



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 29, 2013

Ordinance 17678

Proposed No. 2013-0242.3

Sponsors Patterson, Lambert and Dembowski

1 AN ORDINANCE implementing the charter amendment
2 that was placed on the ballot by Ordinance 17614,
3 contingent on certification that the charter amendment has
4 been approved by the voters; amending Ordinance 8257,
5 Section 2, as amended, and K.C.C. 2.60.020, Ordinance
6 17588, Section 4, and K.C.C. 2.60.026, Ordinance 383,
7 Section 5, as amended, and K.C.C. 2.60.050, Ordinance
8 11955, Section 12, as amended, and K.C.C. 2.16.100,
9 Ordinance 11955, Section 13, as amended, and K.C.C.
10 2.16.110 and Ordinance 1872, Section 3, as amended, and
11 K.C.C. 2.32.100 and adding new sections to K.C.C. chapter
12 2.60.

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 **SECTION 1. Findings:**

15 A. Public defense services are mandated by the United States Constitution, the
16 Washington state Constitution and state law.

17 B. The Sixth Amendment of the United States Constitution and Article I, Section
18 22, of the Washington state Constitution guarantee assistance of counsel to every citizen
19 accused in a matter where loss of liberty is possible.

20 C. Beginning in the 1970s, King County contracted with private, nonprofit
21 corporations for the provision of most indigent defense services. These private, nonprofit
22 corporations were viewed by the county and the corporations as independent contractors,
23 and as a result the employees of the private, nonprofit corporations were not considered
24 county employees and did not receive county benefits, nor were they enrolled in the
25 Public Employees' Retirement System ("PERS").

26 D. In January 2006, a class action lawsuit was filed against King County,
27 alleging that the employees of the private, nonprofit corporations were county employees
28 and that King County had a duty to enroll them in PERS.

29 E. In February 2009, a Pierce county superior court judge entered an injunction
30 requiring employees of the King County public defense contractors to be enrolled in
31 PERS. Enforcement of that injunction was stayed on appeal.

32 F. In August 2011, the Washington Supreme Court affirmed the trial court's
33 decision in a five to four decision. The county's motion for reconsideration, which was
34 supported by the state of Washington as amicus curiae, was denied.

35 G. In March 2012, the trial court entered an order requiring King County to
36 enroll the then-current employees of the private, nonprofit corporations in PERS. The
37 county complied with this order.

38 H. On March 18, 2013, the King County council adopted Ordinance 17537,
39 which approved a proposed settlement agreement that recognized the current employees
40 of the private, nonprofit corporations as county employees on July 1, 2013. The
41 settlement received judicial approval but will not be final until an appeal that was
42 received from the Department of Retirement Services is resolved.

43 I. On May 20, 2013, the council adopted Ordinance 17588, which established a
44 department of public defense performing public defense services primarily in-house, in
45 order to ensure that current and future clients would have access to public defense
46 services without disruption as the settlement agreement was implemented.

47 J. The county intends to maintain the high quality of public defense services that
48 public defense attorneys and staff have delivered and to which King County has long
49 been committed, by promoting independence from political influence, a quality work
50 force and operational efficiency in the provision of public defense services.

51 K. Toward that end, the council has placed on the ballot, by Ordinance 17614, a
52 charter amendment that would make the department of public defense a charter-created
53 department with a county public defender appointed by the executive from among
54 candidates nominated by an advisory board that is broadly representative of entities and
55 nonpartisan organizations that focus on issues related to criminal justice and public
56 defense, with the appointment subject to council confirmation. The board would also
57 serve as an advisor to the county public defender.

58 L. Only if the voters approve the charter amendment will this ordinance take
59 effect in order to implement the charter amendment.

