



Legislation Text

File #: 2013-0211, **Version:** 1

Clerk 04/18/2013

AN ORDINANCE adding a new Section 350.20.60, entitled "Department of Public Defense," to the King County Charter, creating a department of public defense and an elective office with the title of "county public defender"; adding a new Section 899 to the King County Charter, designating the county public defender as the county's bargaining agent for all issues concerning employees of the department of public defense except for compensation and benefits; amending Section 350.20 of the King County Charter; amending Section 680.10 of the King County Charter; amending Section 890 of the King County Charter; submitting the same to the voters of the county for their ratification or rejection at the November 2013 general election; and requiring the county public defender and the county executive to submit a joint proposal to the council for legislation to facilitate implementation of the collective bargaining provisions of the charter amendment if it is approved by 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, amending section 350.20 of the King County Charter, adding a new section 350.20.60 to the King County Charter, amending section 680.10 of the King County Charter, amending section 890 of the King County Charter and adding a new Article

10, including new sections 1010, 1020, and 1030, to the King County Charter, as set forth below:

Section 350.20. Executive Departments.

The executive departments shall consist of the department of assessments, the department of judicial administration, the department of elections, the department of public defense 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.

Section 350.20.60. Department of Public Defense.

The department of public defense shall be administered by the county public defender, who shall perform the indigent public defense duties specified by general law, including the federal and state constitutions. The department of public defense shall be subject to the career service personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished or have its duties, as established in this section, decreased by the county council or the county executive. The responsibilities of the department of public defense shall include providing legal counsel and representation to indigent individuals in legal proceedings, including those in the superior and district courts for King County and in appeals from those courts, to the extent required under the sixth amendment to the United States Constitution or Article I, Section 22, of the Constitution of the state of Washington.

Section 649. County Public Defender, Term of Office and Compensation.

The county public defender shall be elected as a nonpartisan office by the voters of the county. The first election for county public defender shall be the general election in 2014, and the person elected shall take office on January 1, 2014. The term of office of the first elected county public defender shall end on December 31, 2018. Subsequent elections of the county public defender shall occur at the general election in 2018 and every four years thereafter. To be eligible for election, the county public defender must be admitted to practice law in the state of Washington and have at least ten years of experience as an attorney practicing primarily criminal

defense. The county council may establish by ordinance additional qualifications for the county public defender. The county public defender 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, county assessor, county director of elections (~~(and)~~), county sheriff and county public defender 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 sheriff or county public defender, 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 sheriff and county public defender, each for his or her elective office(~~(s)~~): 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 sheriff and county public defender 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 (~~(or)~~), county sheriff or county public defender 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 sheriff or county public defender, 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 (~~((€))~~), county sheriff or county public defender 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))~~) apprised of a vacancy in the elective office of county executive, county assessor, county director of elections (~~((€))~~), county sheriff or county public defender, 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 Sections 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 and with the employees of the department of public defense pursuant to Section 1020 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 899. Collective Bargaining for the Department of Public Defense.

The county council may enact an ordinance providing for collective bargaining by the county with employees of the department of public defense. The county executive shall not have veto power over this ordinance. If such an ordinance is enacted, it shall designate the county public defender as the bargaining agent of the county on all matters concerning employees of the department of public defense except for compensation and benefits, which shall be negotiated by the county executive as provided in Section 890 of this charter. Any agreement reached as a result of negotiations by the county public defender or the county executive with employees of the county public defender shall not have the force of law unless enacted by ordinance.

SECTION 2. The clerk of the council shall certify the proposition to the director of the elections department, in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall the King County Charter be amended to create an elective office of county public defender and a department of public defense and designate the county public defender as the county's bargaining agent for all issues concerning employees of the department of public defense except for compensation and benefits, which would continue to be bargained by the county executive?

SECTION 3. Within ninety days after the county public defender takes office pursuant to the charter amendment in section 1 of this ordinance, the county executive and the county public defender shall submit to the county council a joint proposal for legislation establishing a process of consultation and collaboration

between the executive and the public defender in advance of collective bargaining negotiations concerning employees of the department of public defense. The process shall be designed to promote successful implementation of the charter amendment by identifying and resolving any disagreements between the executive and the public defender concerning the division of bargaining authority, the positions to be taken on issues expected to arise during collective bargaining or other matters that have the potential to interfere with collective bargaining. The process shall provide that the executive and the public defender shall promptly submit a confidential, detailed, written report to the chair of the county council and the chair of the council's labor policy committee describing any such disagreement that the executive and the public defender are unable to resolve. The process shall further provide that neither the executive nor the public defender shall propose or agree to the inclusion of language in any collective bargaining agreement concerning employees of the department of public defense without conferring with one another.