



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	5	Date:	2 June 2010
Proposed Ordinance No.:	2008-0366	Prepared by:	Rebecha Cusack Nick Wagner

SUMMARY

Proposed Ordinance 2008-0366 (pp. 5-7 of these materials) would place on the November 2010 ballot a charter amendment making county executive appointments of each department head, except public health, subject to reconfirmation by the Council every four years.¹

BACKGROUND

King County Charter § 340

Section 340.10 of the King County Charter provides for “the chief officer of each executive department except the county assessor” to be appointed by the County Executive. (Section 340 is included at p. 11 of these materials.) These appointments are subject to confirmation by the Council. *See* Charter § 340.40.

Section 340.60 of the Charter permits the Executive to remove officers whom the Executive has appointed, but does not limit the duration of their appointments and does not provide for periodic reappointment of those officers by the Executive or reconfirmation by the Council. Nor is reappointment or reconfirmation provided for in section 2.16.110 of the King County Code (*see* pp. 13-14 of these materials), which implements section 340 of the Charter.

The sponsor of the legislation has noted that there have been situations in the past (that is, before the election of the current County Executive) of some executive department heads being unwilling (1) to work with councilmembers to solve problems that citizens have had in dealing with representatives of county government and (2) to provide complete and accurate information to councilmembers so that they can set public policy.

¹ In the current title of the proposed ordinance, the ballot date is November 2008, since the ordinance was originally introduced in 2008. Title Amendment T1 would change the ballot date to November 2010.

Seattle City Charter Amendment

The City of Seattle addressed the issue of reappointments four years ago. The Charter of the City of Seattle was amended in the November 2006 election to make the positions of Director of Finance, Personnel Director, and Superintendent of Parks and Recreation subject to both reappointment by the mayor and reconfirmation by the Seattle City Council every four years. *See* Seattle City Ordinance Number 122182 (pp. 15-18 of these materials).

According to the Seattle City Attorney's Explanatory Statement, which was published in the voter pamphlet for the charter amendment, the heads of the following 10 other city departments were already subject to council confirmation every four years: City Light, the Department of Executive Administration, the Department of Information Technology, the Department of Neighborhoods, the Department of Planning and Development, the Department of Transportation, the Fleets and Facilities Department, the Human Services Department, the Seattle Center, and Seattle Public Utilities. The relevant portion of the voter pamphlet is included at pp. 19-20 of these materials.

The voter pamphlet "Statement For" the city charter amendment provided the following supporting arguments:

1. The amendment provides consistency among the departments, most of whose directors were already subject to reconfirmation every four years (inapplicable to King County, because no department heads are currently subject to reconfirmation);
2. The amendment "balances City government between the Executive and the Legislative branches";
3. The amendment "adds public accountability to the job description of the three department heads affected" in that it "provides City Council and the public an opportunity to review the department head's accomplishments, visions, goals, priorities, challenges and decision-making approach." In particular, the amendment "address[es] situations in which the mayor may seek to retain a department head who has not performed satisfactorily."
4. The amendment provides for more frequent accountability to the voters, at least indirectly, in that about half of the councilmembers are up for reelection every two years, whereas the executive is up for reelection only every four years;
5. The amendment was said to be supported by "[t]wenty-two citizen and community groups around the city."

The voter pamphlet contained no "Statement Against" the city charter amendment, which was approved by 80.08 percent of those who voted on the amendment.

PROPOSED ORDINANCE 2008-0366

The charter amendment that would be placed on the ballot by Proposed Ordinance 2008-0366 would make each executive-appointed county department head, except public health, subject to reconfirmation by the Council every four years. The following departments would be affected:

- Adult and Juvenile Detention
- Community and Health Services
- Development and Environmental Services
- Executive Services
- Natural Resources and Parks
- Transportation

The Department of Public Health – Seattle & King County is explicitly excluded because it is a joint city-county department and the City of Seattle does not require reconfirmation of the head of Public Health.

TITLE AMENDMENT

Title Amendment T1 (p. 9 of these materials) would update the ordinance title to provide that the proposed charter amendment is to be placed on the ballot in 2010, rather than 2008 as originally drafted.

COUNCIL OPTIONS

The Council has at least three options:

1. Adopt proposed ordinance 2008-0366, which would place on the ballot a charter amendment making county executive appointments of each department head, except public health, subject to reconfirmation by the Council every four years;
2. Consider the ordinance at a future date after this Executive's administration has had an opportunity to develop a track record.
3. Take no action at this time.

