



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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**King County Charter Review Commission**  
**Rural/Local Subcommittee**  
**Meeting Minutes – February 5, 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 5:31 p.m.

**Commission members in attendance:**

Allan Munro  
John Jensen  
Jim English  
John Groen  
Terry Lavender  
Gary Long  
Mike Lowry  
Mike Wilkins

**Staff:**

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

**County Staff:**

Bob Burns, King County DNRP  
Rebecha Cusack, King County Council  
Pete Ramels, Prosecuting Attorney's Office  
Mike Sinsky, Prosecuting Attorney's Office  
Nick Wanger, King County Council

**Guests:**

Tom Carpenter  
Dick Bonewits

## 1. Introduction

Mr. Jensen notes that the Contracting amendment will be brought back before this committee on February 26; a meeting is being held between labor leaders and members of the committee next week.

## 2. Deputy Executive of Rural Affairs

Mr. Jensen summarizes the Deputy issue, including questions about the seniority level at which the position should be created and whether the urban unincorporated areas should be included in the position.

Mr. Long spoke against including urban unincorporated areas in the scope of the Deputy's duties. Given that the urban unincorporated areas are home to several hundred thousand people, and that many these areas will require active facilitation to incorporate, Mr. Long believes that rural unincorporated residents will not receive adequate attention if urban unincorporated residents are included. He also noted that if this person is to focus effectively on the long-term interests of the county, and has responsibility for urban unincorporated areas, the position must be explicitly responsible for phasing services to urban service providers.

Executive Chief of Staff Kurt Triplett addressed the commissioners regarding the Deputy issue. Mr. Triplett stated that the Executive Office's stance with regard to the Commission has been 'hands off', to allow the Commission to do its work. However, Mr. Triplett has spoken with Executive Sims about the Deputy proposal. The Executive has concerns about the current proposal.

Concerns include that:

- This would be the only position like this in the Charter. It opens the door to including other issue-related positions in the Charter, such as public health, criminal justice, or water quality. These areas affect even more people than reside in the unincorporated areas.
- If you assume good faith toward the rural areas on the part of the Executive Office, this position is not needed, and if you assume bad faith, the position will not achieve much without the Executive's cooperation.
- There is a very real danger that a Deputy of Rural and Unincorporated Affairs position may turn into the new Sheriff or Elections Director, and be turned into another separately elected position.

The Executive believes that there is a better way to implement this idea. Mr. Triplett reports that they believe that the Executive should instead be tasked, in the Charter section on the Executive's duties, for implementing a position that is responsive to the rural and unincorporated areas. The Council would also be tasked in their Charter duties with the responsibility to create a structure that served unincorporated citizens; the Council could find that the position inside the Executive Office fulfilled this responsibility, or not.

This solution would allow flexibility, to create an obligation but not a specific solution. Over time, a department may be the answer, or a new commission. This solution gives county government flexibility into the future.

Mr. Munro stated that his view of this position is that as soon as urban areas are annexed, then a deputy of rural affairs could assume responsibility for the services provided to the rural areas. In the long run, this position would make more and more sense and accrue more and more responsibilities.

Mr. Triplett responded that the Executive Office had examined the idea of a rural affairs department. Mr. Sims believes we need to do a better job of serving the rural areas. However, we couldn't make it work in a way that would make some sense and create better service.

He noted that there is a danger in creating position in the Charter without understanding exactly how it would work. It would be better to obligate the Executive and Council to create a solution, but not specify exactly the form of this solution.

Ms. Lavender stated that positions come and go relatively quickly, such as the Basin Stewards. She asked how you guarantee sustained attention on the unincorporated issues without a Charter amendment.

Mr. Triplett responded that we could task the County Council with the Charter-based responsibility to ensure that a structure exists in county government that is responsive to rural areas. That is a permanent obligation, but allows variation in exact implementation.

Mr. Long stated that Councilmember Phillips has supported the idea of this position serving both urban and rural unincorporated areas. He asked for Mr. Triplett's position on this issue.

Ms. Lavender said that she would not characterize Mr. Phillips' position more than because there are urban unincorporated residents who will not annex for a long time, that those residents also need attention. She did not believe that Councilmember Phillips intended that this position should facilitate annexation.

Mr. Jensen suggested that the subcommittee should invite the Executive to submit language to this committee and to table consideration of the Deputy issue until the next meeting on February 26.

Gov. Lowry and Mr. English expressed support for the idea of examining the Executive's proposal further. Mr. Triplett committed to providing the committee with proposed language by February 8.

Mr. Long reiterated that the urban unincorporated transition/annexation issue needs attention. County departments are often at odds in their treatment of the annexation issue. Clarifying the county's position and responsibilities would be helpful.

### **3. Preamble**

Ms. Watterson stated that the committee agreed to add the phrase ‘governance and services’ at our last meeting. Mr. Long said that he wouldn’t have included governance, but that the language is good overall. Ms. Lavender said that just ‘services’ was too utilitarian, and didn’t include a broad enough scope of government responsibilities.

