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HOUSE BILL 1570

State of Washington 57th Legislature 2001 Regular Session

By Representatives Dunshee, Esser, Miloscia, Santos, D. Schmidt, Veloria, Romero, Barlean, Ericksen, Tokuda and Kenney

Read first time 01/30/2001. Referred to Committee on State Government.

AN ACT Relating to creating the citizen councilor network; and adding new sections to chapter 43.09 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The passage of Initiative Measure No. 695 in 1999 is a social indicator that governments, business, media, and community organizations need improved listening skills which can involve citizens responsibly in the political process.

(2) The governor has a constitutional responsibility to administer state affairs, the legislature has a constitutional responsibility to enact legislation in the state, and citizens have a political right to be enabled to participate viably in their organizations, institutions, and governments in the state in a process of building "social capital" and improving community mental health.

(3) The Washington state auditor has a constitutional responsibility and independently serves the citizens of Washington by promoting accountability, fiscal integrity, and openness in state and local government, and the approach of an auditor’s work is constantly professionally evolving through new administrative theories involving

the use of "symbolic dialogues" and "social audits" of intangible assets along with regular financial, compliance, and performance audits in Washington and other states. Furthermore, in working with these governments in partnerships, the auditor strives to ensure the proper use of public resources to enable its citizens to more clearly envision their future in the theme, "Washington, an inspirational state in pursuit of happiness!"

(4) More than two thousand four hundred local governments of thirty-three different types and one hundred sixty-eight state agencies, colleges, universities, boards, and commissions are administered and audited for fiscal accountability of roughly forty billion dollars annually. Furthermore, as relationships are in partnerships with governments, and state auditor reports are constructive management tools for them to use.

(5) Accountability is a goal both of administration and auditing, but accountability is fundamental to the work of the state auditor as audits touch heavily on legal compliance with state laws and regulations and governmental entities' own policies and ordinances.

(6) Similar experiences in other states including Texas, Colorado, Oregon, and Utah have been positive to create a public forum to restore citizens' trust in their governments, expand social capital, and improve community mental health.

(7) Washington has long been recognized as a precursor state in social and economic innovation. It was the only state that emerged from the national bicentennial celebration in 1976 utilizing the last of its resources from royalties to fund ongoing programs in "citizen participation." Washington was able to discern that it was not quite "volunteerism" they were after: "Give me your body, your hands, your time." Rather Washington was more interested in "give me your mind," which was significantly different. Furthermore, our nation is now on the verge of major discoveries in social science and some of the major discoveries have been occurring here in Washington state and the greater Seattle area by the Forum Foundation and was recognized as such in Washington State Senate Resolution No. 1993-8636.

(8) It is natural in our democratic republic that the citizens of Washington state be invited to participate in its governing processes in the exercise of their political rights whenever possible and within their time and energy levels and help the governor, legislature, and the state auditor in their constitutional responsibilities to

administer, legislate, and monitor all governments and public entities and public funds.

NEW SECTION. **Sec. 2.** The legislature recognizes that some citizens have difficulty accessing political processes that rely on public hearings held at locations that are often distant or held at inappropriate times from their residence or workplace. To increase public participation in the political process, the legislature intends to establish and support a self-funding pilot process in cooperation with the state auditor by which citizens can receive information about public issues and provide feedback to elected officials in a convenient, timely manner and local setting.

NEW SECTION. **Sec. 3.** (1) The office of citizen councilor is created in accordance with section 11 of this act. According to Webster's Dictionary, "councilor" means an official advisor to a sovereign or chief magistrate. Any citizen registered to vote, or who lives or works in Washington but is not a registered voter, who volunteers to act as an official government advisor may become a citizen councilor on request by sending a letter to the state auditor or by calling a special toll-free number and subscribing to a nominal fee as set by the state auditor to recover substantially the direct costs from citizen participation in the program. The indirect costs of public officials and government employee participation to provide information to citizen councilors in their discussions shall be borne by the government entity participating. Citizen councilors shall act collectively as official advisors or a sounding board for the governor, the legislature, the state auditor, or other public officials and agencies such as the department of community, trade, and economic development on issues of public interest or concern. Conveners of citizen councilor groups shall be those designated by the citizen councilor coordinator or deputy citizen councilor coordinator under section 5 of this act from among citizen councilors who volunteer to host a group. Every effort shall be made to assign citizen councilors to a group that meets at a convenient time and place for those participating. Meetings will usually be in small groups meeting in similar resident or work area zip codes.

(2) Citizen councilors may participate:

(a) In a citizen councilor group of approximately eight to twelve persons organized by residence or work area zip code with the assistance of the citizen councilor coordinator;

(b) In a citizen councilor organizational group under section 8 of this act; or

(c) As an individual if the individual is unable to attend meetings in groups due to age, disability, remote location, or personality conflict.

