



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

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| Agenda Item No.: 10 | Date: 21 July 2010 |
| Motion No.: 2010-0413 | Prepared by: Nick Wagner |

SUBJECT

Proposed Motion 2010-0413 (pp. 3-4 of these materials) would extend by 60 days the appointment of Hikari Tamura as acting director of the King County Department of Adult and Juvenile Detention.

BACKGROUND

Section 2.16.110 of the King County Code (pp. 7-8 of these materials) provides in part: “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.” Section 2.16.110(E)(1) further provides:

[T]he 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.¹

On 1 March 2010 the County Executive appointed Hikari Tamura as acting director of the Department of Natural Resources and Parks (“DNRP”). On July 29 Ms. Tamura will have served as acting director for 150 days. On July 16 the Executive transmitted Proposed Motion 2010-0413, which would extend Ms. Tamura’s appointment by 60 days. The Executive’s transmittal letter (p. 9 of these materials) states: “We are actively seeking candidates with a proven track record as a successful administrator in the field and although it is a challenging task, I have confidence that the process we have engaged in will result in selecting a qualified candidate for Council consideration.”

¹ It is unclear from the statutory language whether the first, mandatory extension begins to run at the end of 150 days or at the end of 90 days, when the Executive is required to “notify the council . . . concerning the status of his or her search for qualified candidates for appointment to the vacant position.” KCC § 2.16.110(E)(1). Thus, it is unclear whether the extension requested by the Executive is permissive or mandatory.

If the Council does not extend Ms. Tamura’s appointment and the Executive does not transmit an appointment for confirmation to the Council by July 29, “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.”
KCC § 2.16.110.

AMENDMENT

Amendment 1 (p. 5 of these materials) would change the date to which Ms. Tamura’s appointment is extended to 27 September 2010, which is 60 days from July 29, when her current appointment expires.

INVITEES

1. Joe Woods, Council Relations Manager, Intergovernmental Relations,
King County Executive Office

ATTACHMENTS

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KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

July 19, 2010

Motion

Proposed No. 2010-0413.1

Sponsors

1 A MOTION approving the extension of the executive's
2 appointment of Hikari Tamura as acting director of the
3 King County department of adult and juvenile detention.

4 BE IT MOVED by the Council of King County:

5 The county executive's appointment of Hikari Tamura as acting director of the
6 King County department of adult and juvenile detention, is hereby approved for a

7 succeeding sixty day period ending on September 26, 2010.

8

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

July 21, 2010

1

nw

Sponsor: Ferguson

Proposed No.: 2010-0413

1 **AMENDMENT TO PROPOSED MOTION 2010-0413, VERSION 1**

2 On page 2, on line 7, strike “26” and insert “27”

3 **EFFECT: Corrects the end date of the 60-day extension that the motion would add**
4 **to the appointment of Hikari Tamura as acting director of DAJD.**

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King County Code § 2.16.110

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).

July 16, 2010

The Honorable Bob Ferguson
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Ferguson:

In March 2010, I appointed Ms. Hikari Tamura to serve in an acting capacity as Director of the Department of Adult and Juvenile Detention (DAJD). During that period of time, an effort has been underway by the Executive's office to identify a list of qualified candidates for appointment to the position. We are actively seeking candidates with a proven track record as a successful administrator in the field and although it is a challenging task, I have confidence that the process we have engaged in will result in selecting a qualified candidate for Council consideration.

Pursuant to Title 2 of the Code, please be advised that the acting appointment of Ms. Tamura will extend beyond 150 days. I have included a draft motion for the Council which provides approval for the continued acting appointment of Ms. Tamura during this period.

Thank you for your consideration in this matter.

Very Truly Yours,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Tom Bristow, Chief of Staff

Anne Noris, Clerk of the Council

Fred Jarrett, Deputy County Executive, Office of the King County Executive

Rhonda Berry, Assistant Deputy County Executive, Office of the King County Executive

Anita Whitfield, Director, Human Resources Division, Department of Executive Services

Hikari Tamura, Acting Director, Department of Adult and Juvenile Detention