



Legislation Details (With Text)

File #: 2013-0242 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 5/13/2013 **In control:** Committee of the Whole

On agenda: **Final action:** 10/28/2013

Enactment date: 11/8/2013 **Enactment #:** 17678

Title: AN ORDINANCE implementing the charter amendment that was placed on the ballot by Ordinance 17614, contingent on certification that the charter amendment has been approved by the voters; amending Ordinance 8257, Section 2, as amended, and K.C.C. 2.60.020, Ordinance 17588, Section 4, and K.C.C. 2.60.026, Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 and Ordinance 1872, Section 3, as amended, and K.C.C. 2.32.100 and adding new sections to K.C.C. chapter 2.60.

Sponsors: Julia Patterson, Kathy Lambert, Rod Dembowski

Indexes:

Code sections:

Attachments: 1. Ordinance 17678.pdf, 2. Staff Report 05-15-13 2013-0212, 0215, 0216, 0237, 0242 OPD Reorg SR 5-15-13 FINAL.docx, 3. Attachment 1 Striking Amendment (S1) to PO 2013-0212.docx, 4. Attachment 2 Title Amendment (T1) to PO 2013-0212.docx, 5. Attachment 4 2013-0242 Striker S1 to impl ord for exec appt charter amend FINAL.docx, 6. Attachment 7 Striking Amendment (S1) to PO 2013-0215.docx, 7. Attachment 8 Title Amendment (T1) to PO 2013-0215.docx, 8. Attachment 10 2013-0216 Interim Supplemental Striker S1 FINAL.docx, 9. Attachment 10 A GG CIP to 2013-0216 Revised 5-15-13.xlsx, 10. Attachment 11 Title Amendment (T1) to PO 2013-0216.docx, 11. Staff Report 6-5-13 OPD Reorg.docx, 12. 2013-0242 Staff report 2013-10-21 with attachments.pdf, 13. 2013-0242 Revised staff report.doc, 14. amend 1 to striking amendment.pdf, 15. amend 2 to striking amendment.pdf, 16. Amendment Package 10-28-13.pdf

Date	Ver.	Action By	Action	Result
10/28/2013	2	Metropolitan King County Council	Passed as Amended	Pass
10/28/2013	2	Metropolitan King County Council	Hearing Held	
10/21/2013	1	Committee of the Whole	Recommended Do Pass Substitute	Pass
6/27/2013	1	Committee of the Whole	Deferred	
6/5/2013	1	Committee of the Whole	Deferred	
5/15/2013	1	Committee of the Whole	Deferred	
5/13/2013	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE implementing the charter amendment that was placed on the ballot by Ordinance 17614, contingent on certification that the charter amendment has been approved by the voters; amending Ordinance 8257, Section 2, as amended, and K.C.C. 2.60.020, Ordinance 17588, Section 4, and K.C.C.

2.60.026, Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 and Ordinance 1872, Section 3, as amended, and K.C.C. 2.32.100 and adding new sections to K.C.C. chapter 2.60.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Public defense services are mandated by the United States Constitution, the Washington state Constitution and state law.

B. The Sixth Amendment of the United States Constitution and Article I, Section 22, of the Washington state Constitution guarantee assistance of counsel to every citizen accused in a matter where loss of liberty is possible.

C. Beginning in the 1970s, King County contracted with private, nonprofit corporations for the provision of most indigent defense services. These private, nonprofit corporations were viewed by the county and the corporations as independent contractors, and as a result the employees of the private, nonprofit corporations were not considered county employees and did not receive county benefits, nor were they enrolled in the Public Employees' Retirement System ("PERS").

D. In January 2006, a class action lawsuit was filed against King County, alleging that the employees of the private, nonprofit corporations were county employees and that King County had a duty to enroll them in PERS.

E. In February 2009, a Pierce county superior court judge entered an injunction requiring employees of the King County public defense contractors to be enrolled in PERS. Enforcement of that injunction was stayed on appeal.

F. In August 2011, the Washington Supreme Court affirmed the trial court's decision in a five to four decision. The county's motion for reconsideration, which was supported by the state of Washington as amicus

curiae, was denied.

