



**King County**  
**Metropolitan King County Council**  
**Committee of the Whole**

**STAFF REPORT**

---

<b>Agenda Item No.:</b> 9	<b>Date:</b>	<b>18 Mar 2009</b>
<b>Motion No.:</b> 2009-0188	<b>Prepared by:</b>	<b>Tom Bristow Nick Wagner</b>

---

**SUBJECT**

Proposed Motion 2009-0188 would create a blue ribbon committee of community leaders and elected officials to recommend candidates to the Council for appointment as acting County Executive. The motion would also prescribe a process for the committee to follow. A striking amendment will be offered by the sponsors of the original motion, but is currently still in draft form (*see* Attachment 2, pp. 11-16 of these materials).

**BACKGROUND**

**Federal Appointment of County Executive Ron Sims**

King County Executive Ron Sims has been nominated for a high-level position in the administration of President Barack Obama. Mr. Sims has announced his intention to resign from his position as County Executive upon confirmation of his federal appointment, which is expected to occur soon.

**Procedural Background**

The King County Charter (§ 680) provides that an elective county office is deemed vacant upon the incumbent's resignation.<sup>1</sup> Pursuant to charter section 680.10, the Executive has designated a deputy (Chief of Staff Kurt Triplett) to serve as Interim County Executive in the event of a vacancy. The Interim County Executive is to serve until an Acting County Executive is appointed.

The Charter (§ 680.10) further provides that the Council, "after being [apprised] of a vacancy in the elective office of county executive," shall "fill the vacancy by the appointment of an employee who served as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations." The same Charter section provides that the Acting County Executive is to serve "until the vacancy is filled by appointment . . . pursuant to general law for nonpartisan county elective offices . . . ."

---

<sup>1</sup> A copy of Charter section 680 is Attachment 3 to this staff report (p. 17 of these materials).

The general law for nonpartisan county elective offices is found in RCW 36.16.110 and provides for the appointment to be made by the county legislative authority (i.e., the Council) and for the appointee to serve until a successor is elected at the next general election.<sup>2</sup>

## **King County's Financial Crisis**

King County is facing an extraordinary financial crisis, including substantial budget shortfalls, not only at the county level, but also at the state and national levels. The challenges facing an appointed County Executive in the coming months will be enormous.

## **SUMMARY OF THE PROPOSED LEGISLATION**

The sponsors of original Proposed Motion 2009-0188 (Attachment 1 to this staff report) are proposing a striking amendment S1 (Attachment 2, pp. 11-16 of these materials). The following summary describes the legislation as it would be amended by the striking amendment, rather than the original proposed motion.

### **Blue Ribbon Selection Committee**

The amended motion would create a blue ribbon selection committee to review eligible candidates for the office of County Executive. The committee would consist of the following members, each of whom would have a vote:

1. A designee of the Municipal League of King County;
2. Designees from a variety of groups, chosen to represent the economic, geographic, and ethnic diversity of the county; the process of identifying these groups and their designees is not yet complete, so they are not yet listed in the draft striking amendment;
3. The following ex officio members:
  - a. King County Prosecuting Attorney or his designee;
  - b. King County Assessor or his designee;
  - c. King County Sheriff or her designee;
  - d. King County District Court presiding judge or her designee; and
  - e. King County Superior Court presiding judge or his designee.

### **Selection Process**

The legislation would prescribe the following selection process (*see* lines 67-85 and 100-104 of the proposed striking amendment, pp. 14 and 15 of these materials):

1. Candidates to be reviewed by the blue ribbon committee would be limited to those nominated by three or more King County councilmembers by written memorandum within one week after passage of the proposed motion;<sup>3</sup>

---

<sup>2</sup> A copy of RCW 36.16.110 is Attachment 4 to this staff report (p. 19 of these materials). Charter section 680.10 contains a similar provision.