TIMELINE

The charter deadline for Council action to place proposed amendments on the November 2010 ballot is September 17; however, adoption of a charter amendment at that late date, while complying with the county charter, would make it necessary for county elections staff to publish a supplemental voter pamphlet, which would entail substantial additional cost to the county. Adoption that late would also put additional time pressure on the process of recruiting individuals to serve on the pro-con committees and preparing the

pro-con statements. *To avoid these undesirable consequences, the practical deadline for Council action to place a charter amendment on the ballot is the last Council meeting before the August recess: July 26.*

INVITEES

1. Rhonda Berry, Assistant Deputy County Executive

ATTACHMENTS

Page

1. Proposed Ordinance 2008-0366	5
2. Title Amendment T1	9
3. King County Charter § 340	11
4. King County Code § 2.16.110.....	13
5. Seattle City Charter excerpts	15
6. Voter pamphlet excerpt (November 2006).....	19



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 23, 2010

Ordinance

Proposed No. 2008-0366.1

Sponsors Lambert

1 AN ORDINANCE proposing an amendment to Section
2 340.40 of the King County Charter, to require that
3 executive appointments to each executive department,
4 except the department of public health, be subject to
5 council reconfirmation every four years; and submitting the
6 same to the voters of the county for their ratification or
7 rejection at the November 2008 general election.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. There shall be submitted to the voters of King County for their
10 approval and ratification or rejection, at the next general election to be held in this county
11 occurring more than forty-five days after the enactment of this ordinance, an amendment
12 to Section 340.40 of the King County Charter as set forth herein:

13 **340.40. Confirmation.**

14 The appointments by the county executive shall be subject to confirmation by a
15 majority of the county council. County executive appointments to each executive
16 department, except the department of public health, shall be subject to reconfirmation by
17 a majority of the county council every four years. The appointments by the county
18 administrative officer shall be subject to approval by the county executive.

19 SECTION 2. The clerk of the council shall certify the proposition to the manager
20 of the elections division, in substantially the following form, with such additions,
21 deletions or modifications as may be required by the prosecuting attorney:

22 Shall Section 340.40 of the King County Charter be amended to require
23 that executive appointments to each executive department, except the

24 department of public health, be subject to council reconfirmation every
25 four years?
26

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Robert W. Ferguson, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

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June 2, 2010

T1

nw

Sponsor: Lambert

Proposed No.: 2008-0366

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-0366, VERSION 1**

2 On page 1, line 7, strike "2008" and insert "2010"

3 **EFFECT: Corrects the year in which the proposed charter amendment will be**
4 **placed on the ballot.**

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King County Charter § 340

Section 340 Appointments, Confirmation and Removal.

340.10 Appointments by the County Executive.

The county executive shall appoint the county administrative officer and the chief officer of each executive department except the county assessor and shall appoint the members of all boards and commissions except as otherwise provided in this charter.

340.20 Appointments by the County Administrative Officer.

The county administrative officer shall appoint the chief officer of each administrative office.

340.30 Appointments by the Chief Officers.

The chief officer of each administrative office and executive department shall appoint all officers and employees of his office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the career service.

340.40 Confirmation.

The appointments by the county executive shall be subject to confirmation by a majority of the county council. The appointments by the county administrative officer shall be subject to approval by the county executive.

340.50 Qualifications.

The county administrative officer and the chief officers appointed by either the county executive or the county administrative officer shall be appointed on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

340.60 Removal.

Any officer, board or commission member, or employee who is not a member of the career service may be removed at any time by the officer who appointed him, except that a member of the personnel board or the board of appeals may be removed only by a majority of the county council as provided in this charter.

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2.16.110 Appointment and confirmation of exempt officials.

A. The county executive shall appoint the county administrative officer and the director of each executive department, except the departments of assessment, public safety and judicial administration. The county executive shall also appoint the division director of the youth detention facility through a competitive search process that includes participation by the superior court judges.

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

C. 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 King County Charter.

D.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 director or chief officer of an administrative office not made by the county executive shall be subject to approval by the county executive.

E.1. All individuals appointed by the county executive, under Section 340.40 of the 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 one hundred fifty days. The executive shall notify the council within 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 sixty-day periods only with approval by motion of the county council. The council shall grant at least one successive 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 position under ordinance and no salary shall be paid for the position while it is so vacant.

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

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

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

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

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

- a. a full and complete resume of his or her employment history, to include references attesting to the stated employment experiences; and
- 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. 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. (Ord. 14199 § 19, 2001: Ord. 13668 § 4, 1999: Ord. 11955 § 13, 1995).



City of Seattle Legislative Information Service

Information retrieved on May 22, 2010 5:26 PM

Council Bill Number: 115645

Ordinance Number: 122182

AN ORDINANCE relating to the periodic reappointment and reconfirmation of certain department heads of specified departments; and amending Seattle Municipal Code Sections 3.04.020, 3.18.020, 3.20.020, 3.22.020, and 17.04.020.

