



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19139

Proposed No. 2020-0205.2

Sponsors Dembowski, McDermott, Kohl-Welles and Zahilay

1 AN ORDINANCE proposing the position of King County sheriff
2 be returned to an appointed position with a requirement for
3 consideration of community stakeholder input during the
4 selection process, and with the county executive being
5 responsible for bargaining with the department of public safety's
6 represented employees; amending Sections 350.20.40, 680.10
7 and 890 of the King County Charter and repealing Sections 645
8 and 898 of the King County Charter; and submitting the same to
9 the voters of the county for their ratification or rejection at the
10 next general election to be held in this county occurring more
11 than forty-five days after the enactment of this ordinance.

12 STATEMENT OF FACTS:

13 A. In 1969, the position of sheriff in King County became an appointed one
14 when the King County Charter went into effect. With the passage of the Charter
15 at the general election in November 1968, King County voters approved
16 changing the county's statutorily based board-of-commissioners form of
17 government, which also included several elected officers including a sheriff, to a
18 home rule, charter-based form of government, which originally limited the
19 positions of elected officers to councilmembers, executive and assessor.

20 B. As an appointed position, the sheriff became subject to the same selection
21 process set out in Section 340 of the King County Charter as the other county

Ordinance 19139

22 department chief officers. Then as now, under Section 340 of the King County
23 Charter, the county executive appoints department chief officers, subject to
24 confirmation by the county council.

25 C. The 1969 original charter also set out transitory provisions establishing the
26 initial departments and offices of the newly created executive branch. The
27 department of public safety was established by Section 920.20 of the King
28 County Charter, with the duties of enforcing law and order, administering the
29 county jail and responsibility for civil defense.

30 D. In accordance with Section 920.30 of the King County Charter, for a period
31 of two years, or until at least 1971, the county council could not exercise the
32 powers granted to it under Section 220.20 of the King County Charter with
33 respect to abolishing, combining or dividing the office or departments created by
34 the charter or transferring the specified powers and duties from one office or
35 department to another.

36 E. In 1972, by Ordinance 1438, the county council did exercise charter-based
37 authority to establish, abolish, combine and divide administrative offices and
38 executive departments and to establish their powers and responsibilities. In that
39 ordinance, the council abolished all the executive branch departments and offices
40 created by the charter's transitory provisions and then reconstituted them, some
41 with new duties and powers, including the department of public safety. The county
42 council reconstituted the department of public safety, keeping the duties of
43 enforcing law and order and administering the county jail called out in the
44 transitory Section 920.20 of the King County Charter. Gone was the
45 responsibility for civil defense. The county council added to duties to the
46 department of public safety responsibility for disaster preparedness related to

Ordinance 19139

47 public safety and welfare and search and rescue.

48 F. In 1973, by Ordinance 1872, the county council again exercised its authority
49 to structure the executive branch departments when it removed the duty of
50 administering the King County jail from the department of public safety and
51 transferred that duty to a new department also created by that ordinance.

52 G. In 1982, the county council undertook a major executive branch
53 reorganization. Under Ordinance 6066, the county council again asserted its
54 authority to establish the structure and duties of the executive branch departments
55 and offices. The duties of the department of public safety were changed to
56 mirror the duties of an office of sheriff under state law, excluding administration
57 of county jails, as well as the additional functions of overseeing a crime
58 prevention program, process service, major disaster planning for public safety
59 and welfare and administrative services unique to the department.

60 H. In 1991, under Ordinance 10808, the county council again modified the duties
61 of the department of public safety, wherein the department was no longer solely
62 responsible for planning for public safety and welfare in the case of a major
63 disaster but now had to coordinate that work with the recently created office of
64 emergency management.

65 I. With the passage of a charter amendment in 1996, a new Section 350.20.40 of
66 the King County Charter was created. Under that new charter section, four things
67 happened: (1) the sheriff became an elected position; (2) the duties of the elected
68 sheriff in overseeing the department of public safety are set by general law rather
69 than by the county council in accordance with its powers under Section 220.20 of
70 the King County Charter; (3) recognition that while the department of public
71 safety employees remain employees under the executive branch, the department is

Ordinance 19139

72 administered by the elected sheriff; and (4) powers of the county council under
73 Section 220.20 of the King County Charter were curtailed so that unlike
74 departments with chief officers selected under the auspices of Section 340 of the
75 King County Charter, the county council may neither abolish or combine the
76 department of public safety with another county department or office, nor can the
77 county council decrease any of the duties of the department of public safety, again
78 unlike departments with chief officers selected under the auspices of Section 340
79 of the King County Charter.

80 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

81 **SECTION 1. Intent.** A. It is the intent of the county council that the voters of King
82 County determine the interrelated but distinct issues of:

83 1. Whether the King County sheriff should remain an elected position or return to an
84 appointed position; and
85 2. The extent of scope and control of the department of public safety. For the purposes
86 of this section, "scope and control" mean the authority, exercised by ordinance, to structure the
87 department of public safety as well as set the duties of the sheriff and the department of public
88 safety in accordance with the authority granted the county council under Section 220.20 of the
89 King County Charter.

