



Legislation Text

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Clerk 07/22/2020

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

STATEMENT OF FACTS:

- A. In 1969, the position of sheriff in King County became an appointed one when the King County Charter went into effect. With the passage of the Charter at the general election in November 1968, King County voters approved changing the county's statutorily based board-of-commissioners form of government, which also included several elected officers including a sheriff, to a home rule, charter-based form of government, which originally limited the positions of elected officers to councilmembers, executive and assessor.
- B. As an appointed position, the sheriff became subject to the same selection process set out in Section 340 of the King County Charter as the other county department chief officers. Then as now, under Section 340 of the King County Charter, the county executive appoints department chief officers, subject to confirmation by the county council.
- C. The 1969 original charter also set out transitory provisions establishing the initial departments and offices of the newly created executive branch. The department of public safety was established by

Section 920.20 of the King County Charter, with the duties of enforcing law and order, administering the county jail and responsibility for civil defense.

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

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

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

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

H. In 1991, under Ordinance 10808, the county council again modified the duties of the department of public safety, wherein the department was no longer solely responsible for planning for public safety and

welfare in the case of a major disaster but now had to coordinate that work with the recently created office of emergency management.

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

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

B. This ordinance is only intended to determine the will of the voters as to whether the sheriff should remain an elected position or return to an appointed position, whereby in consultation with a stakeholder group, the executive would appoint and the council would confirm the successful candidate; and if the position is reverted to an appointed one, return to the county's bargaining agent all responsibilities to bargain with represented employees in the department of public

safety. This ordinance is not intended as the charter amendment to otherwise determine scope and control related to the department of public safety.

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

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

"Section 350.20.40 Department of Public Safety.

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

E. If a voter wishes for the sheriff to again be an appointed position but does not wish to change scope and control related to the department of public safety, then the voter would vote for the charter amendment in this ordinance but would vote against the charter amendment in Ordinance 19140 (Proposed Ordinance 2020-0231). If both charter

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

"Section 350.20.40 Department of Public Safety.

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

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

"Section 350.20.40 Department of Public Safety.

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

the executive departments."

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

Section 350.20.40 Department of Public Safety.

Following expiration of the current elected term of office, thereafter ((~~F~~)the chief officer of a department of public safety((~~shall be administered by the county sheriff~~)), who may also be referred to as the county sheriff, shall be an appointed position, subject to Section 340 of this charter and shall perform the duties specified by general law. ((The county sheriff shall be elected by the voters of the county, and the sheriff's term of office shall be four years.)) Both the executive and the county council shall consider community stakeholder input during the selection, appointment and confirmation processes for appointment of chief officer of a department of public safety, as specified by ordinance. The department of public safety shall be an executive department subject to the civil service personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished or combined with any other executive department or administrative office and shall not have its duties decreased by the county council.

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

680.10 Designation, Appointment and Election to Fill Vacancy.

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

Except for a designation made by the metropolitan county council, a designation of an interim official shall only be effective if the county executive, county assessor, county director of elections((~~;~~)) and county prosecuting attorney ((~~and county sheriff~~)), each for that officer's elective office, complies with the following procedure; commits the

designation to writing; identifies the order of precedence if more than one county officer or employee is designated; signs the written designation; has the written designation notarized; files the written designation with the county office responsible for records; and provides a copy of the written designation to the chair of the metropolitan county council. The county executive, county assessor, county director of elections((;)) and county prosecuting attorney ((~~and county sheriff~~)) may, at any time, amend such designation by complying with the same procedure established for making the designation.

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

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

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

A vacancy in an elective county office shall be filled at the next primary and general elections which occur in the county; provided that an election to fill the vacancy shall not be held if the successor to the vacated office will be elected at the next general election as provided in Section((s)) 640 ((~~and 645~~)) of this charter. The term of office of an officer

who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the officer whose office has become vacant and shall commence as soon as he or she is elected and qualified.

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

Section 890 Employee Representation.

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

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

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

Shall the position of King County sheriff be returned to an appointed position with a requirement for consideration of community stakeholder input during the selection process, and with the county executive being responsible for bargaining with the department of public safety's represented employees?