



King County

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CHARTER REVIEW COMMISSION

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King County Charter Review Commission
Rural/Local Subcommittee
Meeting Minutes – January 23, 2007
KC Chinook Bldg., 5:30pm-7:30pm

The meeting of the King County Charter Review Commission, Rural/Local Subcommittee was called to order at 5:35 p.m.

Commission members in attendance:

John Jensen
Jim English
John Groen
Terry Lavender
Mike Lowry
Allan Munro

Staff:

Corrie Watterson Bryant, Project Manager, Charter Review Commission
Becky Spithill, Project Manager, Charter Review Commission

County Staff:

Ross Baker, Chief of Staff, King County Council
Rod Brandon, Executive's Office
Bob Burns, King County DNRP
Rebecha Cusack, King County Council
Pete Ramels, Prosecuting Attorney's Office
Mike Sinsky, Prosecuting Attorney's Office

Guests:

Tom Carpenter

1. Deputy Executive of Rural Affairs

Mr. Jensen opened the discussion of the Deputy of Rural Affairs and Preamble. He spoke to the question of whether the Deputy position and Preamble should include responsibility for urban unincorporated as well as rural incorporated areas, and argued that given that the urban

unincorporated areas will not all be annexed within the next 10 years, that we should consider including those areas.

Ms. Lavender offered a version of the language that includes both urban and rural unincorporated areas. She said this was important because there are such a large number of residents in urban unincorporated areas. In addition, she argued that passage of this amendment depends on including this large population. Ms. Lavender noted that while we want to encourage urban unincorporated residents to incorporate, we do not want to leave them out of the higher level of service that will be provided by the Deputy.

Gov. Lowry agreed that it made sense to include both urban and rural unincorporated areas.

Mr. English also agreed, as many of the urban unincorporated areas would not be annexed anytime soon.

Mr. Groen agrees with Ms. Lavender's language. We do not want to constrain and restrict the types of strategies that might be promoted. We want to create the most flexibility.

Ms. Lavender agrees with Mr. Long's suggestions about Regional Committees language.

Mr. Jensen recognized Mr. Carpenter in the audience. Mr. Carpenter said that "quality of life" is a good phrase to use for the Preamble, rather than economic and environmental viability. On the Regional Committees language forwarded by Mr. Long, Mr. Carpenter recommends language such as "While assuring their local support until transition occurs."

Mr. English notes that the CAO was an irritating situation for many rural residents, who felt railroaded and that they had little control over the process. He thinks we should add something about high-level representation to the Deputy position description. We want to be sure that this position represents the interests and sentiments of the rural, unincorporated residents and can voice their concerns.

Mr. Groen said that anytime you give lawyers more words, you have the potential to run into problems. A balance should be achieved.

Mr. Jensen again recognized Mr. Carpenter, who recommends that the committee draft a piece about the responsibilities and duties of this position. Mr. English and Mr. Carpenter will work on this.

Ms. Lavender asks if the word "strategic" in "strategic planning" actually means anything.

Gov. Lowry agrees.

MOTION: Terry moves that we strike the word "strategic" from the existing language.

Motion was seconded and unanimously approved.

2. Preamble

Ms. Watterson presents two versions of the Preamble language. The biggest change is changing the word “functions” to “services.”

Ms. Lavender argues to adding “governance and services” instead of “functions,” to capture both the importance of outcomes, which is what citizens see, as well as the need for leadership (governance).

MOTION: Allan motions that we add “governance and services” in Gary Long’s version, insert a comma after “economy”, strike “functions”, and move this version forward to next meeting on February 5.

Motion was seconded and unanimously approved.

3. Open Space Amendment

Ms. Lavender provided background and history on open space protection and King County citizen support of open space. Seattle passed a 1997 amendment that put the question before voters if any parkland was to be taken out usage as a park.

Purpose of the open space amendment:

- 1) Preserve resource forestry base
- 2) Preserve ecological lands that are irreplaceable

Ms. Watterson reviewed the current language on the table.

Mr. Jensen noted that CFT funded lands do not necessarily protect lands in perpetuity. The OSA would protect these lands in perpetuity unless the majority votes to remove them from charter protection, and that it would allow the lands to be controlled by the entire citizenry of the county.

