

October 6, 1989

INTRODUCED BY PAUL BARDEN

PROPOSED NO. 89 - 801

7719

MOTION NO. _____

A MOTION authorizing the county to pay all expenses necessarily incurred in defending King County Prosecuting Attorney Norm Maleng in judicial proceedings to determine the sufficiency of recall charges.

WHEREAS, a recall proceeding seeking the discharge of King County Prosecuting Attorney Norm Maleng has been initiated by Darryl A. Jenkins, pursuant to sections 33 and 34 of Article 1 of the Washington Constitution and Chapter 29.82 RCW, and

WHEREAS, the records and elections division has certified and transmitted a copy of charges prepared by Mr. Jenkins to the attorney general, pursuant to RCW 29.82.015 and 29.82.021(1)(b), and

WHEREAS, the attorney general is responsible for the formulation of a ballot synopsis of the charges, and for petitioning the superior court to approve the synopsis and determine the sufficiency of the charges, pursuant to RCW 29.82.021(2), and

WHEREAS, RCW 36.16.134 (as amended by Laws of 1989, ch. 250, section 1) requires the county to pay the necessary expenses of defending elective county officers in judicial proceedings to determine the sufficiency of recall charges if the officer requests such defense and approval is granted by both the county legislative authority and the prosecuting attorney, and

WHEREAS, the prosecuting attorney has requested and approved such defense;

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

A. In view of the facts and circumstances present, including the fact that the recall charges essentially appear to be a collateral attack against a pending criminal matter brought by Prosecuting Attorney Norm Maleng against the son of Mr. Jenkins, the county council finds that it is in the public

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1 interest to require the county to pay for all expenses
2 necessarily incurred in defending Mr. Maleng in the recall
3 proceedings initiated by Mr. Jenkins. In that regard, the county
4 council authorizes Mr. Maleng to secure legal representation
5 from a deputy prosecuting attorney in the civil division of the
6 prosecuting attorney's office. It is the intent of the county
7 council that the expenses paid by the county include any costs
8 associated with an appeal of any decision rendered by the
9 superior court concerning the sufficiency of the recall charges.

10 PASSED this 9th day of October, 1989.

11 KING COUNTY COUNCIL
12 KING COUNTY, WASHINGTON

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14 _____
15 Chair

16 ATTEST:

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19 Clerk of the Council
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