<sup>3</sup> According to written opinions of the Washington Attorney General, King County councilmembers themselves are not eligible to fill the position of acting County Executive.

2. Each councilmember could nominate at most two individuals;
3. Each individual receiving the required three nominations would be required to submit to the Municipal League a resume, with supporting documents, and three references with their contact information;
4. The Municipal League would be required to “conduct a process similar to that traditionally used by the league to evaluate candidates for election” and “forward to the council and the [blue ribbon selection] committee the name[] of each individual receiving a nomination from at least three councilmembers”;
5. The Municipal League would be further required to “review each such . . . candidate and forward to the [blue ribbon selection] committee and the council its [i.e., the League’s] recommendation of the strongest two to five candidates, with a description of the strengths of each candidate and any facts that come to light that would disqualify a candidate”;
6. The blue ribbon selection committee would then be required “[b]y March 31, 2009,” to “forward to the King County council its [i.e., the committee’s] top two to five recommendations for consideration”; however, the selection committee’s recommendation “shall not limit the council’s authority under the King County Charter to appoint any citizen meeting the qualifications for office.”
7. The blue ribbon selection committee would be required to “deliver a set of written materials arranged to allow councilmembers to make direct comparisons between the candidates”; however, the committee’s recommendation “will not include a rating or ranking of the recommended candidates,” but only “a list of two to five recommended candidates and observations about the strengths of each.”
8. The Council would appoint an acting County Executive to serve until a successor took office following certification of the November 2009 general election.

## **Evaluation Criteria**

The proposed legislation would require the Municipal League and the blue ribbon selection committee to apply the following evaluation criteria, among others (*see* lines 86-99 of the proposed striking amendment, p. 15 of these materials:

1. “Working knowledge of the internal functions of King County government”;
2. “Extensive knowledge of the issues and challenges facing King County government”;
3. “A demonstrated ability to deliver a responsible budget”;
4. “A commitment to be responsive to public concerns”;
5. “Demonstrated leadership skills, preferably within more than one level of government or a combination of government and the private sector”;

6. “A commitment to the immediate business of King County that would make it unlikely that the appointee would run for any elective office while serving as appointed executive”; and
7. “A commitment to maintaining the functions and structure of county government without disruption during the election of a new county executive.”

**ATTACHMENTS**

**Page**

1. Proposed Motion 2009-0188.....	5
2. 2009-0188 Proposed Striking Amendment S1 .....	11
3. King County Charter § 680.....	17
4. RCW 36.16.110 .....	19



**Signature Report**

**March 17, 2009**

**Motion**

**Proposed No.** 2009-0188.1

**Sponsors** Hague and Constantine

1                   A MOTION establishing the process for appointing the  
2                   county executive in the event of a vacancy in the office.

3  
4                   WHEREAS, the King County council is committed to principles of good  
5 government and the transparency of its proceedings, and

6                   WHEREAS, it is anticipated that the King County executive will shortly resign  
7 the executive's elected office for a federal position, and

8                   WHEREAS, the King County council has the duty under the county charter to fill  
9 the resulting vacancy in the office of executive by appointment of an individual to an  
10 serve as executive until the executive's successor is elected and qualified at the November  
11 2009 general election in, and

12                   WHEREAS, the Washington state Attorney General's office has opined that a  
13 board of county commissioners may not appoint one of their members to a vacant  
14 position that they have the duty to fill, and

15                   WHEREAS, the challenges facing an appointed county executive during the  
16 intervening months before a November election will be enormous and are expected to  
17 include substantial budget shortfalls, and

18           WHEREAS, criminal justice and public safety programs are likely to be the most  
19 severely impacted by those budget shortfalls, and

20           WHEREAS, strong leadership by the King County executive will be essential to  
21 securing "life boat" funding and ensuring that the county accesses appropriate federal  
22 stimulus package funds, and

23           WHEREAS, the King County executive is considered to be one of the highest  
24 ranking elected officials in Washington state, and

