

## Legislation Details (With Text)

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**Type:** Ordinance **Status:** Passed

**File created:** 11/15/2010 **In control:** Law, Justice, Health and Human Services Committee

**On agenda:** **Final action:** 9/19/2011

**Enactment date:** 9/29/2011 **Enactment #:** 17189

**Title:** AN ORDINANCE relating to the office of the public defender; making technical corrections; amending Ordinance 11955, Section 12, as amended, and K.C.C. 12.16.100, Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110, Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130, Ordinance 383, Section 2, as amended, and K.C.C. 2.60.020 and Ordinance 14412, Section 3, and K.C.C. 2.60.027 and repealing Ordinance 14412, Section 2, and K.C.C. 2.60.025.

**Sponsors:** Bob Ferguson, Larry Gossett

**Indexes:** Public Defense

**Code sections:** 2.16.020 -, 2.16.130 -, 2.60.025 - .

**Attachments:** 1. 17189.pdf, 2. 2010-0580 OPD Reorg sr pj 02-02-11 final with review, 3. 2010-0580 Striking Amendment 02-02-11, 4. 2010-0580 OPD Reorg.doc, 5. OPD Striker 08-26-11.doc, 6. 2010-0580 OPD Reorg SR revised.doc, 7. 2010-0580 STAFF REPORT with attachments .pdf

Date	Ver.	Action By	Action	Result
9/19/2011	2	Metropolitan King County Council	Hearing Held	
9/19/2011	2	Metropolitan King County Council	Passed	Pass
9/13/2011	1	Law, Justice, Health and Human Services Committee	Recommended Do Pass Substitute	Pass
8/30/2011	1	Law, Justice, Health and Human Services Committee	Deferred	
2/2/2011	1	Law, Justice, Health and Human Services Committee	Deferred	
1/31/2011	1	Metropolitan King County Council	Reintroduced	
11/15/2010	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/19/2011

AN ORDINANCE relating to the office of the public defender; making technical corrections; amending Ordinance 11955, Section 12, as amended, and K.C.C. 12.16.100, Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110, Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130, Ordinance 383, Section 2, as amended, and K.C.C. 2.60.020 and Ordinance 14412, Section 3, and K.C.C. 2.60.027 and repealing Ordinance 14412, Section 2, and K.C.C. 2.60.025.

PREAMBLE:

Chapter 10.101 RCW requires King County to provide effective legal representation, consistent with the constitutional requirements of fairness, equal protection and due process in all cases where there is a right to counsel for indigent persons and persons who are indigent and able to contribute.

King County regards this responsibility as essential to ensuring justice and protecting the rights of its residents. As such, the county offers legal representation to adults and juveniles who are accused of a crime and cannot afford an attorney, as well as providing representation for services such as juvenile dependency, civil commitment or civil contempt.

To carry out this work, the county has established the office of the public defender, housed within the department of community and human services. Currently, the public defender, who serves as both a technical expert and the manager responsible for the administration of high quality public defense in King County, is appointed by the director of the department of community and human services.

This ordinance will enhance the accountability and performance of the office of public defense, establishing a director, appointed by the executive, responsible for the strategic administration of the office and the provision of high quality defense services for the indigent and near indigent.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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 (~~((division))~~);
- b. the chief information officer of the administrative office of information resource management;
- c. the manager of the elections division;
- d. the superintendent of elections in the elections division; and
- e. 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 2. 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.

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.

((2-)) b. 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-))~~ 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.

~~((4-))~~ 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:

~~((a-))~~ (1) a demonstrated reputation for integrity and professionalism;

~~((b-))~~ (2) a commitment to and knowledge of the responsibilities of the office;

~~((c-))~~ (3) a history of demonstrated leadership, experience and administrative ability;

~~((d-))~~ (4) the ability to work effectively with the executive, the council, other management, public agencies, private organizations and citizens; and

~~((e-))~~ (5) a demonstrated sensitivity to and knowledge of the particular needs and problems of minorities and women.

~~((5-))~~ e. The appointee, before review of the appointment by the council, shall submit to the chair of the council:

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

~~((b-))~~ (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.

