



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19140

Proposed No. 2020-0231.2

Sponsors Zahilay and Upthegrove

1 AN ORDINANCE proposing to amend the King County
2 Charter relating to the county sheriff and the department of
3 public safety; amending Sections 350.20.40 and 890 of the
4 King County Charter and repealing Section 898 of the King
5 County Charter; and submitting the same to the voters of
6 the county for their ratification or rejection at the next
7 general election to held in this county occurring more than
8 forty-five days after the enactment of this ordinance.

9 **STATEMENT OF FACTS:**

10 A. In 1969, the position of sheriff in King County became an appointed
11 one when the King County Charter went into effect. With the passage of
12 the Charter at the general election in November 1968, King County voters
13 approved changing the county's statutorily based board-of-commissioners
14 form of government, which also included several elected officers
15 including a sheriff, to a home rule, charter-based form of government,
16 which originally limited the positions of elected officers to
17 councilmembers, executive and assessor.
18 B. As an appointed position, the sheriff became subject to the same
19 selection process set out in Section 340 of the King County Charter as the

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

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

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

34 E. In 1972, by Ordinance 1438, the county council did exercise charter-
35 based authority to establish, abolish, combine and divide administrative
36 offices and executive departments and to establish their powers and
37 responsibilities. In that ordinance, the council abolished all the executive
38 branch departments and offices created by the charter's transitory provisions
39 and then reconstituted them, some with new duties and powers, including
40 the department of public safety. The county council reconstituted the
41 department of public safety, keeping the duties of enforcing law and order
42 and administering the county jail called out in the transitory Section

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43 920.20 of the King County Charter. Gone was the responsibility for civil
44 defense. The county council added to duties to the department of public
45 safety responsibility for disaster preparedness related to public safety and
46 welfare and search and rescue.

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

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

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

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66 I. With the passage of a charter amendment in 1996, a new Section
67 350.20.40 of the King County Charter was created. Under that new charter
68 section, four things happened: (1) the sheriff became an elected position;
69 (2) the duties of the elected sheriff in overseeing the department of public
70 safety are set by general law rather than by the county council in
71 accordance with its powers under Section 220.20 of the King County
72 Charter; (3) recognition that while the department of public safety
73 employees remain employees under the executive branch, the department is
74 administered by the elected sheriff; and (4) powers of the county council
75 under Section 220.20 of the King County Charter were curtailed so that
76 unlike departments with chief officers selected under the auspices of
77 Section 340 of the King County Charter, the county council may neither
78 abolish or combine the department of public safety with another county
79 department or office, nor can the county council decrease any of the duties
80 of the department of public safety, again unlike departments with chief
81 officers selected under the auspices of Section 340 of the King County
82 Charter.

83 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

84 SECTION 1. Intent. A. It is the intent of the county council that the voters of
85 King County determine the interrelated but distinct issues of:
86 1. The extent of scope and control of the department of public safety. For the
87 purposes of this section, "scope and control" mean the authority, exercised by ordinance,
88 to structure the department of public safety as well as set the duties of the sheriff and

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89 department of public safety in accordance with the authority granted the county council
90 under Section 220.20 of the King County Charter and

91 2. Whether the King County sheriff should remain an elected position or return
92 to an appointed position.

93 B. This ordinance is only intended to determine the will of the voters as to
94 returning to the council, as exercised by ordinance, the authority to structure the
95 department of public safety and as set the duties of the sheriff and the department of
96 public safety, as well as return to the county's bargaining agent all responsibilities to
97 bargain with represented employees in the department of public safety. This ordinance is
98 not intended as the charter amendment to place before the voters the issue of whether the
99 position of the sheriff is to be an elected or appointed position

100 C. Ordinance 19139 (Proposed Ordinance 2020-0205) is the charter amendment
101 that is intended to determine the will of the voters as to whether the sheriff should remain
102 an elected position or return to an appointed position. If placed on the November 2020
103 ballot and passed by the voters, the charter amendment in Ordinance 19139 (Proposed
104 Ordinance 2020-0205) would return the sheriff position to an appointed one; whereby, in
105 consultation with a stakeholder group, the executive would appoint and the council would
106 confirm the successful candidate; and if the position is reverted to an appointed one,
107 return to the county's bargaining agent all responsibilities to bargain with represented
108 employees in the department of public safety. The charter amendment in Ordinance
109 19139 (Proposed Ordinance 2020-0205) is not intended as the charter amendment to
110 otherwise determine scope and control related to the department of public safety.