Date introduced/referred: Jul 17, 2006

Date passed: Jul 31, 2006

Status: Passed as Amended

Vote: 8-1 (No: Licata)

Date filed with the City Clerk: Aug 10, 2006

Date of Mayor's signature: Aug 10, 2006

[\(about the signature date\)](#)

Note: Returned unsigned by the Mayor on August 10, 2006

Committee: Special Committee on Charter Amendments

Sponsor: STEINBRUECK

Index Terms: CITY-CHARTER, CITY-OFFICIALS-AND-AGENCIES

References/Related Documents: Related: Res 30894

Fiscal Note: [Fiscal Note to Council Bill 115645](#)

Text

Note to users: {- indicates start of text that has been amended out

-} indicates end of text that has been amended out

{+ indicates start of text that has been amended in

+} indicates end of text that has been amended in

AN ORDINANCE relating to the periodic reappointment and reconfirmation of certain department heads of specified departments; and amending Seattle Municipal Code Sections 3.04.020, 3.18.020, 3.20.020, 3.22.020, and 17.04.020.

WHEREAS, the Seattle Municipal Code currently provides that the heads of five departments (Seattle City Light, the Department of Neighborhoods, the Department of Planning and Development, Seattle Public Utilities, and the Seattle Department of Transportation) are appointed by the Mayor, subject to confirmation by the City Council, and subject to reappointment and reconfirmation every four years; and

WHEREAS, Resolution 30894 would place a proposed ballot measure before the voters of Seattle to amend the City Charter to provide for reappointment and reconfirmation every four years for certain other department heads who are provided for in the Charter (Department of Finance, Department of Parks and Recreation, and Personnel Department); and

WHEREAS, five other major department heads are provided for in the Seattle Municipal Code, but the Code does not currently provide for periodic reappointment and reconfirmation of these five department heads (Department of Executive Administration, Fleets and Facilities Department, Human Services Department, Department of Information Technology, and Seattle Center); and

WHEREAS, periodic reappointment and reconfirmation of department heads affords the City Council and the public an opportunity to review a department head's accomplishments, vision, goals, priorities, challenges, and decision-making approach; and

WHEREAS, periodic reappointment and reconfirmation provides an orderly system of public accountability for the City's department heads; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.04.020 of the Seattle Municipal Code is hereby amended as follows:

Chapter 3.04 DEPARTMENT OF EXECUTIVE ADMINISTRATION

3.04.020 Director -- Appointment and removal.

The Director of Executive Administration shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall be subject to reappointment and reconfirmation every four years. The Mayor, at any time, may remove the Director of Executive Administration upon filing a statement of reasons therefor with the City Council.

Section 2. Section 3.18.020 of the Seattle Municipal Code is hereby amended as follows:

Chapter 3.18 FLEETS AND FACILITIES DEPARTMENT

3.18.020 Director -- Appointment.

The Director of the Fleets and Facilities Department shall be

appointed by the Mayor subject to confirmation by majority vote of the City Council, and shall be subject to reappointment and reconfirmation every four years. The Director may be removed by the Mayor at any time upon filing a statement of reason therefore with the City Council.

Section 3. Section 3.20.020 of the Seattle Municipal Code is hereby amended as follows:

Chapter 3.20 HUMAN SERVICES DEPARTMENT

3.20.020 Director -- Appointment.

There shall be a Director of the Department to be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and subject to reappointment and reconfirmation every four years; and such Director, whose office shall not be included in the classified civil service may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council; provided that no appointment shall be made under the authority of this section except upon the filing by the Civil Service Commission as a permanent record in the office of the City Comptroller, of its recommendation that such office, as a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter, should not be included in the classified civil service; provided further that pending appointment of such Director under the authority of this section, the Mayor is authorized to appoint as of January 1, 1973 a person to temporarily act as Director of the Department for a period of sixty days and thereafter for successive sixty (60) day periods with the approval of the City Council.

Section 4. Section 3.22.020 of the Seattle Municipal Code is hereby amended as follows:

Chapter 3.22 DEPARTMENT OF INFORMATION TECHNOLOGY

3.22.020 Director -- Appointment and removal.

There shall be a Chief Technology Officer to be appointed by the Mayor and confirmed by a majority of the City Council, and subject to reappointment and reconfirmation every four years. The Mayor, at any time, may remove the Chief Technology Officer upon filing a statement of reason therefor with the City Council.

Section 5. Section 17.04.020 of the Seattle Municipal Code is hereby amended as follows:

Chapter 17.04 SEATTLE CENTER DEPARTMENT

17.04.020 Director -- Appointment and removal.

There shall be a Director of the Department to be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and subject to reappointment and reconfirmation every four years, and such Director, whose office shall not be included in the classified civil service, may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council.