60 SECTION 2. Ordinance 8257, Section 2, as amended, and K.C.C. 2.60.020 are
61 each hereby amended to read as follows:

62 A. The department of public defense is responsible ~~((to manage))~~ for managing
63 and ~~((be))~~ being fiscally accountable for the provision of public defense services. ~~((The~~
64 ~~department should have four divisions.))~~

65 B. The duties of the department of public defense include:

- 66 1. Providing legal defense services in accordance with ~~((K.C.C. 2.60.050))~~
67 Section 350.20.60 of the King County Charter and ~~((other provisions of))~~ this chapter;
- 68 2. Providing legal defense services in an efficient manner that ensures effective
69 representation at reasonable cost to the county;
- 70 3. ~~((Investigating))~~ Screening and determining eligibility for legal defense
71 services through the department. In addition, the department shall secure reimbursement
72 from eligible persons, including the parents of juveniles receiving legal defense services
73 through the department, when the person can afford to pay some or all of the cost to King
74 County of providing such legal defense services;
- 75 4. Establishing and maintaining an assigned counsel panel that includes
76 attorneys acceptable to the department who wish to participate in the defense of persons
77 eligible for services through the department;
- 78 5. Assigning cases to assigned counsel where conflicts of interest or other
79 special circumstances exist which require use of assigned counsel; ~~((and))~~
- 80 6. Preparing an annual budget for the department that evaluates and forecasts
81 service delivery levels and department expenses for service delivery, contractors,
82 assigned counsel and administration. ~~((Such))~~ The evaluations and forecasts shall include
83 an analysis of the impact, if any, of changes in the procedures or practices of the courts,
84 prosecutor, police~~((s))~~ or other elements of the criminal justice system; and
- 85 7. Fostering and promoting system improvements, efficiencies, access to justice
86 and equity in the criminal justice system.
- 87 C. The department may provide its services to the state of Washington, tribal
88 governments and municipalities in King County on a full cost recovery basis and is

89 authorized to negotiate appropriate agreements, subject to council approval by ordinance
90 when required by law.

91 D. The department may provide services related to criminal justice reform
92 projects, such as the former Raising Our Youth As Leaders (ROYAL) project, and is
93 authorized to enter into appropriate agreements for that purpose.

94 SECTION 3. Ordinance 17588, Section 4, and K.C.C. 2.60.026 are each hereby
95 amended to read as follows:

96 A. The department of public defense shall be directed by ~~((a director who shall be~~
97 ~~appointed by the executive and confirmed by the council. The duties of the director))~~ the
98 county public defender, whose duties include:

99 ~~((A-))~~ 1. Managing and being fiscally accountable for the department of public
100 defense;

101 ~~((B-))~~ 2. Ensuring that the department employs the needed technical and public
102 defense expertise for effective delivery of public defense services;

103 ~~((C-))~~ 3. Representing the executive in all city, county, state and federal forums
104 where the defense perspective is required;

105 ~~((D-))~~ 4. Ensuring that the American Bar Association Ten Principles for a Public
106 Defense Delivery System, as approved by the American Bar Association House of
107 Delegates in February of 2002, guide the management of the department and the
108 development of department standards for legal defense representation, and filing with the
109 clerk of the council by April 1 of each year a report on the results of the county public
110 defender's efforts in that regard.

111 ~~(E.)~~ 5. Following the Washington State Standards for Indigent Defense
112 Services; ~~(and)~~

113 ~~(F.)~~ 6. Developing and maintaining appropriate standards and guidelines for
114 the qualifications and experience level of public defense attorneys and paraprofessionals;

115 7. Working collaboratively with the public defense advisory board and
116 providing relevant, nonprivileged information to the board upon its reasonable request;
117 and

118 8. Fostering and promoting system improvements, efficiencies, access to justice
119 and equity in the criminal justice system.

120 B.1. The county public defender shall be appointed by the executive, subject to
121 confirmation by the council. The executive shall appoint one of the three candidates
122 recommended by the public defense advisory board, except that the executive may
123 request three additional candidates from the public defense advisory board, and the
124 executive may then appoint the county public defender from among the six candidates,
125 subject to confirmation by motion by the council. Confirmation requires the affirmative
126 votes of at least five members of the council.

