

10/06/1999

Introduced By: Jane Hague

bar 10/07/99

Proposed No.: 1999-0633

ORDINANCE NO. **13668**

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AN ORDINANCE relating to the elimination of the department of youth services; transferring the probation services division of the department of youth services back to King County superior court; transferring the detention services division of the department of youth services to the executive department of adult detention; amending Ordinance 11955, Section 13, and K.C.C. 2.16.110, Ordinance 12432, Section 2, and K.C.C. 2.16.120 and Ordinance 10897, Section 7, and K.C.C. 2.16.165, adding a new section to K.C.C. chapter 2.16 and repealing Ordinance 3049, Section 1, as amended, and K.C.C. 2.16.170 and Ordinance 3049, Section 2, as amended, and K.C.C. 2.16.180.

PREAMBLE:

On November 22, 1976, the King County superior court judges, acting under RCW 13.20.060, authorized, by majority vote, the transfer to the county executive the responsibility for and administration of all nonjudicial juvenile court services.

On January 5, 1977, the King County superior court judges and the King County executive executed an agreement with an effective date of February 1, 1977, authorizing the transfer of the nonjudicial aspects of juvenile court services which included intake and investigation, detention and probation to the executive.

On January 24, 1977, the King County council passed Ordinance 3049 directing the county executive to take responsibility for and administration of nonjudicial juvenile court services.

RCW 13.20.060 authorizes the superior court judges, by majority vote, to transfer all or part of juvenile court services back to the superior court, subject to approval by ordinance of the legislative authority of the county.

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On September 27, 1999, the King County superior court judges, acting under RCW 13.20.060, voted to transfer the probation-related portion of the department of youth services back to the King County superior court judges, to allow the executive to continue to assume responsibility for the detention portion of the department of youth services and to allow for the dissolution of the department of youth services.

The King County superior court judges expressed a desire to have control over the probation-related functions of juvenile court services because juvenile probation counselors are officers of the court and are responsible for carrying out judges' orders. As such, court oversight of the juvenile probation counselors is logical and appropriate.

It is desirable for the detention portion of the department of youth services to be handled by the department of adult detention. The department of adult detention will strive to maintain a close working relationship with the juvenile defense bar, the King County prosecuting attorney's office, law enforcement agencies, the Washington state Department of Social and Health Services, the King County department of community and human services and the courts in working on juvenile justice issues and provision of effective prevention and intervention services to juvenile offenders.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3049, Section 1, as amended, and K.C.C. 2.16.170 are each hereby repealed.

SECTION 2. Ordinance 3049, Section 2, as amended, and K.C.C. 2.16.180 are each hereby repealed.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

Juvenile court services - detention facilities - administration by the county executive.

A. The responsibility for the administration of detention services, together with building maintenance, are transferred to the county executive from the King County superior court, subject to subsection B of this section.

1 B. The administration of detention services shall revert to the judges of the superior
2 court if a majority of the judges find that any one or more of the following conditions are
3 not being complied with and that the interests of juveniles or the community require
4 reversion, except that, before such a vote, the superior court and the executive shall first
5 meet and attempt to resolve any concerns:

6 1. The services that are being transferred to the executive shall be maintained at
7 a level consistent with and providing for the needs of juveniles, over whom the superior
8 court has jurisdiction, and of the needs of the community in relation to those juveniles;

9 2. The detention facility and all detention services for juveniles shall be
10 operated separately from the adult detention facility so that there is no contact, physically
11 or programmatically, between juvenile offenders and adult inmates;

12 3. The manager of the youth detention facility shall be at least at the level of a
13 division manager within the newly created department of juvenile and adult detention.

14 Upon a vacancy, the executive shall replace the manager of the youth detention facility
15 through a competitive search process that includes participation from the superior court;

16 4. The staff of adult detention and juvenile detention shall be separate and
17 distinct. Staff of the adult detention facility shall not be assigned to the juvenile detention
18 facility without having received adequate training to qualify as a juvenile detention officer.
19 The superior court shall participate in the development of the training curriculum that is
20 provided to juvenile detention officer.

21 C. The county executive, sheriff, prosecuting attorney, presiding judges of the
22 superior court and district court, chair of the law and justice committee of the county
23 council, the director of the department of adult detention, the director of community and

1 human services and the director of judicial administration constitute the members of the
 2 criminal justice council. The criminal justice council shall act as adviser to the superior
 3 court in the oversight of the juvenile detention facility. The criminal justice council shall
 4 establish a subcommittee to assist with the oversight. The criminal justice council
 5 subcommittee charged with assisting in the oversight shall provide opportunity for
 6 participation by citizens and the public defender agencies providing services to juveniles.
 7 During the summer of 2001, the criminal justice council shall conduct an evaluation to
 8 review the performance of the juvenile detention division and to make recommendations to
 9 the superior court on whether juvenile detention should remain in the department of adult
 10 and juvenile detention and whether probation related services should remain under the
 11 court's supervision.