G. In March 2012, the trial court entered an order requiring King County to enroll the then-current employees of the private, nonprofit corporations in PERS. The county complied with this order.

H. On March 18, 2013, the King County council adopted Ordinance 17537, which approved a proposed settlement agreement that recognized the current employees of the private, nonprofit corporations as county employees on July 1, 2013. The settlement received judicial approval but will not be final until an appeal that was received from the Department of Retirement Services is resolved.

I. On May 20, 2013, the council adopted Ordinance 17588, which established a department of public defense performing public defense services primarily in-house, in order to ensure that current and future clients would have access to public defense services without disruption as the settlement agreement was implemented.

J. The county intends to maintain the high quality of public defense services that public defense attorneys and staff have delivered and to which King County has long been committed, by promoting independence from political influence, a quality work force and operational efficiency in the provision of public defense services.

K. Toward that end, the council has placed on the ballot, by Ordinance 17614, a charter amendment that would make the department of public defense a charter-created department with a county public defender appointed by the executive from among candidates nominated by an advisory board that is broadly representative of entities and nonpartisan organizations that focus on issues related to criminal justice and public defense, with the appointment subject to council confirmation. The board would also serve as an advisor to the county public defender.

L. Only if the voters approve the charter amendment will this ordinance take effect in order to implement the charter amendment.

SECTION 2. Ordinance 8257, Section 2, as amended, and K.C.C. 2.60.020 are each hereby amended to read as follows:

A. The department of public defense is responsible ~~((to manage))~~ for managing and ~~((be))~~ being fiscally accountable for the provision of public defense services. ~~((The department should have four divisions.))~~

B. The duties of the department of public defense include:

1. Providing legal defense services in accordance with ~~((K.C.C. 2.60.050))~~ Section 350.20.60 of the King County Charter and ~~((other provisions of))~~ this chapter;

2. Providing legal defense services in an efficient manner that ensures effective representation at reasonable cost to the county;

3. ~~((Investigating))~~ Screening and determining eligibility for legal defense services through the department. In addition, the department shall secure reimbursement from eligible persons, including the parents of juveniles receiving legal defense services through the department, when the person can afford to pay some or all of the cost to King County of providing such legal defense services;

4. Establishing and maintaining an assigned counsel panel that includes attorneys acceptable to the department who wish to participate in the defense of persons eligible for services through the department;

5. Assigning cases to assigned counsel where conflicts of interest or other special circumstances exist which require use of assigned counsel; ~~((and))~~

6. Preparing an annual budget for the department that evaluates and forecasts service delivery levels and department expenses for service delivery, contractors, assigned counsel and administration. ~~((Such))~~ The evaluations and forecasts shall include an analysis of the impact, if any, of changes in the procedures or practices of the courts, prosecutor, police~~((s))~~ or other elements of the criminal justice system; and

7. Fostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system.

C. The department may provide its services to the state of Washington, tribal governments and municipalities in King County on a full cost recovery basis and is authorized to negotiate appropriate

agreements, subject to council approval by ordinance when required by law.

D. The department may provide services related to criminal justice reform projects, such as the former Raising Our Youth As Leaders (ROYAL) project, and is authorized to enter into appropriate agreements for that purpose.

SECTION 3. Ordinance 17588, Section 4, and K.C.C. 2.60.026 are each hereby amended to read as follows:

A. The department of public defense shall be directed by ~~((a director who shall be appointed by the executive and confirmed by the council. The duties of the director))~~ the county public defender, whose duties include:

~~((A-))~~ 1. Managing and being fiscally accountable for the department of public defense;

~~((B-))~~ 2. Ensuring that the department employs the needed technical and public defense expertise for effective delivery of public defense services;

~~((C-))~~ 3. Representing the executive in all city, county, state and federal forums where the defense perspective is required;

~~((D-))~~ 4. Ensuring that the American Bar Association Ten Principles for a Public Defense Delivery System, as approved by the American Bar Association House of Delegates in February of 2002, guide the management of the department and the development of department standards for legal defense representation, and filing with the clerk of the council by April 1 of each year a report on the results of the county public defender's efforts in that regard.