25           WHEREAS, it will be critically important for an appointed county executive to  
26 focus attention on the business of King County rather than the demands of campaigning  
27 for office, and

28           WHEREAS, in order to expedite a difficult budget process, an interim county  
29 executive will need to have strong ties and relationships with the state Legislature, other  
30 governments, transportation groups, environmental groups and suburban cities within  
31 King County;

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

33           In order to preserve public confidence in the selection process for an appointed  
34 county executive, a blue ribbon selection committee is hereby established for the express  
35 purpose of reviewing eligible candidates for appointment to the office of county  
36 executive. The committee will establish an expedited process that will facilitate prompt  
37 appointment of an executive.

38           A. The committee shall consist of a designee from the Municipal League of King  
39 County plus eight members to be appointed by motion of the King County council and an

40 additional five members, or their designees, who shall be ex officio voting members by  
41 virtue of their elective office.

42 B. Members appointed by the council shall include one representative each from  
43 the League of Women Voters, organized labor, the Criminal Justice Council, the  
44 environmental community, the Greater Seattle Chamber of Commerce, the Hispanic  
45 Chamber of Commerce and the Chinese Seattle Chamber of Commerce and two  
46 representatives of regional chamber of commerce organizations. Committee membership  
47 will also include as ex officio voting members the King County prosecuting attorney or  
48 the prosecuting attorney's designee, the King County assessor or the assessor's designee,  
49 the King County sheriff or the sheriff's designee, the presiding judge of King County  
50 district court or the presiding judge of King County district court's designee and the  
51 presiding judge of King County superior court or the presiding judge of King County  
52 superior court's designee.

53 C. The committee will collect written application materials and review the  
54 qualifications and skills of eligible candidates. Candidates for review shall be nominated  
55 by three or more King County councilmembers by written memorandum to the Municipal  
56 League within one week of the passage of this motion. Each councilmember may  
57 nominate no more than two individuals. The Municipal League shall forward to the  
58 committee the names of each individual receiving a nomination from at least three  
59 councilmembers.

60 By March 31, 2009, the committee will forward to the King County council its  
61 top two to five recommendations for consideration, in the form of fourteen copies to the  
62 clerk of the council, for distribution to all councilmembers. The recommendations shall

63 not limit the council's authority under the King County Charter to appoint any citizen  
64 meeting the qualifications for office.

65 D. Evaluation criteria will include, but not be limited to:

66 1. Working knowledge of the internal functions of King County government;

67 2. Extensive knowledge of the issues and challenges facing King County  
68 government;

69 3. A demonstrated ability to deliver a responsible budget;

70 4. A commitment to be responsive to public concerns;

71 5. Demonstrated leadership skills, preferably within more than one level of  
72 government or a combination of government, private sector and business;

73 6. A commitment to the immediate business of King County that would make it  
74 unlikely that the appointee would run for any elective office while serving as appointed  
75 executive; and

76 7. A commitment to maintaining the functions and structure of county  
77 government without disruption during the election of a new county executive.

78 E. The committee will be convened and staffed by the Municipal League of King  
79 County and will include the following processes:

80 1. Each candidate nominated by at least three councilmembers shall submit a  
81 resume and supporting documentation directly to the Municipal League;

82 2. Each such a candidate submits three references with contact information

83 3. The league facilitates a committee evaluation process similar to that used by  
84 the league to evaluate candidates for election; and



**Motion**

---

85           4. The committee will deliver a set of written materials arranged to allow  
86 councilmembers to make direct comparisons between the candidates. The committee  
87 recommendation will not include a rating or ranking of the recommended candidates, but  
88 will provide a list of two to five recommended candidates and observations about the  
89 strengths of each.  
90

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

ATTEST:

