evaluation committee rules and procedures, JAJEC is "composed of representatives from the Asian Specialty Bars formed to evaluate candidates within the State of Washington."

3 As described on its website, "The purpose of the Latina/o Bar Association of Washington is to represent the concerns and goals of Latino attorneys and Latino people of the State of Washington."

4 As described on its website, "WWL is Washington’s largest organization dedicated to furthering the full integration of women in the legal profession and promoting equal rights and opportunities for women."

5 As described on its website, "Cardozo Society integrates legal and Jewish concerns to demonstrate the unique contributions the legal profession can make to improve the Jewish and local communities."

6 As described on its website, "The Loren Miller Bar Association is a Washington statewide organization and the local affiliate of the National Bar Association, which is the oldest minority bar and the largest organization of African-American attorneys in the United States."
SUBJECT

A motion identifying future allocations from proceeds from the Puget Sound Taxpayers Accountability Account to priority educational areas and requesting the executive to develop a plan to allocate proceeds within the priority educational areas.

SUMMARY

Motion 2019-0245 (Motion) identifies three priority educational areas, early learning; K-12 education for vulnerable and underserved youth; and college, career and technical education for the future allocation of proceeds from the Puget Sound Taxpayers Accountability Account (PSTAA). The Motion contemplates assigning percentages of future PSTAA proceeds to the priority educational areas; however, the Motion, as introduced, leaves these percentages blank. The Motion also identifies underserved populations to priorities within the priority educational areas when distributing future PSTAA proceeds.

Further, the Motion requests that the executive work with Council staff, stakeholders and the community to develop a plan to distribute PSTAA proceeds. This plan is requested to be transmitted by the executive to the Council within six months of the effective date of the motion.

BACKGROUND

Puget Sound Tax Payer Accountability Account. The Washington state legislature created an account in the state treasury called the Puget Sound Taxpayer Accountability Account as a part of the 2015 transportation funding legislation (SB 5987). The account will be funded by a sales and use tax offset fee of 3.25% of total payments made by Sound Transit on the cost of construction projects approved by voters in 2016 known as Sound Transit 3. State law exempts projects constructed with Sound Transit 3 funds from the state sales and use tax of 6.5%. State law also requires Sound Transit to pay the offset until $518 million of payments are made to the account.

PSTAA proceeds are to be distributed to King, Pierce and Snohomish counties proportionally based on each county’s population that lives within Sound Transit’s
jurisdictional boundaries. King County is estimated to receive $318 million in total funding between now and 2033.

Estimated Distributions Puget Sound Taxpayer Accountability Account ($in 000, source Sound Transit, March 2019)

<table>
<thead>
<tr>
<th>Year</th>
<th>King</th>
<th>Pierce</th>
<th>Snohomish</th>
<th>Total</th>
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<tr>
<td>2018</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>2019</td>
<td>$798</td>
<td>$305</td>
<td>$197</td>
<td>$1,300</td>
</tr>
<tr>
<td>2020</td>
<td>$9,840</td>
<td>$3,758</td>
<td>$2,427</td>
<td>$16,026</td>
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<tr>
<td>2021</td>
<td>$14,426</td>
<td>$5,510</td>
<td>$3,558</td>
<td>$23,494</td>
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<td>2022</td>
<td>$17,358</td>
<td>$6,630</td>
<td>$4,281</td>
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<tr>
<td>2023</td>
<td>$14,254</td>
<td>$5,444</td>
<td>$3,516</td>
<td>$23,213</td>
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<tr>
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<td>$6,135</td>
<td>$3,962</td>
<td>$26,161</td>
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<tr>
<td>2025</td>
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<td>$3,920</td>
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<tr>
<td>2026</td>
<td>$23,547</td>
<td>$8,993</td>
<td>$5,808</td>
<td>$38,349</td>
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<td>2027</td>
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<td>2029</td>
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<td>2033</td>
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<td>2034</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Total</td>
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<td>$121,478</td>
<td>$78,450</td>
<td>$518,000</td>
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</table>

However, the funding amounts are based on the construction timeline for Sound Transit 3 projects and results in uneven distribution of funds over the period.
**Allowable Uses.** The state law relating to the use of PSTAA proceeds was updated during the 2019 legislative session (SSB 5851) to make it clear that PSTAA proceeds could be used for both educational programs and facilities:

“Counties may use distributions from the account only to improve educational outcomes in early learning, K-12, and higher education including, but not limited to, for facilities and programs for children and youth that are low-income, homeless, or in foster care, or other vulnerable populations.” (SSB 5851)

SSB 5851 also included a provision to allow PSTAA proceeds to start endowments to improve educational outcomes in early learning, K-12 and higher education.