~~((E-))~~ 5. Following the Washington State Standards for Indigent Defense Services; ~~((and))~~

~~((F-))~~ 6. Developing and maintaining appropriate standards and guidelines for the qualifications and experience level of public defense attorneys and paraprofessionals;

7. Working collaboratively with the public defense advisory board and providing relevant, nonprivileged information to the board upon its reasonable request; and

8. Fostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system.

B.1. The county public defender shall be appointed by the executive, subject to confirmation by the council. The executive shall appoint one of the three candidates recommended by the public defense advisory board, except that the executive may request three additional candidates from the public defense advisory board, and the executive may then appoint the county public defender from among the six candidates, subject to confirmation by motion by the council. Confirmation requires the affirmative votes of at least five members of the council.

2. Within seven days after either a vacancy occurs in the office of the county public defender or the county executive learns that a vacancy is expected to occur within one hundred eighty days, including but not limited to a vacancy that will result from the expiration of the term of a county public defender who the executive determines to not reappoint, the executive shall provide written notice of the vacancy or expected vacancy to each member of the public defense advisory board and to the clerk of the council and shall commence a national recruitment for candidates to fill the vacancy. Within thirty days after commencing the recruitment, the executive shall provide to each member of the public defense advisory board the names, resumes and all other relevant information about all candidates who meet the qualifications for office set forth in the county charter and subsection C. of this section. Within sixty days after receiving the names, resumes, and other relevant information about the qualified candidates from the executive, the public defense advisory board shall provide in writing at the same time to the executive and the clerk of the county council the names of three candidates to fill the vacancy, together with copies of the candidates' resumes and other relevant information, including all written information upon which the board relied in choosing the three candidates. The board shall not rank the candidates, but may summarize the particular strengths of each candidate.

3. The executive may request in writing to the board chair, within fifteen days after receiving the list of three candidates, that the board provide to the executive the names, resumes and other relevant written

information of three additional candidates, and the board shall comply with such a request within thirty days and shall at the same time provide a copy of the additional materials to the clerk of the council.

4. Within thirty days after receiving either the original list of three candidates or the list of three additional candidates, the executive shall appoint the county public defender by providing written notice of the appointment to the clerk of the council, who shall provide an electronic copy of the notice to each councilmember and to the chair of the public defense advisory board. If the board fails to timely recommend in writing to the executive three or six candidates, as applicable, the executive may either appoint the county public defender from among the candidates who have been recommended or wait until the board has recommended the requisite number of candidates and make the appointment within thirty days thereafter.

5. The county council may confirm or reject the executive's appointment by adoption of a motion with the affirmative votes of at least five members. A motion to confirm or reject the appointment shall be referred for committee consideration to the council's committee of the whole.

6. If the council rejects the executive's appointment of the county public defender, the public defense advisory board shall, within thirty days, recommend and provide in writing at the same time to both the executive and the clerk of the council the name, resume and all other relevant written information for one additional candidate.

7. If the council rejects the executive's appointment of the county public defender and the executive has not previously elected to request additional candidates from the advisory board under this subsection B.7. or subsection B.3. of this section, the executive may request the public defense advisory board for recommendation of four additional candidates. Such a request must be made in writing within seven days after the council rejects the executive's appointment, to the chair of the advisory board, with a copy to the clerk of the council. The advisory board shall, within thirty days after receiving the executive's request, recommend and provide in writing at the same time to both the executive and the clerk of the council the name, resume and all other relevant written information for four additional candidates.

8. Within thirty days after receiving the additional name or names, the executive shall appoint the county public defender from among the recommended candidates, except that the executive may not reappoint any candidate whose appointment has been rejected by the council. If the advisory board fails to recommend the additional candidate or candidates required by subsection B.6. and 7. of this section and provide the required written information, the executive shall proceed in the same manner as set forth in subsection B.4. of this section.

9. At any time after the commencement of the national recruitment process required by subsection B.2. of this section, except when the executive has appointed a county public defender and the council has not confirmed or rejected the appointment, the executive may request that the council authorize the commencement of a new national recruitment and public defense advisory board review and executive appointment process. Such a request must be submitted in writing to the clerk of the council with a copy to the chair of the advisory board. When so requested, the council may authorize commencement of a new recruitment, advisory board review, and appointment process by motion adopted with the affirmative votes of at least five councilmembers.

