

ATTACHMENT B
DISCUSSION DRAFT

Evaluation of Short List of Alternatives

The six alternatives fall along a continuum of change starting with strengthening the current county governance system and ending in changes that would alter the county governance provisions of the constitution to provide an opportunity to transform county government over time.

Strengthen the existing Commission form of government

Alternative A – Strengthen the executive powers of the Commission by specifying additional executive functions, including authorizing multi-county or regional service delivery by general law.

How would this alternative work?

Modify existing statutes that specify the powers and duties of the county Board of Commissioners (RCW 36.32.120 and RCW 36.40) to include broader executive powers. These powers might include the authority to approve and enforce county wide administrative policies and procedures (such as personnel, labor relations, training, risk management, fiscal including budgetary, information technology and contracting policies and procedures etc); authority to appoint and dismiss department directors that are not elected; authority to request the County Prosecutor file appropriate actions to declare an elected department head position vacant under RCW42.12.010; authority to implement performance audits, organizational or management studies or business process improvement studies and implement study recommendations within or among any county department(s); authority to implement multi-year county wide facility, technology or equipment plans; and the authority to implement or direct any countywide management or fiscal program or policy that is in the best interest of the county.

In addition, by general laws, the county through its executive and legislative authority would be authorized to negotiate, approve and implement inter-governmental service or operating agreements including agreements between two or more counties to undertake or provide service delivery, regulatory or enforcement programs including enforcement programs involving commissioned officers. Inter-governmental agreements could include agreements among counties or counties and the state that involved special revenue funds including the County road fund.

This alternative does not modify, by combining or eliminating, any county elected department heads.

This alternative would be implemented by the Legislature through the regular legislative process.

Current law

RCW 36.32.120 (Powers of Legislative Authorities) and RCW 36.40 (Budget)

Changes to existing governance system

This alternative strengthens the executive powers of the Commissioners by granting explicit authority to undertake various activities county wide or between counties. While many counties already cooperate across all departments, larger scale or cross department efficiency or effectiveness improvements may only be possible with strong leadership from the Commissioners.

This alternative may be seen as reducing the independence of both elected and appointed department directors to manage the affairs of their departments by requiring cooperation with countywide and intergovernmental programs including performance audits and business process improvement projects initiated by the Commissioners.

Evaluation

Being the oldest form of county government, the commission form, not surprisingly, has both many supporters and detractors. Supporters argue that the form's longevity is evidence of its adaptability and effectiveness. Detractors say that the persistence of the commission form in county government owes more to the effects of inertia and the ability of entrenched officials to thwart reform efforts. Expanding the executive powers of the Commission may therefore be seen as improving a tried and true governance form or expanding an outdated out dated form.

Proponents of the commission form of government argue:

- Longevity – The commission form is the traditional structure of county government. It is the county form with the longest history.
- The commission plan brings government administration close to the people through the independent election of government department heads; therefore, it is the most democratic form of government.
- The independent election of multiple officials provides a broad system of checks and balances greatly reducing opportunities for government corruption.
- The combination of legislative and executive authority in the board of commissioners promotes unified policy-making and administration and helps to avoid the types of conflicts that characterize other forms.
- This form of government is more responsive to citizens since commissioners have the executive and administrative powers to implement the laws they enact.

Opponents of the commission form argue:

- The commission form, which predates the American Revolution, is antiquated and cannot, therefore, effectively address complex contemporary needs.
- The lack of a centralized executive authority and the existence of multiple independently elected officials interferes with administrative coordination and results in inefficient and ineffective service delivery.
- The commission plan lacks accountability since responsibility for executive functions is so diffused.
- The increased complexity of county government make administration by the citizen legislator (commissioner) no longer feasible. The commission plan lacks professionalism.
- It is nearly impossible for citizens to know the myriad, functional officials they are electing. Frequently “elected department heads” are elected term after term without opposition. This concentrates the selection of officers in the hands of political parties and special interest groups.

Cite Page 9-10 of MRSC report

Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Creates explicit executive powers for non-charter county Boards of Commissioners to initiate and carry out efficiency or effectiveness improvements countywide. Under the “Dillon Rule” as it applies in Washington the County Commissioners have only those powers that are delegated to it by the Legislature.	
County service implementation flexibility	Assists counties to be more efficient or effective when a county can determine “how” services are delivered under existing state statute and regulation by clarifying the authority of the Commissioners to initiate and implement such	This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.