127 2. Within seven days after either a vacancy occurs in the office of the county
128 public defender or the county executive learns that a vacancy is expected to occur within
129 one hundred eighty days, including but not limited to a vacancy that will result from the
130 expiration of the term of a county public defender who the executive determines to not
131 reappoint, the executive shall provide written notice of the vacancy or expected vacancy
132 to each member of the public defense advisory board and to the clerk of the council and
133 shall commence a national recruitment for candidates to fill the vacancy. Within thirty

134 days after commencing the recruitment, the executive shall provide to each member of
135 the public defense advisory board the names, resumes and all other relevant information
136 about all candidates who meet the qualifications for office set forth in the county charter
137 and subsection C. of this section. Within sixty days after receiving the names, resumes,
138 and other relevant information about the qualified candidates from the executive, the
139 public defense advisory board shall provide in writing at the same time to the executive
140 and the clerk of the county council the names of three candidates to fill the vacancy,
141 together with copies of the candidates' resumes and other relevant information, including
142 all written information upon which the board relied in choosing the three candidates. The
143 board shall not rank the candidates, but may summarize the particular strengths of each
144 candidate.

145 3. The executive may request in writing to the board chair, within fifteen days
146 after receiving the list of three candidates, that the board provide to the executive the
147 names, resumes and other relevant written information of three additional candidates, and
148 the board shall comply with such a request within thirty days and shall at the same time
149 provide a copy of the additional materials to the clerk of the council.

150 4. Within thirty days after receiving either the original list of three candidates or
151 the list of three additional candidates, the executive shall appoint the county public
152 defender by providing written notice of the appointment to the clerk of the council, who
153 shall provide an electronic copy of the notice to each councilmember and to the chair of
154 the public defense advisory board. If the board fails to timely recommend in writing to
155 the executive three or six candidates, as applicable, the executive may either appoint the
156 county public defender from among the candidates who have been recommended or wait

157 until the board has recommended the requisite number of candidates and make the
158 appointment within thirty days thereafter.

159 5. The county council may confirm or reject the executive's appointment by
160 adoption of a motion with the affirmative votes of at least five members. A motion to
161 confirm or reject the appointment shall be referred for committee consideration to the
162 council's committee of the whole.

163 6. If the council rejects the executive's appointment of the county public
164 defender, the public defense advisory board shall, within thirty days, recommend and
165 provide in writing at the same time to both the executive and the clerk of the council the
166 name, resume and all other relevant written information for one additional candidate.

167 7. If the council rejects the executive's appointment of the county public
168 defender and the executive has not previously elected to request additional candidates
169 from the advisory board under this subsection B.7. or subsection B.3. of this section, the
170 executive may request the public defense advisory board for recommendation of four
171 additional candidates. Such a request must be made in writing within seven days after the
172 council rejects the executive's appointment, to the chair of the advisory board, with a
173 copy to the clerk of the council. The advisory board shall, within thirty days after
174 receiving the executive's request, recommend and provide in writing at the same time to
175 both the executive and the clerk of the council the name, resume and all other relevant
176 written information for four additional candidates.

177 8. Within thirty days after receiving the additional name or names, the executive
178 shall appoint the county public defender from among the recommended candidates,
179 except that the executive may not reappoint any candidate whose appointment has been

180 rejected by the council. If the advisory board fails to recommend the additional
181 candidate or candidates required by subsection B.6. and 7. of this section and provide the
182 required written information, the executive shall proceed in the same manner as set forth
183 in subsection B.4. of this section.

184 9. At any time after the commencement of the national recruitment process
185 required by subsection B.2. of this section, except when the executive has appointed a
186 county public defender and the council has not confirmed or rejected the appointment, the
187 executive may request that the council authorize the commencement of a new national
188 recruitment and public defense advisory board review and executive appointment
189 process. Such a request must be submitted in writing to the clerk of the council with a
190 copy to the chair of the advisory board. When so requested, the council may authorize
191 commencement of a new recruitment, advisory board review, and appointment process
192 by motion adopted with the affirmative votes of at least five councilmembers.

