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MOTION NO.

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A MOTION requesting the Office of the Prosecuting Attorney to seek leave to file and to file an amicus curiae brief on behalf of King County with the U.S. District Court in the case of Cunningham et al v. METRO for the purpose of informing the court of the Regional Governance Summit process and to request that the court allow sufficient time for the summit process to complete its discussion of governance before requiring a remedy to be implemented.

WHEREAS, the Honorable William L. Dwyer, Judge, United States District Court for the Western District of Washington, has entered an order in the case of Cunningham et al v. Municipality of Metropolitan Seattle (METRO), No. C89-1587WD, declaring that the current system of selecting Metro Council members results in impermissibly disproportionate representation, and hence violates the Equal Protection Clause of the 14th Amendment to the United States Constitution, and

WHEREAS, on October 23, 1990 the court established a schedule for the parties to the suit to file briefs regarding what remedy should be imposed, if any, by the court and when such remedy would be required to be implemented, and the court has set a date of November 19, 1990 to hear oral argument on the remedy issue, and

WHEREAS, King County and representatives of the City of Seattle and suburban cities of King County are actively involved in a process known as the Regional Governance Summit Process to discuss the alternatives for governing the provision of services to citizens throughout King County, including those services presently performed by METRO, and

WHEREAS, the members of the King County Council informally agreed at the conclusion of the first Regional Governance Summit meeting to defer placing a ballot proposition before the voters regarding the potential assumption by King

1 County of the powers and obligations of METRO until the summit  
 2 process has an opportunity to attempt to reach consensus on the  
 3 appropriate method for providing regional services governance  
 4 and the present schedule calls for the summit to develop a  
 5 proposal by April 1991, with public comment and hearings on any  
 6 proposal to occur during April and May, 1991 with any ballot  
 7 proposition to be submitted to the voters in the fall of 1991;

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

9 . The Office of the Prosecuting Attorney is requested to  
 10 consult with the Executive and legal counsel to the Council and  
 11 to file on behalf of King County a motion with the court  
 12 requesting leave to file an amicus curiae brief and a brief  
 13 with accompanying affidavits setting forth to the court the  
 14 history of the Regional Governance Summit process, its schedule  
 15 and work program, and the request that the court allow the  
 16 Regional Governance Summit process to reach its conclusion  
 17 before requiring that a remedy be implemented to cure the  
 18 constitutional defect in the method of selection of METRO  
 19 Council members. The brief shall not adopt or recommend any  
 20 particular remedy other than that any remedy should be  
 21 consistent with the principles of representational government.

22 PASSED this 29<sup>th</sup> day of October, 1990.

23 KING COUNTY COUNCIL  
 24 KING COUNTY, WASHINGTON

25 Lois North  
 26 Chair

27 ATTEST:

28 Ronald A. Foster  
 29 Clerk of the Council