12 SECTION 4. Ordinance 11955, Section 13, and K.C.C. 2.16.110 are each hereby
 13 amended to read as follows:

14 **Appointment and confirmation of exempt officials.**

15 A. ~~((APPOINTMENTS BY THE COUNTY EXECUTIVE.))~~ The county executive
 16 shall appoint the deputy county executive and the director of each executive department,
 17 except the departments of assessment and judicial administration(~~(; PROVIDED that)~~).
 18 ~~((†))~~The ~~((director of the department of youth services shall be selected by the executive from~~
 19 ~~a list of at least three persons submitted))~~ county executive shall also appoint the manager of
 20 the youth detention facility through a competitive search process that includes participation
 21 by the ~~((S))~~superior ~~((C))~~court judges.

22 B. ~~((ADMINISTRATIVE OFFICE APPOINTMENTS.))~~ The deputy county
 23 executive shall appoint the chief officer of each administrative office.

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C. (~~DEPARTMENTAL APPOINTMENTS.~~) The director of each executive department, at the discretion of the county executive, shall appoint exempt employees of his or her department as provided in Section 550 of the (~~Home Rule~~) King County Charter.

D. (~~CONFIRMATION AND APPROVAL.~~)

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

2. All appointments to positions of division manager or chief officer of an administrative office not made by the county executive shall be subject to approval by the county executive.

E. (~~CONFIRMATION PROCEDURE AND REQUIREMENTS.~~)

1. (~~APPOINTMENTS STATUS.~~) All individuals appointed by the county executive, (~~per~~) under Section 340.40 of the (~~Home Rule~~) King County Charter, shall serve in an acting capacity, unless confirmed by the council. The executive is authorized to appoint a person to serve in an acting capacity to fill a position requiring council confirmation for a period of no greater than (~~150~~) one hundred fifty days. The executive shall notify the council within (~~90~~) ninety days concerning the status of his or her search for qualified candidates for appointment to the vacant position. Thereafter, the individual may continue serving in an acting capacity for successive (~~60~~) sixty-day periods only with approval by motion of the county council. The council shall grant at least one successive (~~60~~) sixty-day extension if the executive certifies to the council's satisfaction that the executive is actively pursuing a search for qualified candidates for appointment to the vacant position. If no appointment is transmitted to the council for confirmation during the authorized period, the position shall be considered vacant for purposes of exercise of any authority given to the

1 position pursuant to ordinance and no salary shall be paid for the position while it is so
2 vacant.

3 2. (~~APPOINTMENTS REFERRAL TO THE COUNCIL FOR~~
4 ~~CONFIRMATION~~.) Within seven calendar days of any executive appointment ((which))
5 that is subject to council confirmation, the executive shall deliver written notice of said
6 appointment to the council accompanied by a proposed motion confirming the individual.

7 3. (~~CONFIRMATION BY THE COUNCIL~~.) Upon the receipt of the
8 notification by the executive of an appointment, accompanied by the proposed motion, the
9 council shall act to consider confirmation of the appointment within ninety days. Approval of
10 the introduced motion by a majority of the council shall constitute confirmation of the
11 appointee. Once confirmed, the appointee is no longer serving in an acting capacity.

12 4. (~~EVALUATION CRITERIA~~.) In considering the confirmation of executive
13 appointments to offices of management level responsibility, the council shall base its review
14 on the ability of the appointee to meet the following criteria:

- 15 a. a demonstrated reputation for integrity and professionalism.
- 16 b. a commitment to and knowledge of the responsibilities of the office.
- 17 c. a history of demonstrated leadership, experience and administrative ability.
- 18 d. the ability to work effectively with the executive, the council, other
19 management, public agencies, private organizations and citizens.
- 20 e. a demonstrated sensitivity to and knowledge of the particular needs and
21 problems of minorities and women.

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5. ~~((REQUIRED DOCUMENTATION TO BE SUBMITTED TO THE COUNCIL.))~~ The appointee, prior to review of the appointment by the council, shall submit to the chair of the council:

- a. a full and complete resume of his/her employment history, to include references attesting to the stated employment experiences.
- b. a signed statement acknowledging that the council's confirmation process may require the submittal of additional information relating to the background and expertise of the appointee.