PSTAA funds cannot be bonded to build facilities, or any other reason, under state law.

**Council work to date.** The Council adopted Motion 15029 on December 11, 2017 which identified principles and goals for investing PSTAA proceeds. Motion 15029 also directed Council staff to work with a consultant to better understand identified strategies for meeting those goals. The consultant transmitted to the Council an educational needs assessment which outlined educational achievement gaps for King County students in early learning, K-12 and postsecondary programs, and a strategy assessment report which used national studies to assess educational related outcomes for the strategies identified in Motion 15029. On May 20, 2019 the consultant transmitted a financial analysis of strategies identified in Motion 15029 to provide a high-level per-student estimate for each strategy.

The Council also worked in partnership with the Executive’s Office of Equity and Social Justice, to hire a consultant to conduct community outreach throughout the county. The community outreach consisted community listening sessions designed to gather input from communities who had not had a chance to engage in subsequent PSTAA funding discussions and that represented targeted populations identified in Motion 15029. The team conducted 21 listening sessions, and also conducted interviews with 14 individuals with subject matter expertise in the issues of equity that face students of all ages in King County. The team’s findings were presented to the Council’s Committee of the Whole on June 3, 2019.

**ANALYSIS**

Motion 2019-0245 (Motion) identifies the same three priority educational areas previously identified by the Council in Motion 15029 for the future allocation of proceeds from the Puget Sound Taxpayers Accountability Account (PSTAA) including:

- early learning;
- K-12 education for vulnerable and underserved youth; and
- and college, career and technical education.

The Motion contemplates assigning percentages of future PSTAA proceeds to the priority educational areas; however, the motion, as introduced, leaves these percentages blank. It is anticipated that the council will amend these provisions at a future date.
The Motion also identifies the same underserved populations that were previously identified by the Council in Motion 15029 to prioritize within the priority educational areas when distributing future PSTAA proceeds which include:

- children and youth or color;
- children and youth in families with low-income; children or youth who are homeless, in the foster care system or in the child welfare system;
- children or youth who are involved in the juvenile justice system; or otherwise vulnerable children or youth.

Further, the Motion requests that the executive work with Council staff, stakeholders and the community to develop a plan to distribute PSTAA proceeds. This plan is requested to be transmitted by the executive to the Council within six months of the effective date of the motion. The Motion specifically requests the plan to include:

- a governance structure to include, but not limited to, periodic evaluation of outcomes, equity and efficacy of Puget Sound Taxpayer Accountability Account proceed investments, and potential advisory groups to inform the Council on ongoing and changing educational needs in King County throughout the life of the Puget Sound Taxpayer Accountability Account;

- criteria for allocating proceeds and for what duration;

- a financial plan based on the most recent revenue estimates from Sound Transit for the life of the account; and

- policies for potential investment of Puget Sound Taxpayer Accountability Account proceeds in facilities.

**ATTACHMENTS**

1. Proposed Motion 2019-0245
Motion

Proposed No. 2019-0245.1  Sponsors McDermott

A MOTION relating to identifying the future allocation of Puget Sound Taxpayers Accountability Account proceeds to priority educational areas and requesting the executive to develop plans to allocate proceeds within the priority educational areas.