(3) Citizen councilors will be reassigned a group on request to assure that their group meeting place, time, and makeup is convenient and compatible, or the citizen councilor coordinator may make individual assignments of a councilor when deemed necessary.

NEW SECTION. **Sec. 4.** (1) The state auditor shall determine suggested issues for public discussion approximately quarterly but not more than monthly from suggestions received from the governor, the legislature, public officials, agencies, and individual citizen councilors and recommend an appropriate issue or issues for consideration by citizen councilors to a steering committee in rotation and in accord with subsection (2) of this section. An advisory steering committee shall be composed of the following nonvoting members: (a) A representative from the governor's office, (b) legislative members: One member of the minority and one member of the majority party from each house of the legislature, (c) a representative from the superintendent of public instruction, (d) a representative from each county, (e) a representative from each regional government, (f) a representative of higher education, (g) a representative from the association of Washington cities, (h) a representative from any organization participating with over fifty groups of eight to twelve persons under section 6(7) of this act, (i) the citizen councilor coordinator and deputy citizen councilor coordinator selected as provided in section 5 of this act, and (j) others invited by the state auditor.

(2) After consideration by the members of the steering committee, the state auditor shall determine and assign the issue or issues approved for discussion to the volunteer citizen councilor coordinator for preparation and implementation by value reporters and others, except that the first meeting of a group will be an orientation meeting prepared by the state auditor. Thereafter issues will be determined in

rotation first by the governor, second by the legislature, and then by the state auditor. If the governor or legislature at its turn fails to determine an issue for discussion within ten days of its consideration and adjournment by the steering committee, the determination will be made by the state auditor. Value reporters assigned to gather information on issues shall be careful to present all issues as evenhandedly as possible, taking care to present the generally prevailing viewpoints surrounding an issue or issues from experts, officials, scholars, and others in an effort to provide the public with information needed for discussion. Value reporters shall represent the "people’s right to know" and conduct interviews of experts, officials, scholars, and others to solicit their various viewpoints and record such interviews on audio or video tape for later reproduction and distribution to citizen councilor groups. Before any materials are released to citizen councilor groups, however, persons interviewed and taped shall approve their taped interview for release or complete another interview to their satisfaction, otherwise their statement shall not be included in materials sent to citizens.

(3) The state auditor shall refer the public information material prepared by the citizen councilor coordinator, deputy citizen councilor coordinator, and staffs to the steering committee for its review and recommendations. The governor, legislative committee assigned, or the state auditor, whichever determined the issue, shall then make the final determination of any materials distributed to citizen councilors, except if the governor or legislative committee assigned fails to make a final determination within ten days of adjournment of the steering committee giving its recommendations, then the state auditor shall make the final determination and distribute the materials to the citizen councilor network.

NEW SECTION. **Sec. 5.** The offices of citizen councilor coordinator and deputy citizen councilor coordinator are created within the office of state auditor. The state auditor shall appoint the citizen councilor coordinator and deputy citizen councilor coordinator with the advice of the steering committee. The citizen councilor coordinator and deputy citizen councilor coordinator shall serve at the pleasure of the state auditor, until terminated with the approval of the steering committee, and shall be citizen volunteers and serve without compensation, but shall be reimbursed for actual expenses incurred in

carrying out their duties under sections 1 through 11 of this act as funds for subscriptions and donations are available.

NEW SECTION. **Sec. 6.** The citizen councilor coordinator and deputy citizen councilor coordinator shall:

(1) Promote to the citizens of the state the citizen councilor program and its contribution to public and private planning processes;

(2) Oversee preparation, tabulation, summarization, and dissemination of data and information by the government and volunteer staff;

(3) Receive, on behalf of the citizen councilor revolving fund, gifts and donations of real or personal property, including cash and in-kind services;

(4) Hire a value reporter and other paid staff to assist the volunteer staff if funds are available;

(5) Contract for any services including without limitation a toll-free telephone number and answering service, keying, optical scanning, computer tabulation, recording, reporting, research, consulting, printing, and mailing to carry out sections 1 through 11 of this act;

(6) Solicit volunteers to assist in administering the program from community service, educational, civic, business, religious, and other organizations;

(7) Solicit citizen councilor groups from existing organizations;

(8) Solicit individual citizen councilors to participate in local groups organized by mutual convenience usually within the same residence or work zip code area;

(9) Assign value reporters to interview scholars, experts, public officials, planners, leaders, and others on tape concerning topics of discussion assigned by the state auditor;

(10) Produce audio or video cassette tapes, or both, and printed materials as evenhandedly as possible;

(11) Mail public information materials to citizen councilor conveners or individual citizen councilors, or both, after final approval by the state auditor;

(12) Provide, at cost, group mailing labels of its own conveners on request of an organization participating or to a county, regional government, municipality, or school district if a private iteration of their own constituents is desired at their own time and expense;

(13) Machine-scan or key, or both, citizen councilor response sheets and tabulate data;

(14) Mail organizational, community, school, business, or church profiles to the leaders of such participating organizations for their information and without cost when they have over fifty groups responding statewide. Such information shall be filed for public review;

(15) Prepare summary reports of data generated and press releases;

(16) Mail summary reports and other information to all citizen councilor conveners for their groups and to participating organizations, and to those public officials who have indicated to the citizen councilor coordinator that they are interested; and

(17) Maintain data generated for public and media reference in the state auditor's office.

NEW SECTION. **Sec. 7.** The citizen councilor coordinator shall actively encourage citizen councilor groups to form throughout the state. Citizen councilor groups shall usually consist of a minimum of eight and a maximum of twelve regularly assigned members and meet on call of their convener at times and places they deem most appropriate during a thirty-day or other designated time period. Citizen councilor groups might normally meet approximately two or three times per year on state issues, one or two times on county or municipal issues, and one time on federal issues in response to the president of the United States through the state-of-the-union address. They shall have the opportunity to listen to audio or video tapes articulating an issue of public interest or concern and study other materials prepared or authorized as described in section 4 of this act. Citizen councilors shall have the opportunity to respond anonymously making their opinions known on individual mark-sense response sheets for return to the citizen councilor coordinator for keying or optical scanning, tabulation, and analysis.

NEW SECTION. **Sec. 8.** Eight through twelve citizens from organizations such as, but not limited to, community service, civic associations, cooperatives, unions, religious, business, or school district groups may enroll as an organizational group with their own convener designated. An organizational profile report shall be provided the leaders of organizations with fifty or more groups without

cost to inform them of how their members responded to public issues posed or approved by the state auditor and shall be open to public inspection in the office of the state auditor. If additional profiles or services are requested by an organization of its own constituents, the policy, rules, and fees to cover such costs shall be paid separately. Organizations with fifty or more groups may purchase mailing labels of their group conveners from the state auditor and prepare and mail their own group materials for tabulation at their own effort and expense. These data shall not be tabulated by the citizen councilor coordinator and shall not be combined with the public data nor available for public inspection at the office of the state auditor.

NEW SECTION. **Sec. 9.** Each citizen councilor shall be asked to make donations from time to time to help cover the costs of the citizen councilor program estimated at fifteen to twenty dollars per person per year at present costs. It is also the intention of the state auditor that donations and gifts be solicited from public-spirited individuals, businesses, and foundations for the purpose of assisting in the funding of the program and the providing of scholarships to unemployed or low-income citizens. However, since all direct costs of this program are provided by donations and subscriptions with no funds from public sources, the citizen councilor coordinator shall use his or her discretion in determining the scale and the scope of the program so that expenses do not exceed available funds.

NEW SECTION. **Sec. 10.** A citizen councilor revolving fund is created and shall consist of donations and subscriptions collected under sections 1 through 11 of this act and any moneys appropriated to it by law for specific purposes. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the citizen councilor coordinator. In order to maintain an effective expenditure and revenue control, the citizen councilor revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. **Sec. 11.** (1) The state auditor may provide the citizen councilor coordinator and his or her volunteer staff with space in existing offices and with clerical services from existing staff to

assist in establishing and conducting the citizen councilor program. Appropriations are not required, but the state auditor may consider the services provided under this section in submitting the department's budget.

(2) The citizen councilor coordinator shall seek to obtain donations from citizen councilor organizational groups, citizen councilors, and public-spirited individuals, community service organizations, businesses, and foundations to help cover the costs of the program. When ten thousand dollars in donations have been received, the state auditor shall authorize the citizen councilor coordinator to establish a toll-free telephone number and answering service and to develop a list of the names, addresses, and telephone numbers of persons and groups interested in serving as citizen councilors, citizen councilor conveners, or in citizen councilor organizational groups, or in making donations. Whenever possible, the names, addresses, and legislative districts of registered voters maintained by the secretary of state shall be copied to reduce costs of the state auditor while increasing accuracy of the citizen councilor records. When forty thousand dollars in donations have been received, the citizen councilor coordinator may initiate the new communication process contemplated in sections 1 through 11 of this act and continue it at a scope and scale that is supportable by the resources available.

(3) In the event the program under sections 1 through 11 of this act fails to support its direct costs and is necessary to be terminated by the state auditor, funds remaining after payment of all outstanding expenses and disposal of equipment and supplies owned shall be deposited in the general fund.

NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act are each added to chapter 43.09 RCW.

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