90 B. This ordinance is only intended to determine the will of the voters as to whether the
91 sheriff should remain an elected position or return to an appointed position, whereby in
92 consultation with a stakeholder group, the executive would appoint and the council would
93 confirm the successful candidate; and if the position is reverted to an appointed one, return to the
94 county's bargaining agent all responsibilities to bargain with represented employees in the
95 department of public safety. This ordinance is not intended as the charter amendment to
96 otherwise determine scope and control related to the department of public safety.

Ordinance 19139

97 C. Ordinance 19140 (Proposed Ordinance 2020-0231) is the charter amendment that is
98 intended to determine the will of the voters as to the return of scope and control related to the
99 department of public safety to the council. If placed on the November 2020 ballot and passed by
100 the voters, the charter amendment in Ordinance 19140 (Proposed Ordinance 2020-0231) would
101 return to the council, as exercised by ordinance, the authority to structure the department of
102 public safety and set the duties of the sheriff and the department of public safety, as well as return
103 to the county's bargaining agent all responsibilities to bargain with represented employees in the
104 department of public safety. The charter amendment in Ordinance 19140 (Proposed Ordinance
105 2020-0231) is not intended to place before the voters the issue of whether the position of the
106 sheriff is to be an elected or appointed position.

107 D. If a voter wishes for the sheriff to again be an appointed position and return scope and
108 control related to the department of public safety to the council, then a voter would vote for both
109 the charter amendment in this ordinance and the charter amendment in Ordinance 19140
110 (Proposed Ordinance 2020-0231). If both charter amendments are placed on the November 2020
111 ballot and both are passed by the voters, then Section 350.20.40 of the King County Charter
112 would be amended to read:

"Section 350.20.40 Department of Public Safety.

114 The chief officer of a department of public safety, who may also be referred to as
115 the county sheriff, shall be an appointed position, subject to section 340 of this
116 charter, and shall perform the duties specified by ordinance. Both the executive
117 and the county council shall consider community stakeholder input during the
118 selection, appointment and confirmation processes for appointment of chief
119 officer of a department of public safety, as specified by ordinance. The
120 department of public safety shall be an executive department subject to the civil
121 service personnel system and shall utilize the services of the administrative

Ordinance 19139

122 offices and the executive departments."

123 E. If a voter wishes for the sheriff to again be an appointed position but does not wish to
124 change scope and control related to the department of public safety, then the voter would vote for
125 the charter amendment in this ordinance but would vote against the charter amendment in
126 Ordinance 19140 (Proposed Ordinance 2020-0231). If both charter amendments are placed on
127 the November 2020 ballot and the charter amendment in this ordinance to again make the sheriff
128 an appointed position passes and the charter amendment in Ordinance 19140 (Proposed
129 Ordinance 2020-0231) to return scope and control related the department of public safety to the
130 council fails, then Section 350.20.40 of the King County Charter would be amended to read:

131 **"Section 350.20.40 Department of Public Safety.**

132 The chief officer of a department of public safety, who may also be referred to as
133 the county sheriff, shall be an appointed position, subject to section 340 of this
134 charter, and shall perform the duties specified by general law. Both the executive
135 and the county council shall consider community stakeholder input during the
136 selection, appointment and confirmation processes for appointment of chief
137 officer of a department of public safety, as specified by ordinance. The
138 department of public safety shall be an executive department subject to the civil
139 service personnel system and shall utilize the services of the administrative
140 offices and the executive departments, but it shall not be abolished or combined
141 with any other executive department or administrative office and shall not have
142 its duties decreased by the county council."

143 F. If a voter does not wish for the sheriff to be an appointed position, but wishes return
144 of scope and control related to the department of public safety to the council, then the voter would
145 vote against the charter amendment in this ordinance but would vote for the charter amendment in
146 Ordinance 19140 (Proposed Ordinance 2020-0231). If both charter amendments are placed on

Ordinance 19139

147 the November 2020 ballot and the charter amendment in this ordinance to again make the sheriff
148 an appointed position fails but the charter amendment in Ordinance 19140 (Proposed Ordinance
149 2020-0231) to return scope and control of the department of public safety to the council passes,
150 then Section 350.20.40 of the King County Charter would be amended to read:

151 **"Section 350.20.40 Department of Public Safety.**

152 The department of public safety shall be administered by the county sheriff who
153 shall perform the duties specified by ordinance. The county sheriff shall be elected
154 by the voters of the county, and the sheriff's term of office shall be four years. The
155 department of public safety shall be an executive department subject to the civil
156 service personnel system and shall utilize the services of the administrative offices
157 and the executive departments."

