



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 20, 2011

Ordinance 17189

Proposed No. 2010-0580.2

Sponsors Ferguson and Gossett

1 AN ORDINANCE relating to the office of the public
2 defender; making technical corrections; amending
3 Ordinance 11955, Section 12, as amended, and K.C.C.
4 12.16.100, Ordinance 11955, Section 13, as amended, and
5 K.C.C. 2.16.110, Ordinance 11955, Section 6, as amended,
6 and K.C.C. 2.16.130, Ordinance 383, Section 2, as
7 amended, and K.C.C. 2.60.020 and Ordinance 14412,
8 Section 3, and K.C.C. 2.60.027 and repealing Ordinance
9 14412, Section 2, and K.C.C. 2.60.025.

10 PREAMBLE:

11 Chapter 10.101 RCW requires King County to provide effective legal
12 representation, consistent with the constitutional requirements of fairness,
13 equal protection and due process in all cases where there is a right to
14 counsel for indigent persons and persons who are indigent and able to
15 contribute.

16 King County regards this responsibility as essential to ensuring justice and
17 protecting the rights of its residents. As such, the county offers legal
18 representation to adults and juveniles who are accused of a crime and

19 cannot afford an attorney, as well as providing representation for services
20 such as juvenile dependency, civil commitment or civil contempt.

21 To carry out this work, the county has established the office of the public
22 defender, housed within the department of community and human
23 services. Currently, the public defender, who serves as both a technical
24 expert and the manager responsible for the administration of high quality
25 public defense in King County, is appointed by the director of the
26 department of community and human services.

27 This ordinance will enhance the accountability and performance of the
28 office of public defense, establishing a director, appointed by the
29 executive, responsible for the strategic administration of the office and the
30 provision of high quality defense services for the indigent and near
31 indigent.

32 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

33 SECTION 1. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are
34 each hereby amended to read as follows:

35 A. Exemptions from the requirements of the career service personnel system
36 shall be consistent with the provisions of Sections 550, 350.10 and 350.20 of the King
37 County Charter. Key subordinate units, as determined by the county council, and
38 departmental divisions shall be considered to be executive departments. Divisions of
39 administrative offices shall be considered to be administrative offices for the purpose of
40 determining the applicability of the charter provisions.

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

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

- 48 a. the director of the office of public defense (~~(division)~~);
- 49 b. the chief information officer of the administrative office of information
50 resource management;
- 51 c. the manager of the elections division;
- 52 d. the superintendent of elections in the elections division; and
- 53 e. the manager of the records and licensing services division.

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

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

62 SECTION 2. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 are
63 each hereby amended to read as follows:

64 A. The county executive shall appoint the county administrative officer and the
65 director of each executive department, except the departments of assessments, public
66 safety, elections and judicial administration. The county executive shall also appoint the
67 division director of the youth detention facility through a competitive search process that
68 includes participation by the superior court judges. The county executive shall also
69 appoint the director of the office of public defense.

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

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

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

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

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

87 Thereafter, the individual may continue serving in an acting capacity for successive sixty-
88 day periods only with approval by motion of the county council. The council shall grant
89 at least one successive sixty-day extension if the executive certifies to the council's
90 satisfaction that the executive is actively pursuing a search for qualified candidates for
91 appointment to the vacant position. If no appointment is transmitted to the council for
92 confirmation during the authorized period, the position shall be considered vacant for
93 purposes of exercise of any authority given to the position under ordinance and no salary
94 shall be paid for the position while it is so vacant.

95 ~~((2-))~~ b. Within seven calendar days of any executive appointment that is subject
96 to council confirmation, the executive shall deliver written notice of said appointment to
97 the council accompanied by a proposed motion confirming the appointment.

98 ~~((3-))~~ c. Upon the receipt of the notification by the executive of an appointment,
99 accompanied by the proposed motion, the council shall act to consider confirmation of
100 the appointment within ninety days. Approval of the introduced motion by a majority of
101 the council shall constitute confirmation of the appointee. Once confirmed, the appointee
102 is no longer serving in an acting capacity.

103 ~~((4-))~~ d. In considering the confirmation of executive appointments to offices of
104 management level responsibility, the council shall base its review on the ability of the
105 appointee to meet the following criteria:

- 106 ~~((a-))~~ (1) a demonstrated reputation for integrity and professionalism;
107 ~~((b-))~~ (2) a commitment to and knowledge of the responsibilities of the office;
108 ~~((e-))~~ (3) a history of demonstrated leadership, experience and administrative
109 ability;

110 ~~((d.))~~ (4) the ability to work effectively with the executive, the council, other
111 management, public agencies, private organizations and citizens; and

112 ~~((e.))~~ (5) a demonstrated sensitivity to and knowledge of the particular needs
113 and problems of minorities and women.