Fiscal Impacts	<p>efforts.</p> <p>Provides the authority but does not mandate the implementation of multi-jurisdiction service agreements, policies, procedures, studies and plans that may lead to cost savings. No elections or added staffing is required of the counties.</p>	<p>In order to initiate one or more efficiency or effectiveness program many counties that are fiscally stressed may require additional funding.</p>
Public benefit including service delivery benefits	<p>The County Commission is currently responsible for carrying out each county’s business, “audit(ing) the accounts of officers” and “managing the county’s funds” (RCW 36.32.120). The public can potentially be better served by the Commission having additional “tools” authorized by the Legislature to carry out these functions.</p>	
Checks and balances	<p>The existing “check and balance” system among the Commissioners, Judges and elected department heads in Washington non-charter counties allocates to each a piece of the executive powers vested in one executive position in state government, most charter counties and cities. This alternative would strengthen the executive powers of the Commission to administer and oversee the operations of the county as a whole.</p>	<p>The alternative stops short of allocating the same executive powers to the Commission as are currently vested in the Governor or a County Executive or a city Mayor or Manager.</p>

What can we learn from other states or Washington charter efforts related to this alternative?

There has been a national trend over several decades to provide governance options for counties that include a stronger centralized executive role. **In fact over the last decade more Washington counties have discussed creating an executive, either appointed or elected, than any other governance change (see question 19, County Official Survey Appendix C).**

Most Charter Counties in Washington have provided for an elected County Executive or an appointed executive with separate powers to administer county government and implement the policy decisions of the county legislative body. This division of responsibilities, with its “check and balances” between the executive, legislative and judicial branches is different than non-charter counties. In non-charter counties the County Commissions play a dual role of legislative and executive, sharing the executive role with a larger group of separately elected department heads.

Alternative B – Establish the Commission/Appointed Manager or Administrator form by state statute.

How would this alternative work?

The Legislature in statute would explicitly provide for the option to appoint, in non-charter counties, a County Manager or County Administrator. Clark County provided its county code provision as a potential model for a state statute. The Clark County code includes the following features:

- A position is created in county government which shall be known as County Administrator and designated as Chief Administrative Officer of county government. Said position shall be appointed by the Board of County Commissioners.
- The County Administrator shall be a person having demonstrated administrative and executive ability as shown by at least five years of experience in private or public employment in a responsible or executive position of a similar size organization or larger requiring the planning and execution of work programs of government operations, the budgeting and control of expenditures, and the coordination of multiple activities, and who shall conform substantially to the requirements of a job description for said position attached herewith and made part hereof.
- The County Administrator shall serve at the pleasure of the Board of Commissioners.
- The County Administrator shall generally advise, assist, act as agent for and be responsible to the Board of Commissioners for the proper and efficient conduct of the administrative affairs of the county as are placed in his/her charge by the Board of Commissioners. He/she shall be responsible for the enforcement of ordinances, orders, or regulations as directed by the Board of Commissioners. All appointed Department Heads under the jurisdiction of the Board of Commissioners shall report to the County Administrator.
- In order to serve effectively, the County Administrator shall:
 - Recommend a balanced annual county budget and exercise continuous budgetary supervision in conjunction with the director of the budget;
 - Confer with and assist all department heads and receive reports of the activities of such departments under the jurisdiction of the Board of Commissioners;
 - Recommend improved or standardized procedures;
 - Assist in the coordination of the functions and work of all officers, committees, institutions, and departments of the county, and devise ways and means whereby, efficiency and economy may be secured in the operation of all offices, institutions, departments and their functions;
 - Conduct continuous research in improved administrative practices;
 - Represent the county in its intergovernmental relationships as directed by the Board of Commissioners;
 - Recommend long-term plans of capital improvement with accompanying financial plans;
 - Direct the enforcement of human resource policies and practices through a central Human Resources Department;