---

---

**Attachments**     None



3/9/2009

jb/bar

Sponsor: Jane Hague/Dow Constantine

Proposed No.: 2009-0188

1 **STRIKING AMENDMENT TO PROPOSED MOTION 2009-0188, VERSION 1**

2 On page 1, beginning on line 4, strike everything through page 5, line 89, and insert:

3 "WHEREAS, the King County council is committed to principles of good  
4 government and the transparency of its proceedings, and

5 WHEREAS, it is anticipated that the King County executive will shortly resign  
6 the executive's elected office for a federal position, and

7 WHEREAS, the King County council has the duty under the county charter to fill  
8 the resulting vacancy in the office of executive by appointment of an individual to an  
9 serve as executive until the executive's successor is elected and qualified at the November  
10 2009 general election, and

11 WHEREAS, the Washington state Attorney General's office has opined that a  
12 board of county commissioners may not appoint one of their members to a vacant  
13 position that they have the duty to fill, and

14 WHEREAS, the challenges facing an appointed county executive during the  
15 intervening months before a November election will be enormous and are expected to  
16 include substantial budget shortfalls, and

**DRAFT**

17           WHEREAS, criminal justice and public safety programs are likely to be the most  
18 severely impacted by those budget shortfalls, and

19           WHEREAS, strong leadership by the King County executive will be essential to  
20 securing "life boat" funding and ensuring that the county accesses appropriate federal  
21 stimulus package funds, and

22           WHEREAS, the King County executive is considered to be one of the highest  
23 ranking elected officials in Washington state, and

24           WHEREAS, the Municipal League of King County has published ratings of  
25 candidates for public office, reviewed and made recommendations on proposed ballot  
26 measures, and closely monitored the workings of local government for almost a century,  
27 and

28           WHEREAS, it will be critically important for an appointed county executive to  
29 focus attention on the business of King County rather than the demands of campaigning  
30 for office, and

31           WHEREAS, in order to expedite a difficult budget process, an interim county  
32 executive will need to have strong ties and relationships with the state Legislature, other  
33 governments, transportation groups, environmental groups and suburban cities within  
34 King County;

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

36           In order to preserve public confidence in the selection process for an appointed  
37 county executive, a blue ribbon selection committee is hereby established for the express  
38 purpose of reviewing eligible candidates for appointment to the office of county  
39 executive. The committee will establish an expedited process that will facilitate prompt

**DRAFT**

40 appointment of an executive. By prior agreement, the Municipal League of King County  
41 will assist in collecting application materials and providing evaluations of candidates to  
42 the blue ribbon selection committee and the council as provided in this motion.

43 A. The committee shall consist of a designee from the Municipal League of King  
44 County plus eight members appointed by this motion, or their designees, and an  
45 additional five members, or their designees, who shall be ex officio voting members by  
46 virtue of their elective office.

47 B. Members hereby appointed by the council include one representative each  
48 from the League of Women Voters, organized labor, the environmental community and  
49 the Greater Seattle Chamber of Commerce, and four representatives of other chambers of  
50 commerce or community organizations representing the economic, geographic and ethnic  
51 diversity of the county.

52 C. These appointed members are:

- 53 1. , representing the League of Women Voters;
- 54 2. , representing organized labor;
- 55 3. , representing the environmental community;
- 56 4. , representing the Greater Seattle Chamber of Commerce;
- 57 5. , representing ---;
- 58 6. , representing ----;
- 59 7. representing ----; and
- 60 8. , representing ----.(List)

61 D. Committee membership will also include as ex officio voting members the  
62 King County prosecuting attorney or the prosecuting attorney's designee, the King

**DRAFT**

63 County assessor or the assessor's designee, the King County sheriff or the sheriff's  
64 designee, the presiding judge of King County district court or the presiding judge of King  
65 County district court's designee and the presiding judge of King County superior court or  
66 the presiding judge of King County superior court's designee.