10. Within seven days after appointment, the county public defender shall designate an employee in the department of public defense to serve as a deputy and, in the event of a vacancy in that office, as interim county public defender until a new county public defender has been appointed.

C. The county public defender must be an attorney admitted to practice law in any jurisdiction within the United States and in active status and good standing. The county public defender shall, within two years after appointment, be an attorney admitted to practice law in the courts of the state of Washington and an active member of the Washington State Bar Association in good standing and shall, at the time of appointment, have at least seven years of experience as an attorney primarily practicing criminal defense, including both felonies and misdemeanors, as well as supervisory and managerial experience.

D. The term of office of the county public defender shall end at the same time as the term of the county prosecuting attorney. The county executive may reappoint the county public defender to additional four-year

terms, subject to confirmation by the county council. The county council may confirm or reject the executive's reappointment by adoption of a motion with the affirmative votes of at least five members.

E. The executive may remove the county public defender from office for cause, which includes, but is not limited to:

1. The grounds for vacancy of elective office under Section 680 of the King County Charter;
2. Failure to meet the applicable legal requirements for serving as county public defender, as set forth in the county charter or the county code;
3. Conviction of a crime;
4. A finding or stipulation of misconduct under the Washington Rules of Professional Conduct; and
5. Failure to manage the department effectively.

F. To remove the county public defender for cause, the executive shall serve a written notice of removal, specifying the cause for removal, by delivering a copy of the notice to the county public defender personally or by leaving a copy of the notice at the office of the county public defender with a secretary or other assistant to the county public defender. The executive shall contemporaneously deliver a copy of the written notice of removal to the clerk of the council and to the chair of the public defense advisory board.

G. The county public defender may appeal removal to the council by delivering a written notice of appeal to the clerk of the council within ten days after service of the written notice of removal. The notice of appeal shall be delivered at the same time to the executive and to the chair of the public defense advisory board. The council shall review de novo the grounds for removal and either affirm or reverse the removal within thirty days after delivery of the notice of appeal by an affirmative vote of five members, or else the removal shall stand. Removal of the county public defender is effective upon the earliest of:

1. Ten days after service of notice of removal, if the county public defender serves no notice of appeal;
2. Affirmation of removal by the council following an appeal;
3. Thirty days after delivery of the notice of appeal, if the council neither affirms nor reverses the

removal; or

4. The county public defender's delivery of a written notice of resignation to the executive or the clerk of the council.

H. The county public defender shall receive compensation at the same rate as the prosecuting attorney.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.60 a new section to read as follows:

A. The public defense advisory board shall: regularly review the activities and plans of the department of public defense, make recommendations to the county public defender on matters concerning the department, advise the executive and council on matters of equity and social justice related to public defense, prepare the reports required in this section and such other reports as the board may deem appropriate; and when there is a vacancy in the office of county public defender, as provided in K.C.C. 2.60.026, recommend to the county executive candidates to fill the vacancy.

B. In performing its duties, the board shall work collaboratively with the county public defender and may reasonably request relevant, non-privileged information from the county public defender. The board through its chair shall consult with the county prosecutor, courts, and department of public defense in the performance of all of its duties except for the recommendation of candidates.

C. The board shall consist of eleven members, shall establish its own rules of procedure, subject to the county charter, the county code and other applicable law, and shall choose its own chair.

D. The board shall consist of one representative from each of the following:

1. The Washington Association of Criminal Defense Lawyers;
2. The Washington state Office of Public Defense;
3. The Washington Defender Association;
4. The King County Bar Association;
5. A bar association identified as a minority bar association by the Washington State Bar Association;

6. A nonpartisan organization active in King County that focuses on mental health issues;
7. A nonpartisan organization active in King County that focuses on substance abuse issues;
8. A nonpartisan organization active in King County that focuses on issues concerning military veterans;
9. A nonpartisan organization active in King County that focuses on issues related to poverty;
10. A nonpartisan organization active in King County that focuses on juvenile justice issues; and
11. A nonpartisan organization active in King County that focuses on immigration issues.