- Examine regularly at periods fixed by the Board of Commissioners of accounts, records, and operations of every commission, department, office, and agency under control of the Board of Commissioners and report these findings to the Board of Commissioners. On a regular basis he/she shall make recommendations to the Board of Commissioners for action to be taken relative to the efficient operation of the county, the betterment of public service, and the future needs of Clark County.
- Direct the purchase of all property, equipment, supplies, services and related contracts and the enforcement of the Purchasing Ordinance through the General Services Department;
- Develop financial plans in which revenues and expenditures are forecasted against anticipated county growth;
- Manage county-owned property and facilities, as directed by the Board of Commissioners.
- The County Administrator may employ assistants as the Board of Commissioners may authorize.
- No provision of this Section is intended to vest in the County Administrator any duty or grant to him/her any authority which is vested by general law or county ordinance in or on any other county officer or employee. No provision of this Ordinance shall be construed to delegate to the County Administrator any authority required to be performed by the Board of Commissioners, nor shall the County Administrator have the power to bind, obligate, nor to commit the County in any manner, except as provided herein or by the express grant of authority by the Board of Commissioners. It is the intention of the Board of Commissioners in adopting this Ordinance only to create a position to which may be delegated certain administrative duties to be performed in and under its direction.

This alternative does not modify, by combining or eliminating, any county elected department heads.

This alternative would be implemented by the Legislature through the regular legislative process.

Current law

RCW 36.32.120 (Powers of Legislative Authorities) and RCW 36.40 (Budget)

Changes to existing governance system

This alternative adds the knowledge and skills of a professional manager to the executive team of a county. The position may be used by the Commissioners to coordinate with county elected department heads decreasing the need for one-on-one meetings between each Commissioner and elected department directors on operating issues. The requirement to recommend a balanced budget shifts the responsibility for a producing a recommended budget, likely with policy alternatives developed for the Commissioners to debate, from the Commission itself to the Administrator. The Commission is thereby provided more opportunity to exercise its legislative and accountability functions.

Some may see the addition of a county administrator/manager as an intrusion on the executive powers of elected department heads.

Cite Page 11 and 12 or MRSC Report

Evaluation

Proponents of the commission/council-appointed administrator form argue:

- The separation of policy making and administration removes political influence over administrative matters.
- Since managers are appointed rather than elected, greater attention can be given to selecting a qualified manager.
- The pool of qualified candidates is larger since county managers are usually paid better than commissioners/council members and candidates may be recruited from outside the county, including a nationwide search. (Elected officials must be a resident of the county prior to their election.)
- An appointed administrator usually brings professional training, skills, and credentials which may result in professional, administrative leadership.
- Since managers are appointed not elected, they are less likely to have political obligations affecting the quality of their administration.
- Emphasis is placed on the role of the legislative body and its policy-making function. The commission or council is free to pursue policy development while the administrator handles the day-to-day business of county government.
- Since the manager serves at the pleasure of the commission/council without a definite term, he/she can be removed at any time should he or she fail to carry out the duties of the position or meet performance expectations, limiting the danger of an abuse of authority.
- Greater control over performance and expenditure is possible under the supervision of the administrator.

Opponents of commission/council-appointed administrator form argue:

- This form gives too much power to one person – the administrator.
- An appointed administrator, often chosen from outside the county, may not know the community.
- Commissions/councils may leave too much decision-making to the appointed administrator, who is not directly accountable to the public.
- Citizens may be confused about who is in charge. Most expect elected officials to respond to their problems.

- Appointed administrators have a tendency to leave when offered higher salaries and greater responsibilities in other local governments.
- An appointed administrator is dependent upon the strength and cooperative spirit of the county board and may find it difficult to take effective action when the county board is split.
- An appointed administrator may find it difficult to provide policy leadership on important issues facing the county. If the administrator takes a passive role, inaction may result. If the administrator becomes an agent to shape public opinion behind an issue, he or she is vulnerable if the board takes a different stand.

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Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Creates explicit executive powers for a non-charter county Chief Administrative Officer to initiate and carry out efficiency or effectiveness improvements countywide. Under the “Dillon Rule” as it applies in Washington the County Commissioners have only those powers that are delegated to it by the Legislature.	
County service implementation flexibility	Assists counties to be more efficient or effective when a county can determine “how” services are delivered under existing state statute and regulation by clarifying the authority of the Administrator to initiate and implement such efforts.	This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.
Fiscal Impacts	Provides the authority but does not mandate the implementation of a county manager/administrator or management initiatives that	Counties would likely employ a County Administrator or Manager as a new position in county government increasing

