



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 25, 2002

Ordinance 14514

Proposed No. 2002-0436.2

Sponsors Patterson, Sullivan, Lambert,
Constantine, Edmonds, Irons,
Gossett, McKenna and Pelz

1 AN ORDINANCE establishing the King County
2 commission on governance.
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4

5 **PREAMBLE:**

6 King County has been a home rule county since the freeholders wrote and
7 the voters approved the county charter in 1969.

8 Section 800 of the King County Charter requires that at least once every
9 ten years, the executive appoint a charter review commission of at least
10 fifteen citizens with at least one from each geographic council district to
11 review the charter and make recommendations on charter changes.

12 Since the voters approved the county charter in 1969, the county charter
13 has been reviewed by a charter review commission four different times:
14 1970-71, 1976-77, 1987-88 and 1996-97.

15 Since King County was organized in 1852, the government has undergone
16 numerous internal reorganizations to streamline departmental operations

17 and create efficiencies in an effort to adapt to the public's need for
18 services.

19 In 1992 the voters of King County and the city of Seattle voted to approve
20 the merger of King County government and Metro. The merger involved
21 a two-year transition and took effect on January 1, 1994.

22 State law and the county charter establish separate branches of county
23 government. The legislative branch has a thirteen-member elected county
24 council. The executive branch has an elected county executive. The
25 County also has a separately elected assessor and sheriff. The prosecuting
26 attorney is also a separately elected county official. In addition, under
27 state law, the county supports the functions of the superior and district
28 courts, each with elected judges.

29 The legislative branch is the policy making body and possesses powers to,
30 among other things, adopt and enact ordinances, levy taxes authorized by
31 the state, appropriate revenue, adopt budgets and adopt labor policies.

32 The council has adopted several labor policies providing general and
33 specific direction to the executive for negotiating labor agreements and
34 operating county government.

35 Any changes or additions to the county's labor policies must be approved
36 by the council's labor policy committee.

37 The executive branch is responsible for, among other things, operating
38 county government, delivering county services, establishing management

39 policies and presenting an annual budget to the county council for review
40 and approval.

41 Certain elements of county government are the responsibility of separately
42 elected officials, including the assessor, fifty-one superior court judges,
43 twenty-six district court judges, the prosecuting attorney and the sheriff.

44 King County's total 2002 budget of \$2.9 billion is supported by a variety
45 of revenue sources including, but not limited to, property taxes, sales taxes
46 and fees for service.

47 King County does not have the legal authority to assess a business and
48 occupational tax or utility tax, as do municipalities such as the city of
49 Seattle.

50 Most of the county's revenues – \$2.4 billion of the \$2.9 billion total – are
51 expressly restricted by state law to the purposes for which they are
52 collected.

53 The remaining revenues of approximately \$500 million, which constitute
54 the county's current expense (CX) fund, are the only funds available to
55 fund many additional county services.

56 Some of the services funded by the county's CX fund are required by the
57 United States and Washington state constitutions, state law or the county
58 charter, while others are not so required.

59 Services required by state law include, but are not limited to, law
60 enforcement, courts, adult and juvenile detention, prosecution and indigent
61 defense, some services related to public health, elections, property tax

62 assessment and collection. Additionally, the county charter requires that
63 there be an elected executive and an elected council.

64 Sixty-eight percent of the 2002 CX budget is devoted to the criminal
65 justice system, followed by eighteen percent for governmental services,
66 seven percent for public health and health and human services, six percent
67 for parks and recreation and one percent for capital projects.

68 Due to a severe and continuing fiscal shortfall, King County can no longer
69 sustain its CX fund services at existing levels.

70 The fiscal shortfall has been brought about by several factors, including:

71 A. Annexations and incorporations that have reduced the county's
72 sales tax revenues from what it would have been without an equal

73 reduction in its responsibilities;

74 B. Increased demand for services;

75 C. Increased cost of providing those services;

76 D. Initiative-driven limits on taxes; and

77 E. The current economic recession.

78 This fiscal crisis has required the county to reduce the CX fund budget by
79 \$41 million in 2002 and will require the county to reduce the CX fund
80 budget by \$52 million in 2003, with additional reductions of \$24 million
81 in 2004 and another \$24 million in 2005, for a total of \$141 million over
82 four years.

83 A deficit of this magnitude will require the county to resize CX-funded
84 services and to make difficult choices among all of the services the county
85 provides.

86 In response to the budget crisis, the executive has created the King County
87 general government budget advisory task force. The work of this task
88 force is to begin in October 2002 and conclude by June 2003. The
89 mission of this task force is to examine the county's current expense fund,
90 programs, policies and budgets and to make recommendations regarding
91 policy and operational changes that may provide appropriate revenues in
92 support of CX programs.

