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MOTION NO. _____

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A MOTION relating to the King County Jail; stating policy regarding the current proceedings involving the Federal Consent Decree; directing the Prosecutor as legal counsel for the County to raise certain objections, among others, to be resolved in judicial proceedings before the Federal District Court.

WHEREAS, under the provisions of the Home Rule Charter, the Council is the policy-making and legislative branch of King County government, and

WHEREAS, under the provisions of Case No. C78-83M, Robin Cason, et al, vs. James Coughlin, filed in Federal District Court, the plaintiff class, consisting of State pretrial detainees, challenged the constitutionality of conditions at the King County jail, and

WHEREAS, the Federal District Court's jurisdiction is based upon the Civil Rights Act of 1871, 42 U.S.C., Section 1983, and

WHEREAS, the King County Council has never been served with a summons and complaint naming it as a defendant in this matter and has never agreed to be a defendant, and

WHEREAS, the Council has not delegated any of its power and authority in this matter to the executive branch of King County government, and

WHEREAS, it has not been established to the satisfaction of the Council that the Federal District Court has jurisdiction over the Council and that the Council is a proper defendant in this matter, and

WHEREAS, the County jail pursuant to a number of intergovernmental agreements houses the prisoners of Seattle and numerous other municipalities, and

1 WHEREAS, current conditions in the jail should be recognized
2 as an intergovernmental problem, not the sole responsibility of the
3 defendant as a public official of King County, and

4 WHEREAS, it is fact that the resolution of issues of over-
5 crowding, capital facilities, and adequate resources for the jail's
6 operation are directly dependent upon the positive efforts of other
7 units of government, and

8 WHEREAS, those other units of government, are not part of this
9 Decree or bound in any way by the provisions of this Decree;

10 NOW, THEREFORE, BE IT MOVED by the Council of King County:

11 The Prosecutor, as legal counsel for the Council, in the case
12 of Robin Cason et al vs. James Coughlin is directed to:

13 1. Take the necessary legal steps to question the jurisdic-
14 tion of the Federal District Court over the King County Council in
15 this matter at this time.

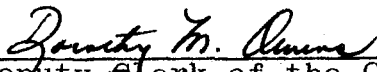
16 2. Take whatever steps are necessary to extend this action to
17 other units of government which use the King County jail to assure
18 that those governmental units are also parties to this action.

19 PASSED this 20th day of May, 1981.

20 KING COUNTY COUNCIL
21 KING COUNTY, WASHINGTON

22 
23 Chairman

24 ATTEST:

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27 Deputy Clerk of the Council

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