111 D. If a voter wishes to return scope and control related to the department of

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112 public safety to the council and for the sheriff to again be an appointed position, then a
113 voter would vote for both the charter amendment in this ordinance and the charter
114 amendment in Ordinance 10139 (Proposed Ordinance 2020-0205). If both charter
115 amendments are placed on the November 2020 ballot and both are passed by the voters,
116 then Section 350.20.40 of the King County Charter would be amended to read:

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

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

128 E. If a voter wishes to return scope and control related to the department of
129 public safety to the council but does not wish for the sheriff to again be an appointed
130 position, then the voter would vote for the charter amendment in this ordinance but would
131 vote against the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-
132 0205). If both charter amendments are placed on the November 2020 ballot and the
133 charter amendment in this ordinance to return scope and control related to the department
134 of public safety to the council passes but the charter amendment in Ordinance 19139

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135 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position fails,
136 then Section 350.20.40 of the King County Charter would be amended to read:

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

138 The department of public safety shall be administered by the county sheriff
139 who shall perform the duties specified by ordinance. The county sheriff
140 shall be elected by the voters of the county, and the sheriff's term of office
141 shall be four years. The department of public safety shall be an executive
142 department subject to the civil service personnel system and shall utilize the
143 services of the administrative offices and the executive departments."

144 F. If a voter does not wish to return scope and control related to the department of
145 public safety to the council but does wish for the sheriff to again be an appointed
146 position, then the voter would vote against the charter amendment in this ordinance but
147 would vote for the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-
148 0205). If both charter amendments are placed on the November 2020 ballot and the
149 charter amendment in this ordinance to return scope and control related to the department
150 of public safety to the council fails but the charter amendment in Ordinance 19139
151 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position passes,
152 then Section 350.20.40 of the King County Charter would be amended to read:

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

154 The chief officer of a department of public safety, who may also be
155 referred to as the county sheriff, shall be an appointed position, subject to
156 section 340 of this charter, and shall perform the duties specified by
157 general law. Both the executive and the county council shall consider

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158 community stakeholder input during the selection, appointment and
159 confirmation processes for appointment of chief officer of a department of
160 public safety, as specified by ordinance. The department of public safety
161 shall be an executive department subject to the civil service personnel
162 system and shall utilize the services of the administrative offices and the
163 executive departments, but it shall not be abolished or combined with any
164 other executive department or administrative office and shall not have its
165 duties decreased by the county council."

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

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

172 The department of public safety shall be administered by the county sheriff who
173 shall perform the duties specified by ((general law)) ordinance. The county sheriff shall
174 be elected by the voters of the county, and the sheriff's term of office shall be four years.
175 The department of public safety shall be an executive department subject to the civil
176 service personnel system and shall utilize the services of the administrative offices and
177 the executive departments, but it shall not be abolished ((or combined with any other
178 executive department or administrative office and shall not have its duties decreased)) by
179 the county council.

180 **Section 890 Employee Representation.**

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181 The county council may enact an ordinance providing for collective bargaining by
182 the county with county employees covered by the personnel system. If an ordinance
183 providing for collective bargaining is enacted, it shall not be subject to the veto power of
184 the county executive; and~~((, except with respect to bargaining by the county with
185 employees of the department of public safety pursuant to Section 898 of this charter,))~~ it
186 shall designate the county executive as the bargaining agent of the county. Any
187 agreement reached as a result of negotiations by the county bargaining agent with county
188 employees shall not have the force of law unless enacted by ordinance.

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

191 SECTION3. The clerk of the council shall certify the proposition to the director
192 of elections, in substantially the following form, with such additions, deletions or
193 modifications as may be required by the prosecuting attorney:

194 Shall the King County charter be amended so that the duties of the county

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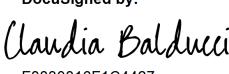
195 sheriff and the structure and duties of the department of public safety shall
196 be established by county ordinance?

197

Ordinance 19140 was introduced on 7/7/2020 and passed as amended by the Metropolitan King County Council on 7/21/2020, by the following vote:

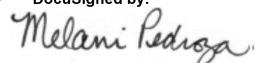
Yes: 6 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Mr. McDermott, Mr. Upthegrove and Mr. Zahilay
No: 3 - Mr. Dunn, Ms. Lambert and Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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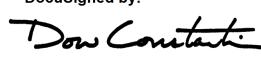
Claudia Balducci, Chair

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