Mr. Groen argued that the language should be broad, and include an emphasis that we’re concerned with both local and regional issues. The word ‘governance’ is appropriately broad.

Ms. Lavender moved to accept the language on the table. Mr. Jensen seconded the motion. The committee voted unanimously to accept the language and forward the proposal to the full Commission for a first hearing at the February 26 meeting.

#### **4. Regional Committees**

Mr. Long recommends that this amendment, adding urban transition to the duties of the regional committees, be put on hold until we hear from Mr. Triplett, because this language was an attempt to include the responsibility for urban transition in the Deputy’s duties.

Mr. Wilkins notes that this is a good issue for the regional committee stakeholders to discuss, to ensure minimum and appropriate standards of service. He believes however that it’s best to not specify the kinds of issues that go to the regional committees, at this juncture.

Mr. Long responded that this language could provide more clarity in the Charter on the responsibility of the county with regard to unincorporated/urban issues.

Mike stated that it was desirable to have some place in the Charter that states that the county has a different kind of duty to urban residents than rural residents.

Ms. Lavender disagreed, stating that she doesn’t believe that every unincorporated urban area will be incorporated over time. There are pockets inside the Urban Growth Boundary that will never annex. She doesn’t believe we should be broadly dictatorial about annexation.

Mr. Wilkins responded that he was referring to Potential Annexation Areas only.

Mr. Long said that the county isn’t prepared to provide municipal services at a level that is expected by the citizens, and argued that the county needs to direct its policy to encourage annexation although it can’t mandate incorporation transitions.

Mr. English stated that his perception is that this language will help communities annex.

Mr. Munro moved to accept the proposed language, adding the words “facilitate” and “areas,” and to reconsider the language at the next committee meeting on February 26.

Ms. Cusack suggested that any language on this topic be sent to all of the regional committees stakeholders.

## **5. Open Space Amendment**

Ms. Lavender gave an update on the OSA language. An element has been added to require that properties be subject to a majority vote of the people to be *added* to as well as removed from the inventory. The Council would still decide whether and when properties would be submitted to the voters to add or remove them from the inventory. The committee still needs to decide whether we should require a finding of the Council to remove a property from the inventory, or whether the Council should be permitted to initiate a removal (via submitting it to the voters) without a finding that the land is no longer fulfilling the purposes for which it was required.

Mr. Groen presented a series of issues and legal questions regarding the amendment. He stated that there are legal problems with voters adding or removing properties from the inventory. There is a 2000 Washington Supreme Court case that states that automatically placing an item on the ballot illegally circumvents signature-gathering requirements.

In addition, adding and removing properties would constitute an administrative rather than a legislative action, which would be prohibited by law. Administrative actions cannot be performed by initiative or referendum for admin action. The test of administrative vs. legislative is whether the initiative creates new law, or merely executes law already in existence. Altering an inventory of lands would be an administrative action.

Mr. Groen recommended solving these legal problems by removing the voter approval for additions or removals to the inventory. We want to establish policy but we want to have the flexibility to implement it. It is up to our elected representatives to make those decisions.

Mr. Ramels argued that additions and removals are not administrative acts, because the status of the property is substantively changed.

Ms. Lavender said that she was willing to take the risk that a court would find this an administrative action, given that the Farmlands Preservation Program has never been challenged in court, and it also includes a vote-off provision like the OSA.

Mr. Ramels suggested that if the inventory were actually a part of the Charter itself, it would avoid the problems raised by Mr. Groen. A charter amendment would then be needed to amend the list, which is clearly not an administrative action nor is it creating an 'automatic voter approval' mechanism.

The PAO will look at these issues in depth. Mr. Munro will also analyze these legal considerations and report back to the committee with his findings.

Mr. Munro moved to adopt the new "vote on/vote off" language. The committee voted 6-1 to adopt the language. Mr. Groen dissented.

Mr. Groen argued in favor of deleting the language that requires a finding by the Council to put the removal of an inventoried property on the ballot. It gives more flexibility to the Council, to fulfill the highest public purpose for the land over time.

Ms. Lavender responded that this was written to mirror the Farmlands Protection Program language. Mr. Groen noted that there was no finding requirement to add a property, so there should not be a finding to remove a property either.

Mr. Groen moved to remove the findings requirement. The committee voted 6-1 to adopt the language. Mr. Munro dissented.

Ms. Lavender moved to adopt the OSA as amended, and move the amendment to the full commission on February 26 for a first hearing. Mr. Jensen recommends that the OSA be reviewed for a final time, with consideration of further legal opinions, at the subcommittee's meeting on February 26. The committee voted unanimously to pass the amendment.

Ms. Cusack reported that councilmembers are concerned about the unintended consequences of the OSA, as well as with binding the hands of future councils. She notes concerns about sending these properties to the voters, given the voluminous public feedback given to councilmembers on previous land use issues. Members also expressed questions about how property remnants might be handled under the OSA to maximize the potential of the county's land base.

Meeting adjourned: 7:56 pm  
Respectfully submitted by: Corrie Watterson Bryant