158 SECTION 2. There shall be submitted to the qualified voters of King County for their
159 approval and ratification or rejection, at the next general election to be held in this county
160 occurring more than forty-five days after the enactment of this ordinance, an amendment to
161 Sections 350.20.40, 680.10 and 890 of the King County Charter and a repeal of Sections 645 and
162 898 of the King County Charter, as set forth herein:

163 **Section 350.20.40 Department of Public Safety.**

164 Following expiration of the current elected term of office, thereafter ((T))the chief officer
165 of a department of public safety((shall be administered by the county sheriff)), who may also be
166 referred to as the county sheriff, shall be an appointed position, subject to Section 340 of this
167 charter and shall perform the duties specified by general law. ((The county sheriff shall be
168 elected by the voters of the county, and the sheriff's term of office shall be four years.)) Both the
169 executive and the county council shall consider community stakeholder input during the
170 selection, appointment and confirmation processes for appointment of chief officer of a
171 department of public safety, as specified by ordinance. The department of public safety shall be

Ordinance 19139

172 an executive department subject to the civil service personnel system and shall utilize the services
173 of the administrative offices and the executive departments, but it shall not be abolished or
174 combined with any other executive department or administrative office and shall not have its
175 duties decreased by the county council.

176 **Section 645 repealed.** Section 645 of the King County Charter, "Sheriff; Election, Term
177 of Office and Compensation," is hereby repealed.

178 **680.10 Designation, Appointment and Election to Fill Vacancy.**

179 Immediately upon commencing their terms of office, the county executive, county assessor,
180 county director of elections((;)) and county prosecuting attorney ((~~and county sheriff~~)) shall each
181 designate one or more employees who serve as a deputy or assistant in such office to serve as an
182 interim official in the event of a vacancy in the elective office of the county executive, county
183 assessor, county director of elections((;)) or county prosecuting attorney((~~or county sheriff~~)),
184 respectively.

185 Except for a designation made by the metropolitan county council, a designation of an
186 interim official shall only be effective if the county executive, county assessor, county director of
187 elections((;)) and county prosecuting attorney ((~~and county sheriff~~)), each for that officer's elective
188 office, complies with the following procedure; commits the designation to writing; identifies the
189 order of precedence if more than one county officer or employee is designated; signs the written
190 designation; has the written designation notarized; files the written designation with the county
191 office responsible for records; and provides a copy of the written designation to the chair of the
192 metropolitan county council. The county executive, county assessor, county director of
193 elections((;)) and county prosecuting attorney ((~~and county sheriff~~)) may, at any time, amend such
194 designation by complying with the same procedure established for making the designation.

195 In the event the county executive, county assessor, county director of elections((;)) and
196 county prosecuting attorney ((~~and county sheriff~~)) neglects or fails to make such a designation

Ordinance 19139

197 within seven calendar days of commencing his or her term of office, the metropolitan county
198 council may by ordinance designate one or more employees who serve as a deputy or assistant in
199 such office to serve as an interim official in the event of a vacancy in the elective office of the
200 county executive, county assessor, county director of elections((,)) or county prosecuting attorney
201 ((~~and county sheriff~~)), respectively. A designation made by the metropolitan county council shall
202 be effective upon adoption of the ordinance therefor and may be amended by ordinance; provided
203 that a designation by the county executive, county assessor, county director of elections((,)) or
204 county prosecuting attorney(~~and county sheriff~~) which occurs subsequent to the adoption of an
205 ordinance shall take precedence over the designation by ordinance.

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

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

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

Ordinance 19139

222 A majority of the county council may temporarily fill a vacancy by appointment until the
223 vacancy has been filled by election or the successor to the office has been elected and qualified.

224 **Section 890 Employee Representation.**

225 The county council may enact an ordinance providing for collective bargaining by the
226 county with county employees covered by the personnel system. If an ordinance providing for
227 collective bargaining is enacted, it shall not be subject to the veto power of the county executive;
228 and((, ~~except with respect to bargaining by the county with employees of the department of public~~
229 safety pursuant to Section 898 of this charter,)) it shall designate the county executive as the
230 bargaining agent of the county. Any agreement reached as a result of negotiations by the county
231 bargaining agent with county employees shall not have the force of law unless enacted by
232 ordinance.

233 **Section 898 repealed.** Section 898 of the King County Charter, "Department of Public
234 Safety Employee Collective Bargaining," is hereby repealed.

235 SECTION 3. The clerk of the council shall certify the proposition to the director of
236 elections, in substantially the following form, with such additions, deletions or modifications as
237 may be required by the prosecuting attorney:

238 Shall the position of King County sheriff be returned to an appointed position
239 with a requirement for consideration of community stakeholder input during the

Ordinance 19139

240 selection process, and with the county executive being responsible for bargaining
241 with the department of public safety's represented employees?

242

Ordinance 19139 was introduced on 6/9/2020 and passed as amended by the
Metropolitan King County Council on 7/21/2020, by the following vote:

Yes: 6 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Mr.
McDermott, Mr. Upthegrove and Mr. Zahilay
No: 3 - Mr. Dunn, Ms. Lambert and Mr. von Reichbauer

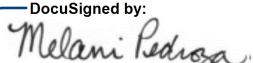
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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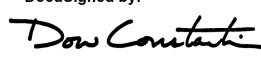
Claudia Balducci, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this 7/24/2020 day of _____, _____.

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Dow Constantine, County Executive

Attachments: None