



## Legislation Text

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Clerk 01/14/2005

AN ORDINANCE proposing an amendment to the King County charter to establish the elective office of county auditor; amending Section 250 of the King County Charter, amending Section 350.20 of the King County Charter, adding a new Section 350.20.50 to the King County Charter, amending Section 550 of the King County Charter, adding a new Section 647 to the King County Charter and amending Section 680.10 of the King County Charter, and submitting the same to the voters of the county for their ratification or rejection at the November 2005 general election.

### PREAMBLE:

The duty of supervising elections in King County has been assigned to the director of the department of records and elections (now the records, elections and licensing services division of the department of executive services) of King County since the charter form of government was established in 1969.

The duty of supervising elections is assigned by state law to the county auditor, with the exception of charter counties.

All thirty-eight other counties in the state of Washington, including charter counties, designate the county auditor as the supervisor of elections.

The establishment of the charter form of government for King County designated the office of King County auditor as a position appointed by the King County council assigned to perform

internal audits and studies.

The establishment of the charter form of government for King County assigned the other statutory duties of the auditor to the department of records and elections.

The position of auditor is required by state law to be an elected official, except in charter counties.

All thirty-eight other counties in the state of Washington, including charter counties, require the office of auditor to be elected.

Public confidence in the operation of the King County elections office has been damaged by ongoing errors in mailing, verifying and counting ballots.

The citizens of King County have called for more oversight of the operation of the elections office to prevent errors and restore confidence in the process.

The establishment of an elected non-partisan auditor with direct responsibility for oversight of elections will improve public confidence in the integrity of the elections process as well as the responsiveness of the office to the voters.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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 the King County Charter by amending Section 250 of the King County Charter, amending Section 350.20 of the King County Charter, adding a new Section 350.20.50 to the King County Charter, amending Section 550 of the King County Charter, adding a new Section 647 to the King County Charter and amending Section 680.10, to read as follows:.

**Section 250. County Internal Financial Management Auditor.**

The county internal financial management auditor shall be appointed by a majority of the county

council and shall be responsible to the council for conducting, or causing to be conducted, independent post audits of county agencies for the purpose of reporting to the council regarding the integrity of the function of the financial management system, the quality and efficiency of agency management, and the effectiveness of programs. In carrying out this purpose, the auditor shall perform the following audits within guidelines established by the county council by ordinance: financial and compliance audits to supplement those performed by the state pursuant to general law, economy and efficiency audits, and program result audits. In addition, the auditor shall perform such special studies as may be requested by the council. The auditor shall report the results of each agency audit to the county council. Annual audits shall continue to be performed by the state in accordance with general law.

The organization and administration of the internal financial management auditor's office shall be sufficiently independent to assure no interference or influence external to the organization shall adversely affect an independent and objective judgment by the auditor and the auditor shall be provided a discrete budget and staff allocation.

**Section 350.20. Executive Departments.**

The executive departments shall consist of the department of assessments, the department of the county auditor, the department of judicial administration and those agencies of the executive branch which are primarily engaged in the execution and enforcement of ordinances and statutes concerning the public peace, health and safety and which furnish or provide governmental services directly to or for the residents of the county.

**350.20.50. Department of the County Auditor.**

The department of the county auditor shall be administered by the county auditor who shall perform the duties specified by general law. The county auditor shall be elected by the voters of the county, and his or her term of office shall be four years. The department of the county auditor 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. Any reference in this charter to the clerk of the county council means the county auditor.

**Section 550. Career Service Positions.**

All county employees and officers shall be members of the career service except those in the following positions: all elected officers; the county internal financial management auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; administrative assistants for the county executive and one administrative assistant each for the county administrative officer, the county internal financial management auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the county executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified herein; all employees of those officers who are exempted from the provisions of this charter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Part-time Employees. All part-time employees shall be exempted from career service membership except, effective January 1, 1989, all part-time employees employed at least half-time or more, as defined by ordinance, shall be members of the career service.

**Section 647. Auditor; Election, Term of Office and Compensation.**

The county auditor shall be nominated and elected as a non-partisan office by the voters of the county,

and the term of office shall be four years and until his or her successor is elected and qualified. The initial election for county auditor shall be at the general election in 2006. The county auditor shall receive compensation as provided by ordinance.

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

Immediately upon commencing their terms of office, the county executive, assessor, auditor and 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, assessor, auditor or 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, assessor, auditor and sheriff, each for his or her 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 elections; and, provides a copy of the written designation to the chair of the metropolitan county council. The county executive, assessor, auditor and 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, assessor, auditor or 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, assessor, auditor or 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, assessor, auditor or 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, assessor, auditor or 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 Article II, section 15, of the Washington State Constitution for partisan county elective offices or pursuant to general law for nonpartisan county elective offices, as applicable.

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 Sections 640 and 645. 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 2. The clerk of the council shall certify the proposition to the manager of the records, elections, and licensing services division, in substantially the following form, with such additions, deletions or modifications as may be required for the proposition listed below by the prosecuting attorney:

Shall the King County Charter be amended to establish the elective office

of County Auditor to perform the duties of that office as set forth in general state law?