193 10. Within seven days after appointment, the county public defender shall
194 designate an employee in the department of public defense to serve as a deputy and, in
195 the event of a vacancy in that office, as interim county public defender until a new county
196 public defender has been appointed.

197 C. The county public defender must be an attorney admitted to practice law in
198 any jurisdiction within the United States and in active status and good standing. The
199 county public defender shall, within two years after appointment, be an attorney admitted
200 to practice law in the courts of the state of Washington and an active member of the
201 Washington State Bar Association in good standing and shall, at the time of appointment,
202 have at least seven years of experience as an attorney primarily practicing criminal

203 defense, including both felonies and misdemeanors, as well as supervisory and
204 managerial experience.

205 D. The term of office of the county public defender shall end at the same time as
206 the term of the county prosecuting attorney. The county executive may reappoint the
207 county public defender to additional four-year terms, subject to confirmation by the
208 county council. The county council may confirm or reject the executive's reappointment
209 by adoption of a motion with the affirmative votes of at least five members.

210 E. The executive may remove the county public defender from office for cause,
211 which includes, but is not limited to:

212 1. The grounds for vacancy of elective office under Section 680 of the King
213 County Charter;

214 2. Failure to meet the applicable legal requirements for serving as county public
215 defender, as set forth in the county charter or the county code;

216 3. Conviction of a crime;

217 4. A finding or stipulation of misconduct under the Washington Rules of
218 Professional Conduct; and

219 5. Failure to manage the department effectively.

220 F. To remove the county public defender for cause, the executive shall serve a
221 written notice of removal, specifying the cause for removal, by delivering a copy of the
222 notice to the county public defender personally or by leaving a copy of the notice at the
223 office of the county public defender with a secretary or other assistant to the county
224 public defender. The executive shall contemporaneously deliver a copy of the written

225 notice of removal to the clerk of the council and to the chair of the public defense
226 advisory board.

227 G. The county public defender may appeal removal to the council by delivering a
228 written notice of appeal to the clerk of the council within ten days after service of the
229 written notice of removal. The notice of appeal shall be delivered at the same time to the
230 executive and to the chair of the public defense advisory board. The council shall review
231 de novo the grounds for removal and either affirm or reverse the removal within thirty
232 days after delivery of the notice of appeal by an affirmative vote of five members, or else
233 the removal shall stand. Removal of the county public defender is effective upon the
234 earliest of:

235 1. Ten days after service of notice of removal, if the county public defender
236 serves no notice of appeal;

237 2. Affirmation of removal by the council following an appeal;

238 3. Thirty days after delivery of the notice of appeal, if the council neither
239 affirms nor reverses the removal; or

240 4. The county public defender's delivery of a written notice of resignation to the
241 executive or the clerk of the council.

242 H. The county public defender shall receive compensation at the same rate as the
243 prosecuting attorney.

244 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.60 a
245 new section to read as follows:

246 A. The public defense advisory board shall: regularly review the activities and
247 plans of the department of public defense, make recommendations to the county public

248 defender on matters concerning the department, advise the executive and council on
249 matters of equity and social justice related to public defense, prepare the reports required
250 in this section and such other reports as the board may deem appropriate; and when there
251 is a vacancy in the office of county public defender, as provided in K.C.C. 2.60.026,
252 recommend to the county executive candidates to fill the vacancy.

253 B. In performing its duties, the board shall work collaboratively with the county
254 public defender and may reasonably request relevant, non-privileged information from
255 the county public defender. The board through its chair shall consult with the county
256 prosecutor, courts, and department of public defense in the performance of all of its
257 duties except for the recommendation of candidates.

258 C. The board shall consist of eleven members, shall establish its own rules of
259 procedure, subject to the county charter, the county code and other applicable law, and
260 shall choose its own chair.

261 D. The board shall consist of one representative from each of the following:

- 262 1. The Washington Association of Criminal Defense Lawyers;
- 263 2. The Washington state Office of Public Defense;
- 264 3. The Washington Defender Association;
- 265 4. The King County Bar Association;
- 266 5. A bar association identified as a minority bar association by the Washington
267 State Bar Association;
- 268 6. A nonpartisan organization active in King County that focuses on mental
269 health issues;

270 7. A nonpartisan organization active in King County that focuses on substance
271 abuse issues;

272 8. A nonpartisan organization active in King County that focuses on issues
273 concerning military veterans;

274 9. A nonpartisan organization active in King County that focuses on issues
275 related to poverty;

276 10. A nonpartisan organization active in King County that focuses on juvenile
277 justice issues; and

278 11. A nonpartisan organization active in King County that focuses on
279 immigration issues.

280 E. Members of the board shall serve staggered three-year terms and until their
281 successors are appointed and confirmed, except that the members designated in
282 subsection D.1., 2., 3. and 4. of this section shall serve an initial term of one year and the
283 members designated in subsection D.5., 6., 7. and 8. of this section shall serve an initial
284 term of two years. If a member leaves the board midterm, the person appointed as a
285 replacement shall serve the remainder of the unexpired term, rather than beginning a new
286 term of three years. The county council may reappoint board members for additional
287 three-year terms and may remove any board member by motion adopted with the
288 affirmative votes of at least five councilmembers. Members of the board shall not be
289 compensated for the performance of their duties as members of the board, but may be
290 reimbursed for parking expenses in the King County parking garage when attending
291 meetings of the committee, which shall be deemed to be for the business convenience of
292 the county and shall be paid for by the department of public defense.

293 F. The process for filling vacancies on the board is:

294 1.a. Upon learning of a pending or existing vacancy or one hundred twenty days
295 before a scheduled vacancy on the board, the board chair and the county public defender
296 shall provide written notice of the vacancy to the clerk of the council and to the
297 executive.

298 b. Upon learning of a pending or existing vacancy or one hundred twenty days
299 before a scheduled vacancy, the clerk of the council shall provide written notice of the
300 vacancy to the executive, all councilmembers, the board chair, the county public defender
301 and:

302 (1) to the represented organization for vacancies in the board seats designated
303 in subsection D.1., 2., 3. and 4. of this section;

304 (2) to each of the bar associations identified as a minority bar association by
305 the Washington State Bar Association for a vacancy in the board seat designated in
306 subsection D.5. of this section; and

307 (3) by publication of notice of the vacancy in the official county newspaper
308 and in the largest newspaper of general circulation within the county for the board seats
309 designated in subsection D.6., 7., 8., 9., 10. and 11. of this section.

310 c. The notice shall specify the deadlines established in subsection F.2. of this
311 section;

312 2. Within sixty days after the clerk of the council provides the notice required in
313 subsection F.1.b. of this section, the represented organization, any minority bar
314 association organization and each nonpartisan organization with the required subject
315 matter focus that wishes to do so shall submit in writing at the same time to the county

316 executive and the clerk of the council, the names of three candidates recommended for
317 appointment to fill a vacancy in the board seat for which notice was required to be given
318 to the organization, together with the resume of each candidate and all other written
319 materials that the organization considered in deciding to recommend the candidate. The
320 organization shall not rate the candidates, but may provide a brief description of the
321 strengths of each candidate. The clerk of the council shall provide an electronic copy of
322 the resumes and other written materials to each councilmember;

323 3. Within thirty days after receiving the written materials concerning the
324 recommended candidates for a board seat designated in subsection D.1., 2., 3. or 4. of this
325 section, or within sixty to ninety days after the clerk of the council provides the notice
326 required in subsection F.2 for a board seat designated in subsection D.5, 6., 7., 8., 9., 10.
327 or 11. of this section, the county executive shall appoint one of the recommended
328 candidates by providing written notice of the appointment to the clerk of the council, who
329 shall provide an electronic copy of the notice to each councilmember. If the applicable
330 organization fails to timely recommend three candidates, the executive may either make
331 an appointment from among the recommended candidates or candidate or wait until the
332 organization has recommended three candidates and make an appointment within thirty
333 days after receiving the board's recommendation of the third candidate;

334 4. The county council may confirm or reject the executive's appointment by
335 motion adopted by the affirmative votes of at least five members. A motion to confirm
336 the appointment shall be referred for committee consideration to the council's law,
337 justice, health and human services committee, or its successor; and

338 5. If the council rejects the executive's appointment of a board member, the
339 clerk of the council shall provide written notice of the rejection to the executive and the
340 represented organization or organizations. Within thirty days after receiving the written
341 notice, the represented organization shall provide to the executive in writing, and
342 contemporaneously to the clerk of the council, the name, resume, and all other relevant
343 written information for one additional candidate. Within thirty days after receiving the
344 additional candidate recommendation and the relevant written materials, the executive
345 shall appoint the board member from among the recommended candidates, excluding any
346 candidate whom the council has rejected. If a represented organization fails to timely
347 provide the additional candidate recommendation and relevant written materials, the
348 executive shall proceed in the same manner as if the entity had recommended fewer than
349 the required number of candidates, as provided in subsection F.3. of this section.

350 G. Each member of the advisory board shall have substantial experience and
351 expertise that are relevant to the work of the department of public defense and shall have
352 an ability and willingness to commit the time necessary to attend meetings and participate
353 effectively as a member of the board. A majority of the members should have substantial
354 familiarity with advocating on behalf of the indigent. To the extent practicable, the board
355 membership shall reflect the diversity of the county. A member may not, while serving
356 on the board, hold elective public office except precinct committee officer, be a candidate
357 for elective public office except precinct committee officer, serve as a King County
358 judicial officer, a King County prosecuting attorney or a King County public defender or
359 be an employee of a King County court, the King County prosecuting attorney or the
360 King County department of public defense.

361 H. The board shall meet at least once every two months and shall issue at least
362 two written reports to the executive and the council each calendar year: one on the
363 board's review of the executive's proposed budget for public defense; and one on the
364 state of county public defense. The report on the state of county public defense shall
365 include an assessment of the progress of the county in promoting equity and social justice
366 related to the criminal justice system and may include recommendations for advancing
367 equity and social justice.

368 I. The council shall provide for staffing of the advisory board.

369 SECTION 5. Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050 are
370 each hereby amended to read as follows:

371 A. Legal defense services through the department shall be made available to all
372 eligible persons for whom counsel is constitutionally required. In addition, legal defense
373 services through the department shall be made available when funds are available: to any
374 eligible person in legal proceedings arising in King County that may result in the person's
375 loss of liberty by an act of King County or any of its agencies, including, but not limited
376 to, criminal proceedings alleging a violation of any law of the state of Washington or
377 ordinance of King County, juvenile matters, mental illness and similar commitment
378 proceedings, revocations and habeas corpus proceedings arising in King County; and to
379 eligible parents and children in dependency proceedings arising in King County.

380 B. Legal defense services through the department may be made available to a
381 person charged in King County with a felony of public notoriety, at his or her expense,
382 when the court finds that the defendant is unable to employ adequate private counsel as a
383 result of the public notoriety. The ~~((director of the department))~~ county public defender

384 shall establish a reasonable fee for the legal defense services, subject to the approval of
385 the court.

386 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.60 a
387 new section to read as follows:

388 Except as otherwise provided under this chapter, reports or notices that are
389 required under this chapter to be provided to the county council or the clerk of the council
390 shall be filed in paper and electronic form with the clerk of the council, who shall
391 forward electronic copies to all councilmembers, to the chair of the public defense
392 advisory board, to the lead staff of the budget and fiscal management committee or its
393 successor and to the lead staff of the law, justice, health and human services committee or
394 its successor.

395 SECTION 7. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are
396 each hereby amended to read as follows:

397 A. Exemptions from the requirements of the career service personnel system
398 shall be consistent with the provisions of Sections 550, 350.10 and 350.20 of the King
399 County Charter. Key subordinate units, as determined by the county council, and
400 departmental divisions shall be considered to be executive departments. Divisions of
401 administrative offices shall be considered to be administrative offices for the purpose of
402 determining the applicability of the charter provisions.

403 B. The county administrative officer, directors, chief officers and supervisors of
404 departments, administrative offices, divisions, key subordinate units and other units of
405 county government as required by law shall be exempt from the requirements and
406 provisions of the career service personnel system.

407 C.1. The following are determined by the council to be key subordinate units due
408 to the nature of the programs involved and their public policy implications and
409 appointments to these positions shall be subject to confirmation by the council:

- 410 a. ~~((the director of the office of public defense;~~
411 ~~b.))~~ the chief information officer of the administrative office of information
412 resource management;
413 ~~((e.))~~ b. the manager of the elections division;
414 ~~((d.))~~ c. the superintendent of elections in the elections division; and
415 ~~((e.))~~ d. the manager of the records and licensing services division.

416 2. When an ordinance is enacted designating a position as a key subordinate
417 unit, no person then serving in the position shall continue to serve for more than ninety
418 days after such enactment, unless reappointed by the executive and confirmed by the
419 council.

420 D. If an administrative assistant or a confidential secretary, or both, for each
421 director, chief officer of an administrative office and supervisor of a key subordinate unit
422 are authorized, those positions are exempt from the requirements and provisions of the
423 career service personnel system.

424 SECTION 8. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 are
425 each hereby amended to read as follows:

426 A. The county executive shall appoint the county administrative officer and the
427 director of each executive department, except the departments of assessments, public
428 safety, elections and judicial administration. The county executive shall also appoint the
429 division director of the youth detention facility through a competitive search process that

430 includes participation by the superior court judges. The ~~((county executive shall also~~
431 ~~appoint the director of the office of public defense))~~ appointment of the county public
432 defender shall be consistent with Section 350.20.61 of the King County Charter and
433 K.C.C. chapter 2.60.

434 B. The county administrative officer shall appoint the division directors and chief
435 officers of each administrative office in the department of executive services.

436 C. The director of each executive department, at the discretion of the county
437 executive, shall appoint exempt employees of his or her department as provided in
438 Section 550 of the King County Charter.

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

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

445 E.1.a. All individuals appointed by the county executive, under Section 340.40 of
446 the King County Charter, shall serve in an acting capacity, unless confirmed by the
447 council. The executive is authorized to appoint a person to serve in an acting capacity to
448 fill a position requiring council confirmation for a period of no greater than one hundred
449 fifty days. The executive shall notify the council within ninety days concerning the status
450 of his or her search for qualified candidates for appointment to the vacant position.

451 Thereafter, the individual may continue serving in an acting capacity for successive sixty-
452 day periods only with approval by motion of the county council. The council shall grant

453 at least one successive sixty-day extension if the executive certifies to the council's
454 satisfaction that the executive is actively pursuing a search for qualified candidates for
455 appointment to the vacant position. If no appointment is transmitted to the council for
456 confirmation during the authorized period, the position shall be considered vacant for
457 purposes of exercise of any authority given to the position under ordinance and no salary
458 shall be paid for the position while it is so vacant.

459 b. Within seven calendar days of any executive appointment that is subject to
460 council confirmation, the executive shall deliver written notice of the appointment to the
461 council accompanied by a proposed motion confirming the appointment.

462 c. Upon the receipt of the notification by the executive of an appointment,
463 accompanied by the proposed motion, the council shall act to consider confirmation of
464 the appointment within ninety days. Approval of the introduced motion by a majority of
465 the council shall constitute confirmation of the appointee. Once confirmed, the appointee
466 is no longer serving in an acting capacity.