114 ~~((5-))~~ e. The appointee, before review of the appointment by the council, shall
115 submit to the chair of the council:

116 ~~((a-))~~ (1) a full and complete resume of his or her employment history, to
117 include references attesting to the stated employment experiences; and

118 ~~((b-))~~ (2) a signed statement acknowledging that the council's confirmation
119 process may require the submittal of additional information relating to the background
120 and expertise of the appointee.

121 ~~((6-))~~ f. Upon receipt of an executive appointment, the chair or his or her
122 delegate, subject to the council's rules of procedure, shall notify council members of the
123 appointment and attempt to allow a minimum of one work week for individual members
124 to submit written questions to the reviewing committee.

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

129 SECTION 3. Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130 are
130 each hereby amended to read as follows:

131 A. The department of community and human services is responsible to manage
132 and be fiscally accountable for the community services division, mental health, chemical

133 abuse and dependency services division, the office of public defense (~~((division,))~~) and the
134 developmental disabilities division.

135 B. The duties of the community services division shall include the following:

136 1. Working in partnership with communities and other funders to develop,
137 support and provide human services which emphasize prevention, early intervention, and
138 community education, and which strengthen individuals, families and communities in
139 King County;

140 2. Managing programs which increase family self-sufficiency, enhance youth
141 resiliency, reduce community violence and strengthen communities. The division shall
142 also manage programs which address housing and community development needs, and
143 help implement improvements identified in subarea and neighborhood plans for low and
144 moderate income communities and population. Such programs are to include, but not be
145 limited to, providing employment and training for youth and adults and providing
146 assistance to indigent veterans and their families as authorized by chapters 41.02 and
147 73.08 RCW. This division shall administer the county's federal housing and community
148 development funds and other housing and community development programs; (~~and~~)

149 3. Developing housing and community development policies and programs to
150 implement the growth management policies throughout King County to provide
151 affordable housing to low and moderate income residents; and

152 4. Duties regarding the women's advisory board specified in K.C.C. 2.30.040.

153 C. The duties of the mental health, chemical abuse and dependency services
154 division shall include the following:

1. Managing and operating a system of mental health services for acutely disturbed, seriously disturbed and chronically mentally ill children and adults;
2. Managing and operating a twenty-four-hour crisis response system, including civil commitment as a last resort;
3. Providing treatment and rehabilitation service for alcoholism and for other drug addictions under federal and state laws and King County ordinances;
4. Selecting appropriate agencies for the provision of mental health services developing, implementing and monitoring the provision and outcomes of contracted services;
5. Being responsible for resource management of a comprehensive mental health system including provision of staff support to appropriate advisory boards, and serving as liaison to federal, state, and other governments and relevant organizations in carrying out planning and allocation processes;
6. Ensuring the continuing availability of appropriate treatment services for eligible individuals with a single diagnosis of a mental illness or a substance use or dependency disorder; and
7. Developing and maintaining a continuum of appropriate treatment services for eligible individuals with dual diagnoses of both a mental illness and a substance use or dependency disorder.

D. The duties of the office of public defense (~~(division)~~) shall include those duties specified in K.C.C. chapter 2.60.

E. The duties of the developmental disabilities division shall include the following:

1. Managing and operating a system of services for persons with developmental disabilities in accordance with relevant state statutes and county policies and to provide staff support to the King County board for developmental disabilities; and

2. Negotiating, implementing and monitoring contracts with community agencies for the provision of developmental disabilities services.

SECTION 4. Ordinance 383, Section 2, as amended, and K.C.C. 2.60.020 are each hereby amended to read as follows:

There is hereby established within the department of community and human services the office of ~~((the)) public ((defender))~~ defense. A director of the office of public ((defender)) defense shall be appointed by the ~~((director of the department of community and human services))~~ county executive and approved by the county council. ~~((To assist the director in the selection of a public defender, there shall be convened an advisory committee, which shall be))~~ The county executive shall consult with representatives of the criminal justice system and the broader community during the recruitment and selection of the appointee.

SECTION 5. Ordinance 14412, Section 2, and K.C.C. 2.60.025 are each hereby repealed.

SECTION 6. Ordinance 14412, Section 3, and K.C.C. 2.60.027 are each hereby amended to read as follows:

The duties of the director of the office of public ((defender)) defense shall include the following:

A. Manage the office of ~~((the)) public ((defender))~~ defense;

200 B. Ensure the office of public defense employs the needed technical and public
201 defense expertise to ensure effective delivery of public defense services;

202 C. Represent the department in all city, county, state and federal forums where
203 the defense perspective is required; and

204 ((C.)) D. Develop appropriate standards and guidelines for the qualification and
205 experience level of attorneys and paraprofessionals.
206

Ordinance 17189 was introduced on 11/15/2010 and passed by the Metropolitan King
County Council on 9/19/2011, by the following vote:


Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms.
Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 29 day of SEPTEMBER, 2011.



Dow Constantine, County Executive

Attachments: None