
SENATE BILL 5003

State of Washington 58th Legislature 2003 Regular Session

By Representatives Esser, Jacobsen, Horn and Thibaudeau

Read first time . Referred to .

1 AN ACT Relating to establishing the office of citizen councilor;
2 and adding new sections to chapter 43.09 RCW.

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

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

5 (1) Freedom of speech, freedom of petition, and freedom of assembly
6 are hollow rights if people feel unable to be heard.

7 (2) Freedom to be heard is not mentioned in the United States
8 Constitution and thus is a right reserved to the people under the ninth
9 amendment.

10 (3) The accounting profession has fully developed financial audits
11 of tangible accounting for fraud but has not yet developed ways to
12 measure intangible accounting of human assets such as the esprit de
13 corps and stakeholder interests and concerns of citizens in their
14 various roles as taxpayers, clients, patients, consumers, workers, and
15 constituent members of organizations.

16 (4) The economic collapse of Enron and WorldCom and other similar
17 economic experiences demonstrate that there is a need in society to
18 continue to develop intangible accounting procedures of "compliance
19 audits" and "performance audits," now performed by the state auditor,

1 and to develop new "social audits" and "internal audits" of intangible
2 accounting assets to allow all interested citizens to participate in
3 the legitimating of the free enterprise system and its economic and
4 political institutions.

5 (5) The forum foundation is a nonprofit, research corporation of
6 Washington state organized in 1970 to improve the functioning of
7 organizations and society based on futures research and administrative
8 theory conducted at the University of Washington from 1968-70,
9 continued at the church council of greater Seattle from 1971-90,
10 recognized partially by 1993 Senate Resolution 8636 and fully
11 documented in the book *The Leadership of Civilization Building*
12 *(Administrative and Civilization Theory, Symbolic Dialogue, and Citizen*
13 *Skills for the 21st Century)* by Richard J. Spady and Richard S. Kirby
14 in collaboration with Cecil H. Bell, Jr.), 2002, available in Seattle,
15 King County, University of Washington libraries and University and
16 Elliott Bay bookstores, Seattle, and the Cokesbury bookstore in
17 Kirkland.

18 (6) There is a need to create a citizen councilor network of small
19 discussion groups, open to all citizens, self-funded, and using
20 symbolic dialogue to communicate among political and economic leaders
21 and the people at large.

22 (7) Governments have been unable to discuss the merits of citizen
23 participation and zeitgeist communication in a substantive manner to
24 this date.

25 (8) The passage of Initiative Measure No. 695 in 1999, Initiative
26 Measure No. 776 in 2002, and the defeat of Referendum Measure No. 53 in
27 2002 are social indicators that governments, business, media, and
28 community organizations need improved listening skills in order to
29 substitute human responsibility for futile strife and hatreds.

30 (9) The governor has a constitutional responsibility to administer
31 state affairs, the legislature has a constitutional responsibility to
32 enact legislation in the state, and citizens have a political right to
33 be heard and enabled to participate viably with their opinions in their
34 organizations, institutions, and governments in the state in a process
35 of building social capital and improving community mental health and
36 happiness, one of the goals of all governments, for "life, liberty, and
37 the pursuit of happiness."

1 (10) The Washington state auditor has a constitutional
2 responsibility and independently serves the citizens of Washington by
3 promoting accountability, fiscal integrity, and openness in state and
4 local government. The approach of an auditor's work is constantly
5 professionally evolving through new administrative theories involving
6 the use of new symbolic dialogue, in social audits and internal audits
7 of intangible human assets along with regular financial, compliance,
8 and performance audits as done in Washington and other states.
9 Furthermore, in working with these governments in partnerships, the
10 auditor strives to ensure the proper use of public resources to enable
11 its citizens to more clearly envision their future in the theme,
12 "Washington, an inspirational state in pursuit of happiness!"

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

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

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

28 (14) Washington has long been recognized as a precursor state in
29 social and economic innovation. It was the only state that emerged
30 from the national bicentennial celebration in 1976 to use the last of
31 its resources from royalties to fund ongoing programs in citizen
32 participation. Washington was able to discern that it was not quite
33 volunteerism they were after in the statement: "Give me your body,
34 your hands, your time." Rather Washington was more interested in the
35 theme, "give me your mind," which was significantly different.
36 Furthermore, our nation is now on the verge of major discoveries in
37 social science and some of the major discoveries have been occurring
38 here in Washington state and the greater Seattle area by the forum

1 foundation and was recognized as such in 1993 Senate Resolution No.
2 8636. This recognition has been further augmented by publication in
3 2002 by the forum foundation of (a) *The Leadership of Civilization*
4 *Building (Administrative and Civilization Theory, Symbolic Dialogue,*
5 *and Citizen Skills for the 21st Century)* by Richard J. Spady and
6 Richard S. Kirby with collaboration of Cecil H. Bell, Jr. in Seattle
7 and (b) *Society's Breakthrough! (Releasing Essential Wisdom and Virtue*
8 *in All the People)* by Jim Rough in Port Townsend, and (c) acceptance of
9 the fast forum technique by the Washington association of churches to
10 inaugurate research in a youth religious councilor network.

11 (15) It is natural in our democratic republic that the citizens of
12 Washington state be invited to participate in its governing processes
13 within their time and energy levels in the exercise of their political
14 rights whenever possible and help the governor, legislature, and the
15 state auditor in their constitutional responsibilities to administer,
16 legislate, and monitor all governments, public entities, and public
17 funds.

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

27 NEW SECTION. **Sec. 3.** (1) The office of citizen councilor is
28 created in accordance with section 13 of this act. Any citizen
29 registered to vote, or who lives or works in Washington but is not a
30 registered voter, who volunteers to act as an official government
31 advisor may become a citizen councilor on request by sending a letter
32 to the state auditor or by calling a special toll-free number and
33 subscribing to a nominal fee as set by the state auditor to recover
34 substantially the direct costs from citizen participation in the
35 program. The indirect costs of public officials, university, and
36 government employee participation to provide information to citizen

1 councilors in their dialogues and deliberations shall be borne by the
2 government entity or university participating. Citizen councilors
3 shall act collectively as official advisors or a sounding board for the
4 governor, the legislature, the state auditor, or other public officials
5 and agencies such as the department of community, trade, and economic
6 development on issues of public interest or concern. Conveners of
7 citizen councilor groups shall be those designated by the citizen
8 councilor coordinator or deputy citizen councilor coordinator under
9 sections 7 and 8 of this act from among citizen councilors who
10 volunteer to host a group. Every effort shall be made to assign
11 citizen councilors to a group that meets at a convenient time and place
12 for those participating. Meetings will usually be in small groups
13 meeting in related resident or work area zip codes.

14 (2) Citizen councilors may participate:

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

18 (b) In a citizen councilor organizational group under sections 9
19 and 10 of this act; or

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

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

27 (4) For the purposes of this section and sections 4 through 13 of
28 this act, "councilor" means an official advisor to a sovereign or chief
29 magistrate.

30 NEW SECTION. **Sec. 4.** (1) The state auditor shall prepare by March
31 1st of each year a citizen councilor network opinionnaire as a social
32 audit using the fast forum technique as developed by forum foundation
33 research. This initial opinionnaire shall be based on the state of the
34 union address of the president of the United States together with a few
35 "performance audit" questions posed by the state auditor and consist of
36 four pages of approximately twenty-three to thirty questions. In
37 addition, legislators from each legislative district may submit to the

1 state auditor by February 1st a list of approximately twenty to twenty-
2 seven questions to be appended to the state of the union questions for
3 response of citizen councilors in their own district. The state
4 auditor may append questions in a district if the legislators of a
5 district do not do so. If district legislators cannot agree together
6 on the questions to be submitted, then each senator shall get one-half
7 the space available as determined by the state auditor and each
8 representative shall be given one quarter. The state auditor or the
9 state auditor's representative may edit all questions submitted for
10 grammar and style with the overall opinionnaire format.

11 (2) The governor may prepare by March 15th of each year a citizen
12 councilor network opinionnaire to be administered by the state auditor
13 and using the fast forum technique as developed by forum foundation's
14 research. The opinionnaire shall be based on the state of the state
15 address or other concerns of the governor and consist of four pages of
16 approximately twenty-three to thirty questions with editing by the
17 state auditor to assure a style consistent with the state of the union
18 address or typical yes/no, multiple choice, Likert, or end-anchor value
19 questions used by the fast forum technique. In addition, legislators
20 from each legislative district may submit to the state auditor by the
21 end of April a list of approximately twenty to twenty-seven questions
22 to be appended to the state of the state questions for response of
23 citizen councilors in their district. The state auditor may append
24 questions in a district if the legislators of a district do not do so.
25 If district legislators cannot agree together on the questions to be
26 submitted, then each senator shall get one-half the space available as
27 determined by the state auditor and each representative shall be given
28 one-quarter. The state auditor or the state auditor's representative
29 may edit all questions submitted for grammar and style with the overall
30 opinionnaire. If the governor does not prepare a citizen councilor
31 network opinionnaire by March 15th, the state auditor will convene a
32 citizen's wisdom council to select the issue or issues for
33 consideration partially based on concepts in the book *Society's*
34 *Breakthrough! (Releasing Essential Wisdom and Virtue in All the*
35 *People)*, 2002, by Jim Rough of Port Townsend in accordance with
36 sections of this act.

1 NEW SECTION. **Sec. 5.** (1) On request of the state auditor, the
2 secretary of state shall select a citizen's wisdom council composed of
3 twelve statewide registered voters selected randomly by lot using
4 public lotto-type mechanical drawing procedures to symbolically
5 represent the people of the state of Washington and ascertain that all
6 selected are willing to participate and to make random replacements if
7 necessary.

8 (2) In any event, the state auditor shall convene a citizen's
9 wisdom council annually and appoint a facilitator to the council who is
10 experienced in helping diverse people reach unanimous conclusions on
11 difficult topics. The purpose of the citizen's wisdom council is to
12 create the next agenda for the citizen councilor network. Before
13 adjournment, the citizens wisdom council will prioritize their
14 statements generated concerning the agenda for the state auditor by
15 consensus or failing that by majority rule. The state auditor shall
16 establish policies and procedures for convening the citizen's wisdom
17 council, and will promote widespread media coverage of the event.
18 Results of the citizen's wisdom council at its conclusion will be
19 presented in a public ceremony.

20 (3) The expenses and standard per diem allowances for legislators
21 will be provided to the members of the citizen's wisdom council for
22 their work and a professional honorarium will be paid to the
23 facilitator under sections 11, 12, and 13 of this act.

24 (4) The state auditor will assign the topics and priority of the
25 citizen's wisdom council to the citizen councilor coordinator for
26 development of an opinionnaire and supportive materials by one or more
27 value reporters in accordance with section 6(2) of this act and effect
28 the social audit and symbolic dialogue network.

29 NEW SECTION. **Sec. 6.** (1) Other than the state of the union, state
30 of the state, and citizen's wisdom council opinionnaire and materials,
31 the state auditor shall determine suggested issues for public dialogue
32 and deliberation in a social audit approximately quarterly but not more
33 than monthly from suggestions received from the governor, the
34 legislature, state and local public officials, agencies, counties,
35 municipalities, and individual citizen councilors and recommend an
36 appropriate issue or issues for consideration by the citizen councilor
37 network to a steering committee and under subsection (2) of this

1 section. An advisory citizen councilor steering committee shall be
2 composed of the following nonvoting members: (a) A representative from
3 the governor's office; (b) legislative members: One member of the
4 minority party and one member of the majority party from each house of
5 the legislature; (c) a representative from the superintendent of public
6 instruction; (d) a representative from each county; (e) a
7 representative from each regional government; (f) a representative of
8 higher education; (g) a representative from the association of
9 Washington cities; (h) a representative from any organization
10 participating with over fifty groups of eight to twelve persons under
11 section 10 of this act; (i) the citizen councilor coordinator and
12 deputy citizen councilor coordinator selected as provided in section 7
13 of this act; and (j) others invited by the state auditor. All will
14 serve without remuneration except if expenses are provided otherwise by
15 law by their own agency to public persons attending. Travel expenses
16 may be provided on request to steering committee members if funds are
17 available at the sole discretion of the citizen councilor coordinator
18 or deputy citizen councilor coordinator.

19 (2) After consideration and advice by the members of the steering
20 committee, the state auditor, as an elected public official, shall
21 determine and assign the issue or issues approved for discussion to the
22 volunteer citizen councilor coordinator for preparation and
23 implementation by value reporters and others, except that the first
24 meeting of a group will be an orientation meeting prepared by the state
25 auditor unless the group was organized and already functioning under
26 the auspices of the Washington association of churches or others before
27 the effective date of this act. Value reporters assigned to gather
28 information on issues shall be careful to present all issues as
29 evenhandedly as possible, taking care to present the generally
30 prevailing viewpoints surrounding an issue or issues from experts,
31 officials, scholars, and others in an effort to provide the public with
32 information needed for discussion. Value reporters shall represent the
33 people's right to know and will conduct interviews of experts,
34 officials, scholars, and others to solicit their various viewpoints and
35 record such interviews on audio or videotape for later reproduction and
36 distribution to citizen councilor groups. Before any materials are
37 released to citizen councilor groups, however, persons interviewed and

1 taped shall approve their taped interview for release or complete
2 another interview to their satisfaction, otherwise their statement
3 shall not be included in materials sent to citizens.

4 (3) The state auditor shall refer the public information material
5 prepared by the citizen councilor coordinator, deputy citizen councilor
6 coordinator, and their staffs to the steering committee for its review
7 and recommendations. The governor for his state of the state address
8 and the state auditor for all other opinionnaire materials shall make
9 the final determination of all materials distributed to citizen
10 councilors.

11 NEW SECTION. **Sec. 7.** The offices of citizen councilor coordinator
12 and deputy citizen councilor coordinator are created within the office
13 of the state auditor. The state auditor shall appoint the citizen
14 councilor coordinator and deputy citizen councilor coordinator with the
15 advice of the steering committee, if available. The citizen councilor
16 coordinator and deputy citizen councilor coordinator shall serve at the
17 pleasure of the state auditor, until terminated with the approval of
18 the steering committee, and shall be citizen volunteers and serve
19 without compensation, but shall be reimbursed for actual expenses
20 incurred in carrying out their duties under sections 1 through 13 of
21 this act as funds for subscriptions and donations are available.

22 NEW SECTION. **Sec. 8.** The citizen councilor coordinator and deputy
23 citizen councilor coordinator shall:

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

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

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

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

35 (5) Contract for any services including without limitation a toll-

1 free telephone number and answering service, keying, optical scanning,
2 computer tabulation, recording, reporting, research, consulting,
3 printing, and mailing to carry out sections 1 through 13 of this act;

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

7 (7) Solicit citizen councilor groups from existing organizations;

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

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

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

16 (11) Mail or distribute by e-mail public information materials to
17 citizen councilor communicators for conveners or individual citizen
18 councilors, or both, after final approval by the state auditor;

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

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

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

30 (15) Prepare summary reports of data generated and press releases
31 and post the data for public analysis on a web site when the technology
32 is available;

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

37 (17) Maintain data generated for public and media reference in the
38 state auditor's office and/or posted on a web site for public access.

1 The secretary of state will cooperate with the state auditor on
2 request by providing information on initiatives, referendums, and the
3 Washington state voters' pamphlet for the consideration of the citizen
4 councilor network in their dialogues and deliberations.

5 NEW SECTION. **Sec. 9.** The citizen councilor coordinator shall
6 actively encourage citizen councilor groups to form throughout the
7 state. Citizen councilor groups shall usually consist of a minimum of
8 eight and a maximum of twelve regularly assigned members and meet on
9 call of their convener at times and places they deem most appropriate
10 during a thirty-day or other designated time period. Citizen councilor
11 groups might normally meet approximately two or three times per year on
12 state issues, one or two times on county or municipal issues, and one
13 time on federal issues in response to the president of the United
14 States through the state of the union address. They shall have the
15 opportunity to listen to audio or videotapes articulating an issue of
16 public interest or concern and study other materials prepared or
17 authorized as described in section 4 of this act. Citizen councilors
18 shall have the opportunity to respond anonymously making their opinions
19 known on individual mark-sense response sheets for return to the
20 citizen councilor coordinator for keying or optical scanning,
21 tabulation, and analysis.

22 NEW SECTION. **Sec. 10.** Eight through twelve citizens from
23 organizations such as, but not limited to, community service, civic
24 associations, cooperatives, unions, religious, business, or school
25 district groups may enroll as an organizational group with their own
26 communicator and convener designated. An organizational profile report
27 shall be provided the leaders of organizations with fifty or more
28 groups without cost to inform them of how their members responded to
29 public issues posed as approved by the state auditor and others and
30 shall be open to public inspection in the office of the state auditor
31 or posted on a web site for public analysis. If additional profiles or
32 services are requested by an organization of its own constituents, the
33 policy, rules, and fees to cover such costs shall be paid separately.
34 Organizations with fifty or more groups may purchase mailing labels of
35 their group conveners from the state auditor and prepare and mail their
36 own group materials for tabulation at their own effort and expense.

1 These data shall not be tabulated by the citizen councilor coordinator
2 and shall not be combined with the public data nor available for public
3 inspection at the office of the state auditor.

4 NEW SECTION. **Sec. 11.** (1) Each citizen councilor shall be asked
5 to make donations from time to time to help cover the costs of the
6 citizen councilor program estimated at fifteen to twenty dollars per
7 person per year at present costs. It is also the intention of the
8 state auditor that donations and gifts be solicited from public-
9 spirited individuals, businesses, and foundations to assist in the
10 funding of the program and to provide scholarships to unemployed or
11 low-income citizens. However, since all direct costs of this program
12 are provided by donations and subscriptions with no funds from public
13 sources, the citizen councilor coordinator shall use his or her
14 discretion in determining the scale and the scope of the program so
15 that expenses do not exceed available funds.

16 (2) Libraries will be encouraged to participate and allow citizens
17 who are not members of a citizen councilor group to respond to the
18 state of the union opinionnaire with appended questions by district
19 legislators as well as state of the state with appended questions and
20 wisdom council opinionnaires. A citizen may purchase a machine-
21 scannable response sheet from a library at a price to cover the direct
22 costs to the library plus an amount to cover indirect costs. Current
23 costs are twenty-five cents per sheet direct cost to an organization
24 that includes scanning and tabulation of data plus twenty-five cents to
25 the library to cover indirect costs of administration which results in
26 fifty cents per sheet for the citizen.

27 NEW SECTION. **Sec. 12.** A citizen councilor revolving fund is
28 created and shall consist of donations and subscriptions collected
29 under sections 1 through 13 of this act and any moneys appropriated to
30 it by law for specific purposes. The state treasurer shall be
31 custodian of the revolving fund. Disbursements from the revolving fund
32 shall be on authorization of the citizen councilor coordinator or
33 deputy citizen councilor coordinator. In order to maintain an
34 effective expenditure and revenue control, the citizen councilor
35 revolving fund shall be subject in all respects to chapter 43.88 RCW,

1 but no appropriation is required to permit expenditures and payment of
2 obligations from the fund.

3 NEW SECTION. **Sec. 13.** (1) The state auditor will establish the
4 office of citizen councilor and may provide the citizen councilor
5 coordinator and his or her volunteer staff with space in existing
6 offices and with clerical services from existing staff to assist in
7 establishing and conducting the citizen councilor program.
8 Appropriations are not required, but the state auditor may consider the
9 services provided under this section in submitting its budget.

10 (2) The citizen councilor coordinator shall seek donations from
11 citizen councilor organizational groups, citizen councilors, public-
12 spirited individuals, community service organizations, businesses, and
13 foundations to help cover the costs of the program. When ten thousand
14 dollars in donations have been received, the state auditor shall
15 authorize the citizen councilor coordinator to establish a toll-free
16 telephone number and answering service to develop a list of the names,
17 addresses, and telephone numbers of persons and groups interested in
18 serving as citizen councilors, citizen councilor communicators and/or
19 conveners, and communicators and conveners in citizen councilor
20 organizational groups, or in making donations. Whenever possible, the
21 names, addresses, and legislative districts of registered voters
22 maintained by the secretary of state shall be copied to reduce costs of
23 the state auditor while increasing accuracy of the citizen councilor
24 records. When ten thousand dollars in additional donations have been
25 received, the citizen councilor coordinator may initiate the new
26 communication process contemplated in sections 1 through 13 of this act
27 and continue it at a scope and scale that is supportable by the
28 resources available.

29 (3) In the event the program under sections 1 through 13 of this
30 act fails to support its direct costs and is necessary to be terminated
31 by the state auditor, funds remaining after payment of all outstanding
32 expenses and disposal of equipment and supplies owned shall be
33 deposited in the general fund.

34 (4) The theory, programming, and procedures in this act are
35 pioneering and have never been used at the state level before in an
36 effort to design new audit processes to measure intangible human assets
37 of esprit de corps and the concerns and interests of stakeholder

1 citizens. The state auditor, as an elected public official and
2 constitutionally charged to monitor state government and perform
3 appropriate tangible asset financial audits and intangible asset
4 compliance, performance, social, and internal audits, should be given
5 the widest discretion possible in resolving problems that might arise
6 in administration of this new professional technology project if
7 necessary.

8 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act are each
9 added to chapter 43.09 RCW.

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