467 d. In considering the confirmation of executive appointments to offices of
468 management level responsibility, the council shall base its review on the ability of the
469 appointee to meet the following criteria:

- 470 (1) a demonstrated reputation for integrity and professionalism;
- 471 (2) a commitment to and knowledge of the responsibilities of the office;
- 472 (3) a history of demonstrated leadership, experience and administrative
473 ability;
- 474 (4) the ability to work effectively with the executive, the council, other
475 management, public agencies, private organizations and citizens; and

476 (5) a demonstrated sensitivity to and knowledge of the particular needs and
477 problems of minorities and women.

478 e. The appointee, before review of the appointment by the council, shall submit
479 to the chair of the council:

480 (1) a full and complete resume of his or her employment history, to include
481 references attesting to the stated employment experiences; and

482 (2) a signed statement acknowledging that the council's confirmation process
483 may require the submittal of additional information relating to the background and
484 expertise of the appointee.

485 f. Upon receipt of an executive appointment, the chair or his or her delegate,
486 subject to the council's rules of procedure, shall notify council members of the
487 appointment and attempt to allow a minimum of one work week for individual members
488 to submit written questions to the reviewing committee.

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

493 SECTION 9. Ordinance 1872, Section 3, as amended, and KCC 2.32.120 are
494 each hereby amended to read as follows:

495 A. There is established a board of corrections, hereinafter, referred to as the
496 board, consisting of fourteen members. The members shall consist of the following: the
497 chairman of the King County magistrate's association, the presiding judge of the Seattle
498 Municipal Court the presiding judge of the King County Superior Court, the chairman of

499 the juvenile court management committee, the director of King County Department of
500 Public Safety, the ~~((administrator of the King County office of public defense))~~ King
501 County public defender, the King County prosecuting attorney, the mayor of the city of
502 Seattle, the president of the King County Suburban Mayors' Association, the chief of the
503 Seattle Police Department, the dean of the University of Washington School of Law, the
504 dean of the University of Washington School of Social Work, and the director of the
505 King County health department. In addition, the King County executive shall appoint
506 one member who has been incarcerated in a King County detention facility within three
507 years prior to the appointment. The director of the department of adult detention shall
508 serve as a nonvoting ex officio member.

509 B. The board shall serve as an advisory body to the manager of the department of
510 adult detention to review and make recommendations at least annually for the department
511 of adult detention on its policies, operations and matters of budget.

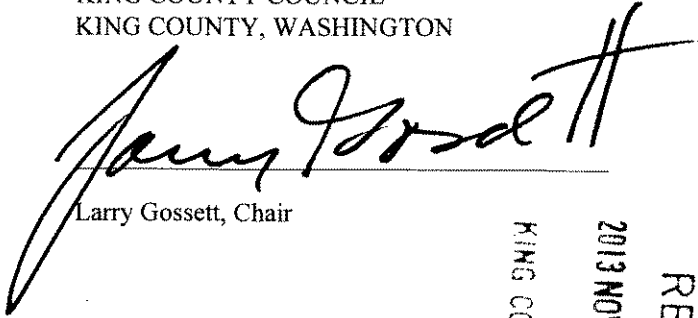
512 C. The advisory board shall meet at least once during each calendar quarter of
513 each year.

514 SECTION 10. This ordinance takes effect upon certification that the charter
515 amendment proposed by Ordinance 17614 has been approved by the voters.
516

Ordinance 17678 was introduced on 5/13/2013 and passed as amended by the
Metropolitan King County Council on 10/28/2013, by the following vote:

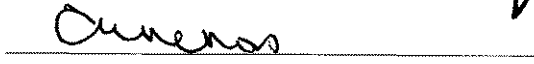
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr.
Dembowski
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 8 day of NOVEMBER, 2013.



Dow Constantine, County Executive

RECEIVED
2013 NOV -8 PM 3:53
CLERK
KING COUNTY COUNCIL

Attachments: None