Public benefit including service delivery benefits	<p>may lead to cost savings. Increased management costs may or may not be offset by savings resulting from efficiency or effectiveness improvements, avoidance of legal claims or other actions that result from the addition of a professional manager with knowledge of best management practices. The County Commission is currently responsible for carrying out each county's business, "audit(ing) the accounts of officers" and "managing the county's funds" (RCW 36.32.120). The public can potentially be better served by the Commission having additional "tools" authorized by the Legislature to carry out these functions.</p>	<p>management costs. In order to initiate one or more efficiency or effectiveness program many counties that are fiscally stressed may require additional funding.</p>
Checks and balances	<p>The existing "check and balance" system among the Commissioners, Judges and elected department heads in Washington non-charter counties allocates to each a piece of the executive powers vested in one executive position in state government, some charter counties and cities. This alternative would strengthen the executive powers of the Commission to administer and oversee the operations of the county as a whole using the assistance of a professional manager.</p>	<p>The alternative stops short of allocating the same executive powers to the Commission and its Administrator as are currently vested in the Governor or a city Mayor or Manager.</p>

What can we learn from other states or Washington charter efforts related to this alternative?

There has been a national trend over several decades to provide governance options for counties that include a stronger centralized executive role. In fact, over the last decade, more Washington counties have discussed creating an executive, either appointed or elected, than any other governance change (see question 19, County Official Survey Appendix H).

Most Charter Counties in Washington have provided for an elected County Executive or an appointed executive with separate powers to administer county government and implement the policy decisions of the county legislative body. This division of responsibilities, with its “check and balances” between the executive, legislative and judicial branches is different than non-charter counties. In non-charter counties the County Commissions play a dual role of legislative and executive, sharing the executive role with a larger group of separately elected department heads.

Based on an informal survey of states with alternative forms of county government including the Commission or Council – Manager or Administrator form, the county commission/county manager form of governance is the most recommended by Executive Directors of County Associations.

This option has the least effect on the interactions with separately elected officials. However, the presence of a county manager or administrator does increase staff professionalism and accountability.

Changes in county governance did not result in fiscal savings, but does positively impact service delivery. Where major governance change has occurred, the Executive Directors of county associations note that the change is costly in terms of personnel and administration. However, consolidating some functions and having more oversight over day-to-day operations by a county manager or administrator has improved service delivery.

Legislative reform of county structure by statute

Alternative C – Reduce the number of elected department heads in non-charter counties by classifying counties by population and combine duties of two or more officers, including a five member County Commission for larger counties.

How would this alternative work?

The alternative involves the combining of duties for two or more elected county positions for counties of specific population classes. The Legislature would adopt a statute following the regular legislative process as outlined in the memo from Hugh Spitzer page 4. Hugh provides an example in his memo of how combined offices could be accomplished by the legislature by statute but the position titles are fictitious. As an example for evaluation of the position combinations and population classes the following is offered:

Core County Positions

Five County Commissioners (elected by all the voters in the county, part time, reside in districts)

Superior Court Judge(s)

Sheriff

Prosecuting Attorney

Treasurer

Clerk

Assessor

Auditor

Coroner/Medical Examiner

Total of 13 positions

Positions in Counties of up to 50,000 in population (17 Counties)

Three Commissioners (performing the duties of five part time)

Superior Court Judge(s) (includes the duties of clerk)

Sheriff

Prosecuting Attorney (includes the duties of coroner)

Treasurer (includes the duties of auditor and assessor)

Total of 7 positions

Positions in Counties of 50,000 to 150,000 population (10 Counties)

Five County Commissioners

Superior Court Judge(s) (includes the duties of clerk)

Sheriff

Prosecuting Attorney (includes the duties of coroner needs more work re: medical examiner)

Treasurer (includes duties of the auditor)

Assessor

Total of 10 positions

Positions in Counties of 150,000 population or greater (6 Counties)

Core list of 13 County Positions

This alternative does modify, by combining or eliminating county elected department heads.

This alternative would be implemented by the Legislature through the regular legislative process.

Current law

RCW 36.16 to 36.35 and RCW 68.50 related to the functions and positions of county department heads and other elected officials.

Changes to existing governance system

This alternative increases the size of the county legislative body to five part time Commissioners and merges or consolidates the functions of some elected department heads in smaller counties. The elected department heads of treasurer, auditor and assessor and consolidated into one or two positions depending on County size and the positions of Judge and Clerk are merged in smaller counties. This merger would move the clerk into the judicial branch.

Evaluation

Increasing the Size of the Legislative Body

Legislation was enacted in 1990 allowing any county with a population of 300,000 or more the option of increasing the size of the board of county commissioners from three to five. The only non-charter counties that meet this size threshold are Spokane and Clark. Neither county has used this option, which appears to violate Article XI, Section 5 of the constitution. (Lundin, p. 54. He cites AGO 1979 L.O. No 8, that opined that similar legislation was unconstitutional).