6. ~~((MINIMUM PROCEDURES.))~~ Upon receipt of an executive appointment, the chair or his or her delegate, subject to the council's rules of procedure, shall notify council members of the appointment and attempt to allow a minimum of one work week for individual members to submit written questions to the reviewing committee.

It is understood that written inquiries submitted to the reviewing committee, by individual council members, 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.

SECTION 5. Ordinance 12432, Section 2, and K.C.C. 2.16.120 are each hereby amended to read as follows:

Department of adult and juvenile detention - duties - divisions.

A. The department is responsible to manage and be fiscally accountable for the Seattle division ~~((and)),~~ the Kent division and the juvenile division, all three of which shall have equal standing within the department. Through ~~((these two divisions))~~ the Seattle division and the Kent division, the department ~~((will))~~ shall operate the King County

1 correctional facility in Seattle and the Regional Justice Center detention facility in Kent.

2 Through the juvenile division, the department shall operate the county's juvenile detention
3 facility. In addition, the department ((shall be)) is responsible for programs ((which)) that
4 provide alternatives to confinement in the correctional facilities, as well as services and
5 support functions directed toward reduction of the correctional facilities' populations. The
6 judges of the superior court have final authority for approval of all screening criteria
7 including participation in any alternatives to confinement for the juvenile detention facility.

8 B. ~~((SEATTLE DIVISION AND KENT DIVISION.))~~ The duties of ~~((each of))~~ the
9 Seattle division((s)) and the Kent division shall include the following:

- 10 1. House adult persons who are any combination of arrested for, charged for
11 ((and/))or held on investigation of a criminal offense;
- 12 2. House adult persons during trial, and ~~((prior to))~~ before sentencing after
13 conviction;
- 14 3. House adult persons serving sentences not exceeding one year;
- 15 4. Maintain records and process and identify property of persons confined or
16 committed to correctional facilities operated by the division;
- 17 5. Perform functions related to residential and building security, including
18 supervision of persons confined or committed to correctional facilities operated by the
19 division;
- 20 6. Transport confined or committed adult persons to and from court and provide
21 secure escort of ~~((such))~~ those persons outside ~~((such))~~ the facilities;
- 22 7. Provide nutritional meals daily to confined or committed adult persons,
23 including preparation of special meals in response to medical and religious requirements;

1 8. Provide health care to confined or committed adult persons in conjunction
2 with the King County public health department, including medical, dental and psychiatric
3 care;

4 9. Provide social services to and for confined or committed adult persons,
5 including, but not limited to, the following: classifying ((sueh)) those persons; evaluating
6 mentally ill or developmentally disabled confined or committed persons, including referral
7 to available community programs; reviewing ((sueh)) those persons with psychiatric
8 problems; reviewing other special population groups; providing general population group
9 management; and providing outside agency access to ((sueh)) those persons including
10 special visitation, library, recreational and educational services; and

11 10. Ensure compliance with laws and regulations applicable to the management
12 and operation of ((sueh)) the correctional facilities.

13 C. The principle function of the juvenile division is to operate the county's juvenile
14 detention facility in a safe, secure and humane manner as prescribed by state law and court
15 rules. The juvenile division shall administer alternatives to secure detention as approved
16 by the court, a school program, a health program and other related programs. The juvenile
17 division shall be operated in a manner which will give reasonable access to the defense bar,
18 juvenile probation counselors and social service providers and educators, consistent with
19 appropriate security measures and public safety.

20 D. All personnel operations, budget and fiscal operations and other central support
21 services involving staff members of the Seattle, Kent and juvenile divisions shall be
22 administered within a division of administrative services to ensure consistency and

1 efficiency of operations. The department's chief of administration shall oversee these
2 operations, and the operations shall conform to department guidelines and practices.

3 SECTION 6. Ordinance 12483, Section 2, is hereby amended to read as follows:

4 The management classifications/pay ranges set forth in Attachment A to this
5 ordinance and the salary schedules for classifications set forth in Attachment B to this
6 ordinance (and as previously adopted by Ordinance 12013) are hereby adopted.

7 PROVIDED THAT:

8 The executive shall eliminate the 1997 proposed budget the following position (or
9 equivalent positions) in the department of natural resources: surface water management
10 division assistant manager; program analyst IV; communications supervisor; civil engineer
11 V; environmental compliance manager; training supervisor; special projects manager -
12 water pollution control; and environmental planning supervisor.

13 PROVIDED FURTHER THAT:

14 No additional top management positions shall be added to the department of adult
15 detention beyond the following (~~five~~) seven positions (or equivalent positions): director;
16 detention facility division manager (~~two~~) three positions); chief of administration (one
17 position); and detention facility assistant division manager (two positions).