93 The charter directs that the council adopt a balanced budget by December
94 1 of each year for the following fiscal year that begins on January 1.

95 The county is committed to ensuring democracy for all citizens, such that
96 they are fairly and effectively represented on the council, and that the
97 council performs its oversight functions as required by state law and
98 county charter.

99 During these times of fiscal deficits, the council is leading by example
100 such that in 2003, it will reduce its own expenditures by approximately
101 \$2.2 million, or about fifteen percent.

102 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

103 SECTION 1. Establishment – definition. The King County commission on
104 governance is hereby established. For the purposes of this ordinance, "the commission"
105 means the King County commission on governance.

106 **SECTION 2. Purpose.** The purpose of the commission is to study, identify
107 options for change and make recommendations to the executive and the council
108 addressing issues relating to the provision of current expense fund services, the funding
109 of those services and the county's governance structure.

110 **SECTION 3. Membership – appointment process, requirements and**
111 **restrictions.**

112 A. The commission shall consist of nine voting members. The members shall be
113 appointed by the executive from nominations submitted by a selection committee
114 consisting solely of the county executive, the chair of the council, the prosecuting
115 attorney and the presiding judge of the superior court. The selection committee shall
116 reach consensus on all nominations to the commission. The appointments shall be
117 subject to confirmation by the council.

118 B. When making nominations to the commission, the selection committee shall
119 appoint at least one member from academia and higher education, one member from
120 organized labor and one member from business and industry.

121 C. When making the remaining nominations to the commission, the selection
122 committee should consider candidates representing the following categories of
123 professional experience: accounting and finance; law, criminal justice and law
124 enforcement; academia and higher education; municipal government; public
125 transportation; roads and freight mobility; organized labor; the clergy; business and
126 industry; real estate and land use; social and human services; and environmental
127 conservation. The selection committee should also consider candidates representing
128 different geographic areas within the county, racial and ethnic backgrounds and gender.

129 D. All appointees should have:

130 1. Either or both a working knowledge of local government operations and
131 financing, or significant experience in one or more of the professional categories listed in
132 subsections B and C of this section;

133 2. A strong commitment to responsible, effective and efficient government in
134 King County;

135 3. An ability to work with differing viewpoints to find solutions to complex
136 problems; and

137 4. A willingness to commit the time necessary to attend commission meetings
138 and activities.

139 E. No appointee shall hold or be a candidate for elected office while serving on
140 the commission.

141 F. The selection committee shall submit all nominations to the executive and the
142 executive shall transmit to the council the appointments to the commission, including
143 names and contact information of the nine commission members, by December 6, 2002.

144 **SECTION 4. Recommendations – referral to the committee-of-the-whole.**

145 Any policy recommendations issued by the commission that require council approval
146 shall be referred to the committee of the whole for review and consideration.

147 **SECTION 5. Responsibilities.**

148 A. Before undertaking its other responsibilities identified in this ordinance, the
149 commission shall elect officers and adopt administrative procedures.

150 B. The commission shall study and advise the executive and the council on the
151 items listed in this subsection. The commission shall consider the items listed in this
152 section in sequential order as follows:

153 1. Whether or not the services and service areas historically funded by the
154 current expense fund should be provided to the public by King County and, of those
155 current expense fund services determined by the commission as not being appropriate for
156 King County to provide, whether or not those services should be provided by another
157 entity, be it public, nonprofit or private. The commission is not charged with identifying
158 what other specific governmental jurisdictions or other entities should be responsible for
159 providing specific services. The services to be considered are those funded by the current
160 expense fund and include services in the following appropriation units, programs or
161 departments: county council, council administration, hearing examiner, council auditor,
162 ombudsman/tax advisor, King County Civic Television, board of appeals, county
163 executive, office of the executive, budget office, finance, sheriff, drug enforcement
164 forfeits, parks and recreation, office of emergency management, licensing and regulatory
165 services, executive services-administration, human resources management, cable
166 communication, property services, facilities management, records and elections,
167 prosecuting attorney, prosecuting attorney-antiprofitteering, superior court, district court,
168 judicial administration, state auditor, boundary review board, salary and wage
169 contingency, executive contingency, internal support, assessments, current expense
170 transfers, adult and juvenile detention, community services and public defense;

171 2. How each of the services and service areas identified in subsection B.1 of this
172 section should be provided to ensure long-term efficiency and accountability on the part
173 of King County, including:

174 a. Recommendations, if any, to change or improve service delivery systems;
175 and

176 b. Recommendations, if any, regarding current employment policies;

177 3. How each of the services and service areas identified in subsection B.1 of this
178 section should be paid for by King County to ensure adequate long-term funding,
179 including:

180 a. The need, if any, and recommendations, if any, for changes to the current
181 expense fund revenue structure and actions necessary for implementing or securing those
182 changes identified by the commission; and

183 b. The need, if any, and recommendations, if any, for a dedicated revenue
184 source to fund specific services or broad service areas;

185 4. How the county's governance structure and governance policies should be
186 changed, if at all, for the following items:

187 a. The need, if any, and recommendations, if any, to change the designation of
188 any elected county office as a partisan or nonpartisan office;

189 b. The need, if any, and recommendations, if any, to change the designation of
190 any elected county office from elected office to appointed office;

191 c. The need, if any, and recommendations, if any, to change the size and
192 structure of King County government, including all elective county offices; and

193 d. The need, if any, and recommendations, if any, to change the size and
194 structure of the council, including number of councilmembers, staffing and salaries.

195 C. The commission shall issue progress reports to the council at the end of each
196 calendar quarter, with the first report due on March 31, 2003. Once the commission
197 finalizes a recommendation for any given responsibility identified in subsection B of this
198 section, the commission shall include the recommendation and related work product,
199 associated with that responsibility in the next quarterly progress report to the council.
200 The commission shall issue a final report to the council by March 31, 2004, including a
201 needs assessment and recommendations for action on the issues identified in subsection B
202 of this section.

203 D. It is the intent of the council that the commission shall operate under the
204 premise of consensus. For purposes of the commission, the consensus process shall be
205 one in which all commission members aim to reach agreement on actions and outcomes
206 that resolve or advance issues related to the responsibilities of the commission. In the
207 consensus process, participants shall work together to design a process that maximizes
208 their ability to resolve their differences.

209 E. All commission meetings shall be open to the public. The commission shall
210 hold a minimum of two public hearings to solicit testimony from the public prior to
211 submitting the final report to the council.

212 F. It is the intent of the council that the commission and the general government
213 budget advisory task force created by the executive shall work together and share
214 information when appropriate.

215 **SECTION 6. Staffing and operations.**

216 A.1. The commission shall identify an independent contractor or contractors to
217 support the commission and shall request that the chair of the council enter into contracts
218 to provide such services. The chair may enter into such contracts, subject to the
219 limitations on consultant contracts provided in the council's organizational motion. The
220 contractor or contractors selected shall assist the commission in two areas as follows:

- 221 a. a technical consultant to conduct independent research and analysis; and
- 222 b. a facilitator to assist with the deliberations of the commission members and
223 to prepare the final report of the commission's findings.

224 2. Two separate contracts shall be entered into for technical consulting and
225 facilitation.

226 B. The commission may select one contractor to fulfill both sets of duties or two
227 contractors to separately fulfill the duties described in subsection A of this section. The
228 contractor or contractors selected shall have the appropriate level of expertise and
229 relevant experience necessary to support the commission. If two different contractors are
230 selected, then those two contractors shall work together where appropriate to support the
231 commission.

232 C. The council's chief of staff or other staff person designated by the chair of the
233 council shall assist with coordinating the staffing and operation of the commission.

234 D. It is the intent of the council that a portion of the savings accrued through the
235 reductions to the council's budget shall be used to cover costs associated with staffing the
236 commission.

237 E. County staff persons in all departments and all branches of government shall
238 be available to answer questions and provide information to the commission. The
239 prosecuting attorney's office shall provide legal assistance to the commission.

240 SECTION 7. Compensation and reimbursement. The county shall reimburse
241 commission members for mileage at the standard county reimbursement rate for travel
242 within the county to and from scheduled commission meetings. The county shall provide

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243 parking space free of charge in the county garage to commission members while
244 attending meetings where commission business is conducted.
245

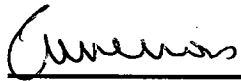
Ordinance 14514 was introduced on 9/9/2002 and passed by the Metropolitan King County Council on 11/25/2002, by the following vote:

Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 1 - Mr. Pullen
Excused: 1 - Mr. McKenna

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

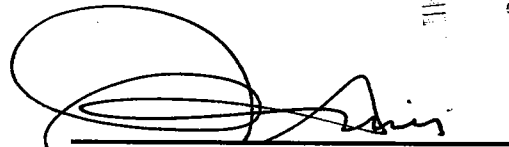

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 6 day of December, 2002.



Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments None