

bdappord.jlb
May 6, 1994

Introduced by: DERDOWSKI

Proposed No.: 94-204

ORDINANCE NO. **11319**

1
2
3 AN ORDINANCE relating to boards and
4 commissions and exempt officials;
5 establishing procedures for appointment
6 and confirmation or rejection of their
7 members, vacancies, and the exercise of
8 official powers pending confirmation, and
9 requiring an annual executive report; and
10 amending Ordinance 5559, Sections 1-7, as
11 amended, and K.C.C. 2.16.110.
12

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 NEW SECTION SECTION 1. Applicability. All members of
15 county boards and commissions shall be appointed, hold office,
16 be confirmed or rejected according to the provisions of this
17 ordinance; provided, however, that this ordinance shall not
18 affect boards and commissions to the extent that they are
19 expressly dealt with under state law, county charter or
20 ordinance in a manner different than that set forth herein.

21 NEW SECTION SECTION 2. Appointment and Confirmation. The
22 executive shall appoint members of boards and commissions by
23 executing a letter of appointment when a vacancy exists. The
24 letter shall be filed with the clerk of the council and the
25 board of ethics. The executive shall transmit with the letter
26 of appointment a draft motion confirming the appointment
27 together with such supporting and background information
28 regarding the appointee as the executive deems would assist the
29 council in considering confirmation. The letter shall specify
30 the position to which the member is being appointed and the
31 length of the term being filled. Confirmation or rejection
32 shall be by council motion.

33 NEW SECTION SECTION 3. Powers of appointees.

34 A. An appointment shall be deemed to have been made on
35 the date the letter of appointment is filed with the clerk of
36 the council as required by section 2 of this ordinance. All

1 appointments are subject to confirmation or rejection by the
2 council.

3 B. An appointee may exercise the powers of office
4 beginning thirty (30) days after appointment or such earlier
5 time as he or she is confirmed by the council. Appointees
6 remain subject to later confirmation or rejection by the
7 council.

8 C. Any member whose term has expired shall continue to
9 serve until his or her successor is appointed and either is
10 confirmed or is authorized to exercise official power under the
11 provisions of Section 3 (B) of this ordinance; provided,
12 however, that the office of a holdover who has been reappointed
13 and rejected by the council shall be deemed vacant and such
14 holdover shall not exercise the powers of such office; and
15 provided further that no member who has vacated an office as
16 provided by law shall serve as a holdover in that office.

17 NEW SECTION SECTION 4. Vacancy.

18 A. Grounds for vacancy. A position shall be deemed vacant
19 upon the occurrence of any of the events specified in RCW
20 42.12.010 or the following events:

21 1. Withdrawal by an appointee who has not yet been
22 confirmed;

23 2. Failure to continue to meet qualifications for
24 appointment during the term of office.

25 3. Voluntary resignation prior to the expiration of an
26 appointed term.

27 B. Notice of vacancy. Any board or commission receiving
28 notice of events constituting a vacancy shall immediately give
29 written notice of such vacancy to the executive and the clerk
30 of the council.

31 C. Effect of vacancy. Until a successor is appointed and
32 either confirmed or is authorized to exercise official power

1 under the provisions of Section 3 (B) of this ordinance, the
2 board or commission shall be deemed temporarily reduced in
3 number for all official purposes except as otherwise provided
4 by law; provided, however, that no board or commission shall be
5 temporarily reduced hereby to less than two members.

6 D. Appointment to fill vacancy, an unexpired term. A
7 person appointed to fill an unexpired term shall be appointed
8 to serve only to the completion of the original term of office.

9 NEW SECTION SECTION 5. Qualifications. The council by
10 ordinance may specify qualifications for appointment to any or
11 all boards and commissions; provided, however that such
12 qualifications shall not reduce or eliminate qualifications
13 otherwise required by law.

14 NEW SECTION SECTION 6. Per diem. The council by
15 ordinance may provide for per diem compensation for members of
16 specific boards and commissions.

17 NEW SECTION SECTION 7 Annual Executive report required.
18 The executive shall prepare an annual status report to the
19 council regarding boards and commissions. Such report shall
20 contain, at a minimum, an inventory of boards and commissions;
21 a description of activities; a list of members; a list showing
22 the terms of office, including the terms to expire during the
23 following year; and the department or agency providing staff
24 support, including a contact address and phone number.

25 SECTION 8. Ordinance 5559, Sections 1-7 as amended, and
26 K.C.C. 2.16.110 is hereby amended to read as follows:

27 **Appointment-and confirmation of exempt officials.**

28 A. Appointments by the county executive. The county
29 executive shall appoint the deputy county executive and the
30 director of each executive department, except the departments
31 of assessment and judicial administration, PROVIDED that the
32 director of the department of youth services shall be selected

1 by the executive from a list of at least three persons
2 submitted by the Superior Court judges.

3 B. Office Appointments. The deputy county executive,
4 shall appoint the chief officer of each administrative office,
5 and with the advice of the financial management director, shall
6 appoint the division managers of the office of financial
7 management.

8 C. Departmental Appointments. The director of each
9 department, at the discretion of the county executive, shall
10 appoint exempt employees of his or her department as provided
11 in Section 550 of the Home Rule Charter.

12 D. Confirmation and Approval.

13 1. All appointments by the county executive shall be
14 subject to confirmation by a majority of the county council
15 except exempt personnel assigned to his or her personal staff.

16 2. All appointments to positions of division manager or
17 office director not made by the county executive shall be
18 subject to approval by the county executive.

19 E. Confirmation Procedure and Requirements.

20 1. APPOINTMENTS-STATUS. All individuals appointed by
21 the county executive, per Section 340.40 of the Home Rule
22 Charter, shall serve in an acting capacity, unless confirmed by
23 the council. The executive is authorized to appoint a person
24 to serve in an acting capacity to fill a position requiring
25 council confirmation for a period of no greater (~~+90~~) 150 days.

26 The Executive shall notify the council within 90 days
27 concerning the status of his or her search for qualified
28 candidates for appointment to the vacant position. Thereafter,
29 the individual may continue serving in an acting capacity for
30 successive 60-day periods only with approval by motion of the
31 county council. The council shall grant at least one
32 successive 60-day extension if the executive certifies to the

1 council's satisfaction that the executive is actively pursuing
2 a search for qualified candidates for appointment to the
3 vacant position. If no appointment is transmitted to the
4 council for confirmation during the authorized period, the
5 position shall be considered vacant for purposes of exercise of
6 any authority given to the position pursuant to ordinance and
7 no salary shall be paid for the position while it is so vacant.

8 2. APPOINTMENTS-REFERRAL TO THE COUNCIL FOR CONFIRMATION.

9 Whiting seven calendar days of any executive appointment
10 which is subject to council confirmation, the executive
11 shall deliver written notice of said appointment to the council
12 accompanied by a proposed motion confirming the individual.

13 3. CONFIRMATION BY THE COUNCIL. Upon the receipt of the
14 notification by the executive of an appointment, accompanied by
15 the proposed motion, the council shall act to consider
16 confirmation of the appointment within ninety days.
17 Approval of the introduced motion by a majority of the council
18 shall constitute confirmation of the appointee. Once
19 confirmed, the appointee is no longer serving in an acting
20 vapidty.

21 4. EVALUATION CRITERIA. In considering the confirmation
22 of executive appointments to offices of management level
23 responsibility, the council shall base its review on the
24 ability of the appointee to meet the following criteria:

25 a. A demonstrated reputation for integrity and
26 professionalism.

27 b. A commitment to and knowledge of the
28 responsibilities of the office.

29 c. A history of demonstrated leadership, experience and
30 administrative ability.

1 d. The ability to work effectively with the executive,
2 the council, other management, public agencies, private
3 organizations and citizens.

4 e. A demonstrated sensitivity to and knowledge of the
5 particular needs and problems of minorities and women.

6 5. REQUIRED DOCUMENTATION TO BE SUBMITTED TO THE COUNCIL.

7 The appointee, prior to review of the appointment by the
8 council, shall submit to the chairman:

9 a. A full and complete resume of his/her employment
10 history, to include references attesting to the stated
11 employment experiences.

12 b. A signed statement acknowledging that the council's
13 confirmation process may require the submittal of additional
14 information relating to the background and expertise of the
15 appointee.

16 6. MINIMUM PROCEDURES. Upon receipt of an executive
17 appointment, the chairman or his delegate, subject to the
18 council's rules of procedure, shall notify councilmembers of
19 the appointment and attempt to allow a minimum of one work week
20 for individual members to submit written questions to the
21 reviewing committee.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

It is understood that written inquiries submitted to the reviewing committee, by individual councilmembers, may require a written response from the appointee or the executive, in matters pertaining to the process of appointment and other pertinent employment policies of King County.

INTRODUCED AND READ for the first time this 11th day of April, 1994.

PASSED this 9th day of May, 1994

Passed by a vote of 11-0,

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

APPROVED this 18th day of May, 1994

Ray Locke
King County Executive