Except for Clallam County, all of the charter counties (King, Pierce, San Juan, Snohomish, and Whatcom) have opted for larger councils. Those who argue this point would generally say that a larger number of commission members might be “more” representative. Each council member represents a smaller number of voters, and hence voters might feel that their elected representatives are more accessible. There is a practical advantage to a larger body operating under the Open Meetings Law. Since two commissioners constitute a quorum of a three-member legislative body, they must take great care not to discuss county business when meeting one-on-one.

Reducing the Number of Elected Versus Appointed Department Heads

Several counties that have adopted charters with the county executive form of government have made some of the functions of the formerly elected department

heads appointed positions. Those who favor elected department heads argue that this provides direct responsibility to the citizens of the county. These are perhaps the most frequently heard and loudest arguments for electing row officers: “They report directly to the people,” and “The people have direct control.”

Those who favor appointed department heads argue that appointment by skill and ability outweighs direct election. They support their argument by indicating that the functions of the row officers are spelled out in statute and are clear.

We are aware of no study that objectively bears out either point.

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Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Merges county functions that are related to the same service systems (eg budget and finance system, court system or tax collection system) which may facilitate implementing efficiency or effectiveness improvements in those systems that would currently be in separate departments headed by elected officials.	Does not directly improve the executive powers of counties to implement cross department or function efficiency or effectiveness initiatives.
County service implementation flexibility	Would consolidate some functions that are within the same service system providing some added opportunity for service improvements.	This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.
Fiscal Impacts	There are some limited opportunities for cost savings due to staffing reductions in larger counties when the assessor, auditor and treasurer functions are merged (See Appendix F). The merger of clerk and judicial functions provide for more opportunity for	Merger of assessor, auditor and treasurer functions in smaller counties was not found to provide cost savings (see Appendix F). Some counties may have additional costs for a part time five member county legislative body versus a

	cost savings.	three member full time commission.
Public benefit including service delivery benefits	Could facilitate the streamlining of systems that currently operate across department lines such as tax collection, property records, budget and financial reporting and Superior court operations.	May decrease the number of jobs in counties with limited employment bases. Fewer elected department heads may be seen as creating less transparency in county functions and less direct accountability to the public.
Checks and balances	The existing “check and balance” system among the Commissioners, Judges and elected department heads in Washington non-charter counties allocates to each a piece of the executive powers vested in one executive position in state government, some charter counties and cities. This alternative reduces the number of elected department heads that share executive powers with the Commission in smaller and medium size counties.	Internal financial controls common to cities and other local governments may need to be put into place in counties to substitute for fraud protections afforded by separate offices.
	Shifts the county clerk from the executive branch to the judicial branch which may be seen by some as a pro and some as a con.	Shifts the county clerk from the executive branch to the judicial branch which may be seen by some as a pro and some as a con.

What can we learn from other states or Washington charter efforts related to this alternative?

Several counties that have adopted charters with the county executive form of government have made some of the functions of the formerly elected department heads appointed positions. In addition, some counties have merged selected functions such as assessor and treasurer or clerk and court administration. Most cities and the state in

Washington have appointed department heads. The exceptions at the state level are the elected Treasurer, Auditor, Secretary of State and Attorney General. Several of the functions of treasurer and auditor in county government are performed by appointed state department heads at the state level (eg budget, financial reporting and business functions).

There are states that have fewer elected county department heads than Washington and there are states with more elected department heads than Washington. The trend is to provide for fewer elected department heads in contemporary county governance alternatives especially in urban areas (Cite NACO study).

Alternative D – Assign county service delivery or support service functions to multi-county regions or districts following the Educational Service District model in the K-12 system.

How would this alternative work?

This alternative involves creating by state statute following the regular legislative process a new governmental entity funded by the state. The Legislature would assign to that entity specific duties that had been previously assigned to counties. There are obviously a large number of potential combinations of duties that could be assigned.

As an example, for purposes of this evaluation, the duties could be assigned to six regional organizations (with the same boundaries as DOT regions). The duties assigned for this example are county human resource functions including labor relations, information technology including web services and general county legal counsel. The state legislature would appropriate funding to the “county service districts” each biennium and the service districts would have to propose budgets to the Governor for inclusion in the recommended state budget. These budgets would determine funding and staffing. A governing board for the districts as a whole would be made up of county and state officials (9 total, one from each district and three representatives of state departments such as the Department of Revenue, Department of Information Services and a Governor’s designee). The responsibility of the governing board would be to establish service delivery plans and propose a budget for the system to the Governor.