67 E. The Municipal League is requested to collect written application materials and  
68 review the qualifications and skills of eligible candidates. Candidates for review shall be  
69 those nominated by three or more King County councilmembers by written memorandum  
70 to the Municipal League within one week of the passage of this motion. Each  
71 councilmember may nominate no more than two individuals. Each candidate nominated  
72 by at least three councilmembers shall submit a resume, supporting documentation, and  
73 three references with contact information directly to the Municipal League. The league  
74 shall conduct a process similar to that traditionally used by the league to evaluate  
75 candidates for election; the league shall forward to the council and the committee the  
76 names of each individual receiving a nomination from at least three councilmembers.  
77 The league shall review each such a candidate and forward to the committee and the  
78 council its recommendation of the strongest two to five candidates, with a description of  
79 the strengths of each candidate and any facts that come to light that would disqualify a  
80 candidate.

81 By March 31, 2009, the committee will forward to the King County council its  
82 top two to five recommendations for consideration, in the form of fourteen copies to the  
83 clerk of the council, for distribution to all councilmembers. The recommendations shall  
84 not limit the council's authority under the King County Charter to appoint any citizen  
85 meeting the qualifications for office.

**DRAFT**

86 F. Evaluation criteria for the Municipal League and the blue ribbon selection  
87 committee will include, but not be limited to:

88 1. Working knowledge of the internal functions of King County government;

89 2. Extensive knowledge of the issues and challenges facing King County  
90 government;

91 3. A demonstrated ability to deliver a responsible budget;

92 4. A commitment to be responsive to public concerns;

93 5. Demonstrated leadership skills, preferably within more than one level of  
94 government or a combination of government and the private sector;

95 6. A commitment to the immediate business of King County that would make it  
96 unlikely that the appointee would run for any elective office while serving as appointed  
97 executive; and

98 7. A commitment to maintaining the functions and structure of county  
99 government without disruption during the election of a new county executive.

100 G. The committee will deliver a set of written materials arranged to allow  
101 councilmembers to make direct comparisons between the candidates. The committee  
102 recommendation will not include a rating or ranking of the recommended candidates, but  
103 will provide a list of two to five recommended candidates and observations about the  
104 strengths of each"

105 **EFFECT: The proposed amendment:**

106 **1. Adds a Whereas clause describing the Municipal League’s experience**  
107 **with election issues;**

**DRAFT**

- 108           **2. Expands on the description of the Municipal League’s role in the**  
109 **appointment process;**
- 110           **3. Clarifies the description of the process for appointment of the blue ribbon**  
111 **selection committee;**
- 112           **4. Changes the designation of membership in the blue ribbon selection**  
113 **committee; and**
- 114           **5. Revises the procedure to be followed by the Municipal League and the**  
115 **blue ribbon selection committee.**



## **Section 680 Vacancies.**

An elective county office shall become vacant upon the incumbent's death; resignation; recall; conviction of a felony, crime involving moral turpitude, unlawful destruction of court records, or other crime pertinent to his office; declaration of incompetency by a court of competent jurisdiction; absence from the county for a period of more than thirty days without the permission of a majority of the county council; or failure to fulfill or continue to fulfill the qualifications for office; provided, however, that an elective county office shall not become vacant as the result of a criminal conviction or declaration of incompetency until the conviction or declaration has become final and is no longer subject to appeal.

### **680.10 Designation, Appointment and Election to Fill Vacancy.**

Immediately upon commencing their terms of office, the county executive, county assessor, county director of elections and county sheriff shall each designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, county assessor, county director of elections or county sheriff, respectively.

Except for a designation made by the metropolitan county council, a designation of an interim official shall only be effective if the county executive, county assessor, county director of elections and county sheriff, each for his or her elective office, complies with the following procedure; commits the designation to writing; identifies the order of precedence if more than one county officer or employee is designated; signs the written designation; has the written designation notarized; files the written designation with the county office responsible for records; and provides a copy of the written designation to the chair of the metropolitan county council. The county executive, county assessor, county director of elections and county sheriff may, at any time, amend such designation by complying with the same procedure established for making the designation.

In the event the county executive, county assessor, county director of elections or county sheriff neglects or fails to make such a designation within seven calendar days of commencing his or her term of office, the metropolitan county council may by ordinance designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, county assessor, county director of elections or county sheriff, respectively. A designation made by the metropolitan county council shall be effective upon adoption of the ordinance therefor and may be amended by ordinance; provided that a designation by the county executive, county assessor, county director of elections or county sheriff which occurs subsequent to the adoption of an ordinance shall take precedence over the designation by ordinance.

The designated county officer or employee shall immediately upon the occurrence of a vacancy serve as the interim official and shall exercise all the powers and duties of the office granted by this charter and general law until an acting official is appointed as provided in this section.

The metropolitan county council shall, after being appraised of a vacancy in the elective office of county executive, county assessor, county director of elections or county sheriff, fill the vacancy by the appointment of an employee who served as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official shall serve until the vacancy is filled by appointment pursuant to general law for nonpartisan county elective offices.

A vacancy in an elective county office shall be filled at the next primary and general elections which occur in the county; provided that an election to fill the vacancy shall not be held if the successor to the vacated office will be elected at the next general election as provided in Sections 640 and 645 of this charter. The term of office of an officer who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the officer whose office has become vacant and shall commence as soon as he or she is elected and qualified.

A majority of the county council may temporarily fill a vacancy by appointment until the vacancy has been filled by election or the successor to the office has been elected and qualified. (Initiative 26 § 1, 2008: Initiative 25 § 1, 2008: Ord. 12847 § 2, 1997).



[How To Use This Site](#) | [About Us](#) | [Contact Us](#) | [Search](#)

[Legislature Home](#) | [Senate](#) | [House of Representatives](#)

[Print Version](#) | *No está disponible en español*

#### Inside the Legislature

- ★ [Find Your Legislator](#)
- ★ [Visiting the Legislature](#)
- ★ [Agendas, Schedules and Calendars](#)
- ★ [Bill Information](#)
- ★ [Laws and Agency Rules](#)
- ★ [Legislative Committees](#)
- ★ [Legislative Agencies](#)
- ★ [Legislative Information Center](#)
- ★ [E-mail Notifications \(Listserv\)](#)
- ★ [Students' Page](#)
- ★ [History of the State Legislature](#)

#### Outside the Legislature

- ★ [Congress - the Other Washington](#)
- ★ [TV Washington](#)
- ★ [Washington Courts](#)
- ★ [OFM Fiscal Note Website](#)

[RCWs](#) > [Title 36](#) > [Chapter 36.16](#) > [Section 36.16.110](#)

[36.16.100](#) << [36.16.110](#) >> [36.16.115](#)

### **RCW 36.16.110** **Vacancies in office.**

The county legislative authority in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

If a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in \*RCW [29.01.135](#) and shall continue through the term for which he or she was elected.

[2003 c 238 § 1; 1963 c 4 § [36.16.110](#). Prior: 1927 c 163 § 1; RRS § 4059; prior: Code 1881 § 2689; 1867 p 57 § 28.]

#### **Notes:**

\***Reviser's note:** RCW [29.01.135](#) was recodified as RCW [29A.04.133](#) pursuant to 2003 c 111 § 2401, effective July 1, 2004.

**Contingent effective date -- 2003 c 238:** "This act takes effect January 1, 2004, if the proposed amendment to Article II, section 15 of the state Constitution (HJR 4206) is validly submitted to and is approved and ratified by the voters at a general election held in November 2003. If the proposed amendment is not approved and ratified, this act is void in its entirety." [2003 c 238 § 5.] House Joint Resolution No. 4206 was approved by the voters on November 4, 2003.



[Glossary of Terms](#) | [Comments about this site](#) | [Privacy Notice](#) | [Accessibility Information](#) | [Disclaimer](#)