18 SECTION .7 Ordinance 10897, Section 7 and K.C.C. 2.16.165 are each hereby
19 amended to read as follows:

20 **Department of construction and facility management-duties-divisions.**

21 A. The department is responsible to manage and be fiscally accountable for the
22 facilities maintenance division, property services division, airport division, capital planning
23 and development division(~~(;)~~) and all capital improvement projects except for the King

1 County domed stadium and as otherwise specified by K.C.C. 2.16.045 and ~~((K.C.C.))~~

2 2.16.140. In addition, the department shall oversee space planning for county agencies.

3 B. ~~((FACILITIES MAINTENANCE DIVISION:))~~ The duties of the facilities
4 maintenance division ~~((shall))~~ include the following:

5 1. Administer and maintain in good general condition the county's buildings
6 except for those managed and maintained by the departments of parks and cultural
7 resources, ~~((youth services))~~, stadium administration, natural resources and transportation;

8 2. Operate security programs for county facilities except as otherwise
9 determined by the council;

10 3. Administer all county facility parking programs except for King County
11 domed stadium and public transportation facility parking; and

12 4. Administer the supported employment program.

13 C. ~~((PROPERTY SERVICES DIVISION:))~~ The duties of the property services
14 division ~~((shall))~~ include the following:

15 1. Manage all real and personal property owned or leased by the county, except
16 as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate
17 revenues closely approximating fair market value;

18 2. Maintain a current inventory of all county owned or leased real and personal
19 property;

20 3. Function as the sole agent for the disposal of properties deemed surplus to
21 the needs of the county;

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4. ~~((Pursuant to the requirements of))~~ In accordance with K.C.C. chapter 4.04,
provide support services to county agencies in the acquisition of real properties, except as
otherwise specified in Ordinance 11955; and

5. Issue ~~over((-))~~sized vehicle permits, franchises~~((;))~~ and permits and
easements for the use of county property except franchises for cable television and
telecommunications.

D. ~~((AIRPORT DIVISION.))~~ The duties of the airport division ~~((shall))~~ include
managing the maintenance and operations of ~~((Boeing Field/))~~ the King County
international airport.

E. ~~((CAPITAL PLANNING AND DEVELOPMENT DIVISION.))~~ The duties of
the capital planning and development division ~~((shall))~~ include the following:

1. Oversee the development of capital projects for all county agencies except
for specialized roads, solid waste, public transportation, water pollution abatement,
stadium and surface water management projects;

2. Be responsible for all general projects, such as office buildings or
warehouses, for any county department including, but not limited to, the following:

- a. administer professional services and construction contracts;
- b. act as the county's representative during site master plan, design and
construction activities;
- c. manage county funds and project budgets related to capital improvement
projects;
- d. assist the property services division and departments in the acquisition of
appropriate facility sites;

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- e. formulate guidelines for the development of Operational and Capital Improvement Plans;
- f. assist user agencies in the development of Capital Improvement and Project Program Plans, as defined and provided for in K.C.C. chapter 4.04;
- g. formulate guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
- h. ensure the conformity of Capital Improvement Plans with the adopted space plan and approved Operational Master Plans;
- i. develop project cost estimates that are included in Capital Improvement Plans, Site Master Plans, Capital Projects and annual project budget requests;
- j. provide advisory services and/or feasibility studies to projects as required and for which there is budgetary authority;
- k. coordinate with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. Title 4;
- l. provide engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and
- m. provide assistance in developing the executive budget for capital improvement projects.

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SECTION 8. Effective date. This ordinance takes effect January 1, 2000.

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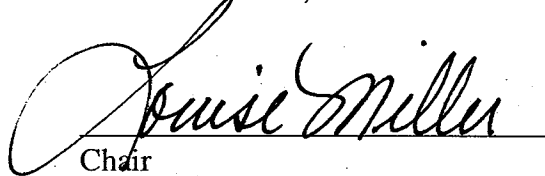
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SECTION 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

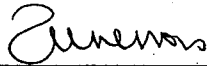
INTRODUCED AND READ for the first time this 25th day of October, 1999.

PASSED by a vote of 10 to 3 this 22nd day of November, 1999.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

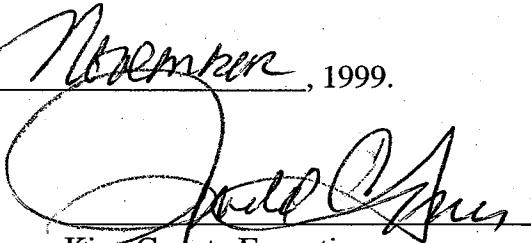

Chair

ATTEST:



Clerk of the Council

APPROVED this 22 day of November, 1999.


King County Executive

Attachments: None