This alternative does not combine or eliminate any county elected department heads but instead may assign functions of their offices to a new regional governmental entity.

This alternative would be implemented by the Legislature through the regular legislative process.

Current law

RCW 36.16 to 36.35 and RCW 68.50 related to the functions and positions of county department heads.

Changes to existing governance system

This alternative assigns some of the functions of county government to a regional governmental unit to provide for the counties its serves.

Evaluation

This alternative is modeled after the Educational Service District system in Washington. The service district provides services to school districts in its service boundaries. Some of the services that could be provided in this model include purchasing, financial services, corporate counsel, information technology, personnel services and risk management in addition to direct customer services such as tax billing and collection, treasury services, specialized criminal justices services and web transaction services. Services that are good candidates for regional provision are those with opportunities to reduce unit costs through

processing of higher volumes of transactions or services; through sharing of high fixed costs including technology or facilities and/or specialized skilled employees that are hard to recruit and retain.

Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Provides a method of reducing unit costs and/or increasing service quality by regionalizing service delivery statewide.	Counties vary in the level of service they currently provide for an individual service. This variation may be a barrier to providing uniform regional service delivery statewide without supplemental state funding.
County service implementation flexibility	Assists counties to be more efficient or effective when a county can determine “how” services are delivered under existing state statute and regulation by providing the service regionally.	Regional provision of service may reduce a county’s flexibility to customize services to meet unique needs. This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.
Fiscal Impacts	<p>May reduce unit costs for service and/or improve the quality and outcomes of service.</p> <p>Increased management costs may or may not be offset by savings resulting from efficiency or effectiveness improvements, avoidance of legal claims or other actions that result from the regionalization of services.</p>	<p>Creates new governmental entities with independent management costs. Provides access to services that some small counties may not have now but may also add costs for distressed counties.</p> <p>Functions that are assigned to the new regional entity do not directly reduce the number of county employees. Elected department heads in particular would remain.</p> <p>Increases intergovernmental</p>

Public benefit including service delivery benefits	<p>Cost reduction.</p> <p>Could increase access to higher level of professional knowledge and skills.</p>	<p>coordination requirements among counties.</p> <p>May affect citizen's access to services especially for those that rely on in-person contacts. Lower income or limited mobility persons may be especially affected.</p>
Checks and balances	<p>Provides pooled resources which may increase oversight and improve information available to policy makers.</p>	<p>Reduces direct accountability for service delivery.</p>

What can we learn from other states or Washington charter efforts related to this alternative?

There were not any specific models of statewide regional service provision identified among counties in other states. There are a number of regional service provision models that serve metropolitan areas and some models for individual services.

There are many intergovernmental service agreements and entities in Washington including a large number among and within counties. Not all counties in Washington fund programs that are good candidates for regionalization which may limit what services can be provided uniformly statewide in a regional format. Various facets of information technology were named most frequently as a service that may provide regionalization opportunities with positive impacts on efficiency and effectiveness (see Appendix H). Washington has several nationally unique models in the delivery of information technology services on a regional basis (see Appendix F, case study on joint service delivery).

Constitutional Amendments

Alternative E -- Add a constitutional provision to create a voter approved Charter County or amend an existing charter through County Commission or voter petition initiated appointment of a “County Governance Commission” that would propose a charter or charter amendment to be placed before the people at an election. This provision could be universally available as an alternative to the freeholder charter county process or available only for a Charter or Charter amendment that modified county government where the modifications are not a part of the Washington constitution.

How would this alternative work?

For purposes of determining how a “Governance Commission” proposal would be initiated, parts of the statute that creates five member commissions (no longer effective due to court decision) were used.

(1) The board of commissioners of any county may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing a County Charter or Charter Amendment after convening by county ordinance an appointed County Governance Commission of no more than eleven or fewer than five members that is charged with recommending the Charter or amendment to be placed on the ballot.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a county authorizing a County Charter or Charter Amendment upon voter petition. A validated petition of county voters equal to at least ten percent of the voters voting at the last county general election submitted to the County Commission initiates this process. Upon receipt of a valid petition the County Commission shall convene by county ordinance an appointed County Governance Commission of no more than eleven or fewer than five members that is charged with recommending the Charter or amendment to be placed on the ballot.

This alternative does not modify, by combining or eliminating, any county elected department heads.

This alternative requires a constitutional amendment (see Appendix D).

Current law

The constitution currently provides for the creation of Charter Counties through the freeholder process (Article XI, Sec 4) and City-County Consolidation (Article XI, Sec 16).

Changes to existing governance system

This alternative would allow a county to provide for a county charter that establishes its own governance structure which could included modification to the number of elected members of the legislative body; county executive powers and the number of elected

department heads. The existing freeholder method of adopting a county charter or amendment would be augmented by a second option that did not involve the election of freeholders.

Evaluation

The process prescribed in the state constitution is thought by some to be somewhat cumbersome. It first requires the election of freeholders, who study alternatives and make recommendations to the electorate, who then approve or disapprove of the recommendation(s). Voters must decide whether to authorize the charter process and choose freeholders in the same election. This can be confusing. An option that might simplify the charter process is to provide for the commission to *appoint* a “charter committee” that is charged with studying alternative forms and recommending a form of government to the commission and voters. A “charter committee” can also be formed as a result of a petition from the voters. Election costs would be reduced.

No studies were found that conclusively demonstrate whether it is better to have elected or appointed groups study charter proposals and make recommendations to the voters. In some instances, elected groups have recommended unpalatable proposals. Subsequently the use of an appointed group in these same counties led to proposals that were ultimately adopted by the voters. In at least one state, New Jersey, elected charter groups have produced significant county reform. Appointed groups predominate in some states (Sonenshein, p48). Ultimately the voters still have the final say on their form of government.

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Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Provides the opportunity for a county to appoint a commission with expertise in county government that may result in more efficient structures.	
County service implementation flexibility	Assists counties to be more efficient or effective when a county can determine “how” services are delivered under existing state statute and regulation by clarifying the authority of the Administrator to initiate and implement such efforts.	This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.

Fiscal Impacts	Provides additional process options for creating a county charter. The fiscal impacts of a new charter will likely vary from county to county.	Providing support to the freeholders in debating a county charter can be expensive especially if the charter is defeated at the polls. Seven of the eight attempts in Washington over the last decade have failed.
Public benefit including service delivery benefits	Cost of a freeholder election would be eliminated. Allows a county to design a governance system that best meets their needs, including service delivery needs.	
Checks and balances	Allocates the responsibility for determining how a charter is drafted to the elected County legislative body.	May be seen as reducing the power of the electorate to decide who will represent them in forming or amending a county charter if the freeholder process is not used.

What can we learn from other states or Washington charter efforts related to this alternative?

Most Charter Counties in Washington have provided for an elected County Executive or an appointed executive with separate powers to administer county government and implement the policy decisions of the county legislative body. Some charters have reduced the number of elected department heads and most have increased the size of the legislative body.

Charter county authority has been granted to counties across the country including Washington. Some states use appointed and some elected groups to design the county charters. Washington counties that have used the freeholder process over the last decade have more often failed to adopt a charter (7) than approved a charter (1) (See Appendix H, Question 18).

Alternatives F -- Add a constitutional provision to allow any county to convert to a “Model Charter County” by voter approval. This option would be an alternative to the existing free-holder charter county process which would remain in the constitution. The model charter would provide for a part-time five member Commission with either an elected Executive or an appointed County Manager as determined by the Board of Commissioners prior to placing the issue on the ballot. The Commissioners may choose to hold an advisory ballot prior to selecting which of the two Model Charters to place before the voters for adoption.

How would this alternative work?

After or before a vote on a constitutional amendment, the legislature would adopt in state statute “model charters” for each of the two forms – Five Member Part –time Commission/Elected Executive and Five Member Part-time Commission/Appointed Manager. These models would be subject to legislative change through the regular legislative process over time. Most model charters in other states reduce the number of elected department heads and increase the number of appointed department heads.

(1) The board of commissioners of any county may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing conversion of county government to a “Model Charter County” under RCW 36A.XX.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a county authorizing conversion of county government to a “Model Charter County” under RCW 36A.XX, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election.

This alternative may modify, by combining or eliminating, county elected department heads if the legislature provides for that in the model charters adopted by statute.

This alternative would be implemented by a vote of the people on a constitutional amendment and then implemented through the adoption of model charters by the Legislature through the regular legislative process.