E. Members of the board shall serve staggered three-year terms and until their successors are appointed and confirmed, except that the members designated in subsection D.1., 2., 3. and 4. of this section shall serve an initial term of one year and the members designated in subsection D.5., 6., 7. and 8. of this section shall serve an initial term of two years. If a member leaves the board midterm, the person appointed as a replacement shall serve the remainder of the unexpired term, rather than beginning a new term of three years. The county council may reappoint board members for additional three-year terms and may remove any board member by motion adopted with the affirmative votes of at least five councilmembers. Members of the board shall not be compensated for the performance of their duties as members of the board, but may be reimbursed for parking expenses in the King County parking garage when attending meetings of the committee, which shall be deemed to be for the business convenience of the county and shall be paid for by the department of public defense.

F. The process for filling vacancies on the board is:

1.a. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy on the board, the board chair and the county public defender shall provide written notice of the vacancy to the clerk of the council and to the executive.

b. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy, the clerk of the council shall provide written notice of the vacancy to the executive, all councilmembers, the board chair, the county public defender and:

(1) to the represented organization for vacancies in the board seats designated in subsection D.1., 2., 3. and 4. of this section;

(2) to each of the bar associations identified as a minority bar association by the Washington State Bar Association for a vacancy in the board seat designated in subsection D.5. of this section; and

(3) by publication of notice of the vacancy in the official county newspaper and in the largest newspaper of general circulation within the county for the board seats designated in subsection D.6., 7., 8., 9., 10. and 11. of this section.

c. The notice shall specify the deadlines established in subsection F.2. of this section;

2. Within sixty days after the clerk of the council provides the notice required in subsection F.1.b. of this section, the represented organization, any minority bar association organization and each nonpartisan organization with the required subject matter focus that wishes to do so shall submit in writing at the same time to the county executive and the clerk of the council, the names of three candidates recommended for appointment to fill a vacancy in the board seat for which notice was required to be given to the organization, together with the resume of each candidate and all other written materials that the organization considered in deciding to recommend the candidate. The organization shall not rate the candidates, but may provide a brief description of the strengths of each candidate. The clerk of the council shall provide an electronic copy of the resumes and other written materials to each councilmember;

3. Within thirty days after receiving the written materials concerning the recommended candidates for a board seat designated in subsection D.1., 2., 3. or 4. of this section, or within sixty to ninety days after the clerk of the council provides the notice required in subsection F.2 for a board seat designated in subsection D.5, 6., 7., 8., 9., 10. or 11. of this section, the county executive shall appoint one of the recommended candidates by providing written notice of the appointment to the clerk of the council, who shall provide an electronic copy of the notice to each councilmember. If the applicable organization fails to timely recommend three candidates, the executive may either make an appointment from among the recommended candidates or candidate or wait

until the organization has recommended three candidates and make an appointment within thirty days after receiving the board's recommendation of the third candidate;

4. The county council may confirm or reject the executive's appointment by motion adopted by the affirmative votes of at least five members. A motion to confirm the appointment shall be referred for committee consideration to the council's law, justice, health and human services committee, or its successor; and

5. If the council rejects the executive's appointment of a board member, the clerk of the council shall provide written notice of the rejection to the executive and the represented organization or organizations. Within thirty days after receiving the written notice, the represented organization shall provide to the executive in writing, and contemporaneously to the clerk of the council, the name, resume, and all other relevant written information for one additional candidate. Within thirty days after receiving the additional candidate recommendation and the relevant written materials, the executive shall appoint the board member from among the recommended candidates, excluding any candidate whom the council has rejected. If a represented organization fails to timely provide the additional candidate recommendation and relevant written materials, the executive shall proceed in the same manner as if the entity had recommended fewer than the required number of candidates, as provided in subsection F.3. of this section.

G. Each member of the advisory board shall have substantial experience and expertise that are relevant to the work of the department of public defense and shall have an ability and willingness to commit the time necessary to attend meetings and participate effectively as a member of the board. A majority of the members should have substantial familiarity with advocating on behalf of the indigent. To the extent practicable, the board membership shall reflect the diversity of the county. A member may not, while serving on the board, hold elective public office except precinct committee officer, be a candidate for elective public office except precinct committee officer, serve as a King County judicial officer, a King County prosecuting attorney or a King County public defender or be an employee of a King County court, the King County prosecuting attorney

or the King County department of public defense.