Mr. Groen disagreed with the amendment. He said that he supports the purchase and preservation of land, but does not think protection should be accomplished through the charter, but rather through ordinance. This is specific policy pertaining to specific parcels of property. We should be focused on how our charter is set up for the operation of government in our county. This is not appropriate for the charter. The charter is not a tool for policy implementation. The amendment also seeks to tie the hands of future policy makers. We need to leave things broad and open in order to leave open issues for future policy makers. There are also legal questions about the amendment.

Ms. Lavender argued that public lands are a matter of public values, and that voters of King County have repeatedly indicated that open space is valued.

Mr. Munro said that what is persuasive to him is that we may need close-in agricultural land in the future, and once it is turned into urban sprawl that cannot be undone.

Mr. Jensen said that this amendment sets an appropriately higher bar in preventing the divestment of this land.

Mr. Groen believes that this amendment binds the hands of future Councilmembers, that properties should also not go on the list without a vote of the people, and that the amendment creates a risk of opening the door for future abuses of the charter.

Mr. Brandon argued that because the voters can vote a property off the list, the will of the people could change the list. The hands of future legislators are not tied. The door is opened for high-level issues that future Commissioners will want to look at.

Gov. Lowry said in support of the amendment that 1) the public will be voting on this list of properties as a charter amendment, and so does not become law without a vote of the people and 2) he is nervous about a given movement being able to come in and pass something and then losing the natural resources. We have charters to protect against short-term actions. I support this charter amendment.

Mr. English agrees with Ms. Lavender, but also thinks that perhaps we are putting too much specificity into the charter with this list of properties. We should keep it general as we can. Can you not accomplish the same thing with a simple amendment directing Council to pass an ordinance?

Ms. Lavender replied that it is as brief as possible while including necessary exclusions.

Mr. Ramels said that as a matter of law, you're not prohibited from including more substantive provisions such as the OSA into the charter. The Council can, in its own judgment, decide what are appropriate additions to the list of properties.

Mr. English replied that he believes our mission is to tweak the charter, not dramatically change it.

Mr. Munro said that he does not believe that this will open the floodgates, and that other attempts to place policy issues in the charter will stand on their own merits.

Mr. Jensen passed the chair's gavel, and then said that the OSA will take a vote of the people and that the public will have to make the decision. We do not trust Council with anything in the charter— it has to go to the vote of the people. These properties deserve special protection, because these lands do not necessarily have the vocal constituency to protect them as, say, a ball field or park might.

Mr. Groen asked why we do not require a vote of the people to vote properties on as well as off the list.

Ms. Lavender said that the initial list would go before the people.

Mr. Groen said that future properties that are added would *not* require a public vote, however.

Mr. Burns noted that the County acquires property each year and there would not be a public vote every time new properties are acquired.

Ms. Lavender noted that the majority of the response she has received from open space advocates is to ask that the list be longer.

Mr. Groen asks about the definition of high conservation value properties, and whether it excludes properties inside urban growth areas.

Ms. Lavender said that the urban growth boundary is not set in stone for perpetuity, but that a criterion for inclusion on the list is that the property be outside the growth boundary.

Ms. Cusack asks if this amendment is illegally binding the hands of future councils.

Mr. Ramels said that this is not a legislative body binding the hands of a future legislative body, but rather a vote of the people directing the council to develop this list. He notes that, unlike a statute, the constitution may bind a legislative body.

Gov. Lowry suggests that we could change the amendment to have periodic votes to add properties. The council would periodically propose an amendment to the people to add new properties to the inventory.

Mr. Groen suggests that we reconsider this idea at our next meeting on February 5.

Mr. Groen notes that the charter amendment does not actually include a list.

Gov. Lowry counters that the voters will see a list of properties, such as with Forward Thrust and its list of projects.

Ms. Cusack reports that the Council generally likes the concept of the OSA. The members find it innovative but also would like the commission to look at unintended consequences.

Ms. Lavender and Mr. Ramels then explained more about the specific language of the amendment.

Gov. Lowry called for staff to develop new language to be developed for adding new properties via a vote of the people.

Mr. Groen also supported broadening the language “purposes can no longer reasonably be fulfilled.”

4. Councilmember Lambert’s Appointment Letter

Councilmember Lambert presented the Commission with a letter regarding the appointment of department heads, and a request that they be reconfirmed every few years. The committee found that this committee should not be the one to act on this issue.

Next Meeting: February 5, 2008
Meeting adjourned: 7:30 pm

Respectfully submitted by: Corrie Watterson Bryant