

## Legislation Text

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Clerk 07/23/2020

AN ORDINANCE proposing to amend the King County Charter relating to the county sheriff and the department of public safety; amending Sections 350.20.40 and 890 of the King County Charter and repealing Section 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 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. 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 department of public safety in accordance with the authority granted the county council under Section 220.20 of the King County Charter and

2. Whether the King County sheriff should remain an elected position or return to an appointed position.

B. This ordinance is only intended to determine the will of the voters as to returning to the council, as exercised by ordinance, the authority to structure the department of public safety and as 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. This ordinance is not intended as the charter amendment to place before the voters the issue of whether the position of the sheriff is to be an elected or appointed position

C. Ordinance 19139 (Proposed Ordinance 2020-0205) is the charter amendment that is intended to determine the will of the voters as to whether the sheriff should remain an elected position or return to an appointed position. If placed on the November 2020 ballot and passed by the voters, the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205) would return the sheriff position to an appointed one; 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. The charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205) is not intended as the charter amendment to otherwise determine scope and control related to the department of public safety.

D. If a voter wishes to return scope and control related to the department of public safety to the council and for the sheriff to again be an appointed position, then a voter would vote for both the charter amendment in this ordinance and the charter amendment in Ordinance 10139 (Proposed Ordinance 2020-0205). 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 to return scope and control related to the department of public safety to the council but does not wish for the sheriff to again be an appointed position, then the voter would vote for the charter amendment in this ordinance but would vote against the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205). If both charter amendments are placed on the November 2020 ballot and the charter amendment in this ordinance to return scope and control related to the department of public safety to the council passes but the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position 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 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."

F. If a voter does not wish to return scope and control related to the department of public safety to the council but does wish for the sheriff to again be an appointed position, then the voter would vote against the charter amendment in this ordinance but would vote for the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205). If both charter amendments are placed on the November 2020 ballot and the charter amendment in this ordinance to return scope and control related to the department of public safety to the council fails but the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position 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 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."

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 and 890 of the King County Charter and a repeal of Section 898 of the King County Charter, as set forth herein:

**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 ~~((general law))~~ 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, 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 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.

SECTION3. 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 King County charter be amended so that the duties of the county sheriff and the structure and duties of the department of public safety shall be established by county ordinance?