Section 6. Incumbents, if any, holding the offices of Director of Executive Administration, Director of the Fleets and Facilities Department, Director of the Human Services Department, Chief Technology Officer, and Director of the Seattle Center Department on the effective date of this ordinance shall first be subject to reappointment and reconfirmation on June 1, 2010.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2006, and signed by me in open session in authentication of its passage this _____ day of _____, 2006.

President _____ of the City Council

Approved by me this _____ day of _____, 2006.

Gregory J. Nickels, Mayor

Filed by me this _____ day of _____, 2006.

City Clerk

7/18/06
(Ver. 2)
ta





Seattle Charter Amendment No. 8

Official Ballot Title

The city council has proposed amendments to Article VIII Section 1, Article XI Section 1, and Article XVI Section 1 of the city charter, and addition of a new section to Article XXII of the city charter, concerning a requirement for council reconfirmation of certain City department heads.

These amendments would require that the heads of the Finance Department, Parks Department and Personnel Department be subject to reappointment by the mayor and reconfirmation by the city council every four years. The heads of these three departments in office when these charter amendments take effect would first be subject to council reconfirmation on February 1, 2011.

Should these charter amendments be

Approved
Rejected

City Attorney's Explanatory Statement

1. The proposal

These amendments would change the charter so that the heads of three City departments established by the charter would be subject to reappointment by the mayor and reconfirmation by the city council every four years.

2. The charter as it currently exists

The charter establishes a number of City departments. It also provides that the heads of five of these departments are to be appointed by the mayor, subject to confirmation by the city council; these five departments are: the Finance Department, the Fire Department, the Parks Department, the Personnel Department, and the Police Department. The heads of these departments do not have specified terms of office and are not subject to reconfirmation

Statement For

This charter amendment provides consistency among department heads by subjecting the Director of Finance, the Superintendent of Parks, and the Personnel Director to reappointment and reconfirmation every four years. The heads of the Department of Neighborhoods, City Light, the Department of Planning and Development, Seattle Public Utilities and the Department of Transportation already undergo this process of public performance evaluation.

The arguments that recruitment will be more difficult if people can be fired after only four years, or that there will be confusion as to whom they report, are specious. Five department heads are already subject to reconfirmation. There has been no shortage of extremely well-qualified candidates nor of incumbents in these positions. Professionals frequently report to more than "one boss." For example, an architect must satisfy the needs of a client while meeting demands from his firm's principals, etc. If department heads do their jobs, reconfirmation is not be an obstacle to continuing.

The amendment balances City government between the Executive and the Legislative branches. The Legislative branch-City Council-is more responsive to voters than the Executive-every two years, half of that body has to face the voters!

This amendment effectively adds public accountability to the job description of the three department heads affected. Currently these individuals report only to the Mayor. The amendment provides City Council and the public an opportunity to review the department head's accomplishments, visions, goals, priorities, challenges and decision-making approach. City Council needs to be able to address situations in which the mayor may seek to retain a department head who has not performed satisfactorily. Such was the case with the Superintendent of City Light a few years ago.

By requiring a public reappointment process, these department heads will be more responsive to the community, the citizens, and the voters. It is a good-government measure that will promote citizen confidence in the operations of our city. Twenty-two citizen and community groups around the city support this amendment.

STATEMENT SUBMITTED BY: Gail Chiarello, Progressive Democratic Caucuses of Washington 46th District (PDCW46), P. O. Box 51164, Seattle, WA 98115. E-mail gailchiarello@comcast.net

Rebuttal of Statement Against

No Statement Submitted.



City Attorney's Explanatory Statement (continued)

by the council.

The Seattle Municipal Code establishes a number of other City departments whose heads are appointed by the mayor, subject to council confirmation. The heads of ten of these departments are also subject to reconfirmation by the council every four years. The departments whose heads are subject to reconfirmation are City Light, the Department of Executive Administration, the Department of Information Technology, the Department of Neighborhoods, the Department of Planning and Development, the Department of Transportation, the Fleets and Facilities Department, the Human Services Department, the Seattle Center, and Seattle Public Utilities.

3. The effect of these amendments if approved

Article VIII Section 1, Article XI Section 1, and Article XVI Section 1 of the charter would be amended so that the heads of the Finance Department, the Parks Department, and the Personnel Department would be subject to reappointment by the mayor and reconfirmation by the city council every four years. In addition, a new section would be added to Article XXII of the charter to provide that the heads of these three departments who are in office when the charter amendment takes effect will first be subject to reappointment and council reconfirmation on February 1, 2011.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.