Current law
RCW Chapter 36

Changes to existing governance system

This alternative would allow a county to provide for a county charter that establishes its own governance structure which could include modification to the number of elected members of the legislative body; county executive powers and the number of elected department heads. The existing freeholder method of adopting a county charter or amendment would be augmented by a second option that did not involve the election of freeholders.

Evaluation

The process prescribed in the state constitution is thought by some to be somewhat cumbersome. It first requires the election of freeholders, who study alternatives and make recommendations to the electorate, who then approve or disapprove of the recommendation(s). Voters must decide whether to authorize the charter process and choose freeholders in the same election. This can be confusing. An option that might simplify the charter process is to provide for the commission to *appoint* a “charter committee” that is charged with studying alternative forms and recommending a form of government to the commission and voters. A “charter committee” can also be formed as a result of a petition from the voters. Election costs would be reduced.

No studies were found that conclusively demonstrate whether it is better to have elected or appointed groups study charter proposals and make recommendations to the voters. In some instances, elected groups have recommended unpalatable proposals. Subsequently the use of an appointed group in these same counties led to proposals that were ultimately adopted by the voters. In at least one state, New Jersey, elected charter groups have produced significant county reform. Appointed groups predominate in some states (Sonenshein, p48). Ultimately the voters still have the final say on their form of government.

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Impacts of proposed change

Specific impacts	Pros	Cons
County efficiency and effectiveness	Provides the opportunity for a county to present a model charter option to the voters without going through the freeholder process. The models would include an executive separate from the Commission or Council to initiate and carry out efficiency or effectiveness improvements countywide.	The model charters adopted by the legislature may not meet the unique needs of every county.
County service implementation flexibility	Assists counties to be more efficient or effective when a county can determine “how” services are delivered under existing state statute and regulation by clarifying the authority of the Executive to initiate and implement such efforts.	This alternative does not modify existing state laws or regulations about “how” county services are delivered that may limit delivery methods or streamlining.
Fiscal Impacts	Provides additional process	Providing support to the

	<p>options for creating a county charter. The fiscal impacts of a new charter will likely vary from county to county.</p>	<p>freeholders in debating a county charter can be expensive especially if the charter is defeated at the polls. Seven of the eight attempts in Washington over the last decade have failed.</p>
	<p>Cost of a freeholder election and support of the process to create a charter would be eliminated.</p>	
	<p>Implementation of a county manager/Executive or management initiatives may lead to cost savings.</p>	<p>As a result of more or fewer positions a Model Charter government may or may not be more costly than the existing County governance system.</p>
<p>Public benefit including service delivery benefits</p>	<p>If there are increased management costs may or may not be offset by savings resulting from efficiency or effectiveness improvements, avoidance of legal claims or other actions that result from the addition of a professional manager with knowledge of best management practices. Allows a county to adopt a governance system that may better meet their needs and provide more flexibility.</p>	
	<p>The public can potentially be better served by the County having additional “tools” authorized by the Legislature in a Model Charter to carry out these functions.</p>	
<p>Checks and balances</p>	<p>Allocates the responsibility for determining how a charter is proposed to the elected County legislative body.</p> <p>The alternative may allocate</p>	<p>May be seen as reducing the power of the electorate to decide who will represent them in forming or amending a county charter if the freeholder process is not used.</p>

the same executive powers to the county Executive/Manager as are currently vested in the Governor or a city Mayor or Manager.	Stronger executive authority may be seen as reducing the executive functions of elected department heads.
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What can we learn from other states or Washington charter efforts related to this alternative?

There has been a national trend over several decades to provide governance options for counties that include a stronger centralized executive role. **In fact, over the last decade, more Washington counties have discussed creating an executive, either appointed or elected, than any other governance change (see question 19, County Official Survey Appendix C).**

Most Charter Counties in Washington have provided for an elected County Executive or an appointed executive with separate powers to administer county government and implement the policy decisions of the county legislative body.

Based on an informal survey of states with alternative forms of county government including the Commission or Council – Manager or Administrator form, the county commission/county manager form of governance is the most recommended by Executive Directors of County Associations.

This option has the least effect on the interactions with separately elected officials. However, the presence of a county manager or administrator does increase staff professionalism and accountability.

Changes in county governance did not result in fiscal savings, but does positively impact service delivery. Where major governance change has occurred, the Executive Directors of county associations note that the change is costly in terms of personnel and administration. However, consolidating some functions and having more oversight over day-to-day operations by a county manager or administrator has improved service delivery.