WHEREAS, the Washington state Legislature amended chapter 81.112 RCW via Chapter 44, Laws of Washington 2015 3rd Special Session, to create the Puget Sound Taxpayer Accountability Account, and

WHEREAS, the Puget Sound Taxpayer Accountability Account is to be funded by a sales and use tax offset fee of three and twenty-five one-hundredths percent of the total payments made by a regional transit authority to construction contractors on construction projects that are:

1. For new projects identified in the system plan funded by any proposition approved by voters after January 1, 2015; and

2. Excluded from the definition of retail sales under RCW 82.04.050(10), and

WHEREAS, between 2018 and 2035, King County is projected to receive approximately three hundred fifteen million dollars from the account, and

WHEREAS, the King County council adopted Motion 15029, which identified three priority areas to invest Puget Sound Taxpayer Accountability Account proceeds,
which included:

1. Early learning;
2. K-12 education for vulnerable and underserved children and youth; and
3. College, career, and technical education, and

WHEREAS, Motion 15029 also included goals and principles to guide investment of Puget Sound Taxpayer Accountability Account proceeds, and

WHEREAS, Motion 15029 also directed council staff to work with a consultant, executive staff and stakeholders to develop an implementation plan for Puget Sound Taxpayer Accountability Account proceeds and to explore the educational needs for students in King County and the impacts of different strategies to meet those educational needs as well as a financial analysis of those strategies, and

WHEREAS, the educational needs assessment and impact assessment of nine different strategies were completed on November 5, 2018, and the financial analysis was completed on May 20, 2019, and

WHEREAS, council staff conducted further community engagement work with executive staff and a consultant by conducting fourteen subject matter expert interviews and facilitating twenty-one community listening sessions throughout King County from March 14, 2019, to May 17, 2019, and

WHEREAS, it is estimated by Sound Transit that nearly ten million dollars in Puget Sound Taxpayer Accountability Account proceeds will be available to King County during the 2020 calendar year, and

WHEREAS, the state Legislature clarified during the 2019 legislative session that the Puget Sound Taxpayer Accountability Account could be used for investments in
facilities;

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

A. It is the intent of the council to direct Puget Sound Taxpayer Accountability Account proceeds to the three priority educational areas identified in Motion 15029 as follows:

1. XXX percent of Puget Sound Taxpayer Accountability Account funds over the estimated fifteen-year life of the fund should be invested to improve education outcomes for early-learning aged students in King County;

2. XXX percent of Puget Sound Taxpayer Accountability Account proceeds over the estimated fifteen-year life of the account should be invested to improve educational outcomes for vulnerable and underserved K-12-aged students in King County; and

3. XXX percent of Puget Sound Taxpayer Accountability Account proceeds over the estimated fifteen-year life of the account should be used to improve educational outcomes for students in college, career and technical education in King County.

B. It is further the intent of the council to equitably invest Puget Sound Taxpayer Accountability Account proceeds as described in Section A. of this motion in programs and facilities designed to improve educational outcomes for students in the underserved populations identified in Motion 15029, including: children and youth or color; children and youth in families with low-income; children or youth who are homeless, in the foster care system or in the child welfare system; children or youth who are involved in the juvenile justice system; or otherwise vulnerable children or youth.

C. In order to ensure predictability, accountability and transparency for future
distribution of Puget Sound Taxpayer Accountability Account proceeds, the council requests that executive staff work in consultation with council staff, service providers and the community to develop a draft implementation plan for investment of Puget Sound Taxpayer Accountability Account proceeds for each of the priority educational areas identified in section A of this motion. The draft implementation plan should reflect the priorities identified in section B of this motion and should include recommendations for:

1. a governance structure to include, but not limited to, periodic evaluation of outcomes, equity and efficacy of Puget Sound Taxpayer Accountability Account proceeds, and potential advisory groups to inform the council on on-going and changing educational needs in King County throughout the life of the Puget Sound Taxpayer Accountability Account;

2. criteria for allocating proceeds and for what duration;

3. a financial plan based on the most recent revenue estimates from Sound Transit for the life of the account; and

4. policies for potential investment of Puget Sound Taxpayer Accountability Account proceeds in facilities.

D. The draft implementation plan requested by this section should be transmitted by the executive to the council no later than six months after the effective date of this motion. The draft implementation plan should be 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 to committee of the whole, or its successor.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

________________________________________
Rod Dembowski, Chair

ATTEST:

________________________________________
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of ______________, ______.

________________________________________
Dow Constantine, County Executive

Attachments: None