~~((6-))~~ 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 3. Ordinance 11955, Section 6, as amended, and K.C.C. 2.16.130 are each hereby amended to read as follows:

A. The department of community and human services is responsible to manage and be fiscally accountable for the community services division, mental health, chemical abuse and dependency services division, the office of public defense (~~((division,))~~) and the developmental disabilities division.

B. The duties of the community services division shall include the following:

1. Working in partnership with communities and other funders to develop, support and provide human services which emphasize prevention, early intervention, and community education, and which strengthen individuals, families and communities in King County;

2. Managing programs which increase family self-sufficiency, enhance youth resiliency, reduce community violence and strengthen communities. The division shall also manage programs which address housing and community development needs, and help implement improvements identified in subarea and neighborhood plans for low and moderate income communities and population. Such programs are to include, but not be limited to, providing employment and training for youth and adults and providing assistance to indigent veterans and their families as authorized by chapters 41.02 and 73.08 RCW. This division shall administer the county's federal housing and community development funds and other housing and community development programs; (~~and~~)

3. Developing housing and community development policies and programs to implement the growth management policies throughout King County to provide affordable housing to low and moderate income residents; and

4. Duties regarding the women's advisory board specified in K.C.C. 2.30.040.

C. The duties of the mental health, chemical abuse and dependency services division shall include the following:

1. Managing and operating a system of mental health services for acutely disturbed, seriously disturbed and chronically mentally ill children and adults;
2. Managing and operating a twenty-four-hour crisis response system, including civil commitment as a last resort;
3. Providing treatment and rehabilitation service for alcoholism and for other drug addictions under federal and state laws and King County ordinances;
4. Selecting appropriate agencies for the provision of mental health services developing, implementing and monitoring the provision and outcomes of contracted services;
5. Being responsible for resource management of a comprehensive mental health system including provision of staff support to appropriate advisory boards, and serving as liaison to federal, state, and other governments and relevant organizations in carrying out planning and allocation processes;
6. Ensuring the continuing availability of appropriate treatment services for eligible individuals with a single diagnosis of a mental illness or a substance use or dependency disorder; and
7. Developing and maintaining a continuum of appropriate treatment services for eligible individuals with dual diagnoses of both a mental illness and a substance use or dependency disorder.

D. The duties of the office of public defense (~~((division))~~) shall include those duties specified in K.C.C. chapter 2.60.

E. The duties of the developmental disabilities division shall include the following:

1. Managing and operating a system of services for persons with developmental disabilities in accordance with relevant state statutes and county policies and to provide staff support to the King County board for developmental disabilities; and
2. Negotiating, implementing and monitoring contracts with community agencies for the provision of developmental disabilities services.

SECTION 4. Ordinance 383, Section 2, as amended, and K.C.C. 2.60.020 are each hereby amended to

read as follows:

There is hereby established within the department of community and human services the office of ~~((the~~  
~~)) public ((defender)) defense~~. A director of the office of public ((defender)) defense shall be appointed by the  
~~((director of the department of community and human services))~~ county executive and approved by the county  
council. ~~((To assist the director in the selection of a public defender, there shall be convened an advisory~~  
~~committee, which shall be))~~ The county executive shall consult with representatives of the criminal justice  
system and the broader community during the recruitment and selection of the appointee.

SECTION 5. Ordinance 14412, Section 2, and K.C.C. 2.60.025 are each hereby repealed.

SECTION 6. Ordinance 14412, Section 3, and K.C.C. 2.60.027 are each hereby amended to read as  
follows:

The duties of the director of the office of public ((defender)) defense shall include the following:

- A. Manage the office of ~~((the))~~ public ~~((defender))~~ defense;
- B. Ensure the office of public defense employs the needed technical and public defense expertise to  
ensure effective delivery of public defense services;
- C. Represent the department in all city, county, state and federal forums where the defense perspective  
is required; and
- ~~((C.))~~ D. Develop appropriate standards and guidelines for the qualification and experience level of  
attorneys and paraprofessionals.