H. The board shall meet at least once every two months and shall issue at least two written reports to the executive and the council each calendar year: one on the board's review of the executive's proposed budget for public defense; and one on the state of county public defense. The report on the state of county public defense shall include an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.

I. The council shall provide for staffing of the advisory board.

SECTION 5. Ordinance 383, Section 5, as amended, and K.C.C. 2.60.050 are each hereby amended to read as follows:

A. Legal defense services through the department shall be made available to all eligible persons for whom counsel is constitutionally required. In addition, legal defense services through the department shall be made available when funds are available: to any eligible person in legal proceedings arising in King County that may result in the person's loss of liberty by an act of King County or any of its agencies, including, but not limited to, criminal proceedings alleging a violation of any law of the state of Washington or ordinance of King County, juvenile matters, mental illness and similar commitment proceedings, revocations and habeas corpus proceedings arising in King County; and to eligible parents and children in dependency proceedings arising in King County.

B. Legal defense services through the department may be made available to a person charged in King County with a felony of public notoriety, at his or her expense, when the court finds that the defendant is unable to employ adequate private counsel as a result of the public notoriety. The ~~((director of the department))~~ county public defender shall establish a reasonable fee for the legal defense services, subject to the approval of the court.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.60 a new section to read as follows:

Except as otherwise provided under this chapter, reports or notices that are required under this chapter to be provided to the county council or the clerk of the council shall be filed in paper and electronic form with the clerk of the council, who shall forward electronic copies to all councilmembers, to the chair of the public defense advisory board, to the lead staff of the budget and fiscal management committee or its successor and to the lead staff of the law, justice, health and human services committee or its successor.

SECTION 7. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are each hereby amended to read as follows:

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

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

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

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

2. When an ordinance is enacted designating a position as a key subordinate unit, no person then

serving in the position shall continue to serve for more than ninety days after such enactment, unless reappointed by the executive and confirmed by the council.

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

SECTION 8. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 are each hereby amended to read as follows:

A. The county executive shall appoint the county administrative officer and the director of each executive department, except the departments of assessments, public safety, elections 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. The ~~((county executive shall also appoint the director of the office of public defense))~~ appointment of the county public defender shall be consistent with Section 350.20.61 of the King County Charter and K.C.C. chapter 2.60.

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.a. 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.

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

c. 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.

d. 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:

- (1) a demonstrated reputation for integrity and professionalism;
- (2) a commitment to and knowledge of the responsibilities of the office;
- (3) a history of demonstrated leadership, experience and administrative ability;
- (4) the ability to work effectively with the executive, the council, other management, public agencies, private organizations and citizens; and
- (5) a demonstrated sensitivity to and knowledge of the particular needs and problems of minorities

and women.

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

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

(2) 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.

f. 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.

2. 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.

SECTION 9. Ordinance 1872, Section 3, as amended, and KCC 2.32.120 are each hereby amended to read as follows:

A. There is established a board of corrections, hereinafter, referred to as the board, consisting of fourteen members. The members shall consist of the following: the chairman of the King County magistrate's association, the presiding judge of the Seattle Municipal Court the presiding judge of the King County Superior Court, the chairman of the juvenile court management committee, the director of King County Department of Public Safety, the ~~((administrator of the King County office of public defense))~~ King County public defender, the King County prosecuting attorney, the mayor of the city of Seattle, the president of the King County Suburban Mayors' Association, the chief of the Seattle Police Department, the dean of the University of Washington School of Law, the dean of the University of Washington School of Social Work, and the director of the King County health department. In addition, the King County executive shall appoint one member who

has been incarcerated in a King County detention facility within three years prior to the appointment. The director of the department of adult detention shall serve as a nonvoting ex officio member.

B. The board shall serve as an advisory body to the manager of the department of adult detention to review and make recommendations at least annually for the department of adult detention on its policies, operations and matters of budget.

C. The advisory board shall meet at least once during each calendar quarter of each year.

SECTION 10. This ordinance takes effect upon certification that the charter amendment proposed by Ordinance 17614 has been approved by the voters.