



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 2, 2013

Ordinance 17614

Proposed No. 2013-0212.3

Sponsors Patterson and Lambert

1 AN ORDINANCE relating to the creation of a department
2 of public defense, amending Section 350.20 of the King
3 County Charter adding a new Section 350.20.60 entitled
4 "Duties of the Department of Public Defense" to the King
5 County Charter creating a department of public defense and
6 an appointed office with the title of "county public
7 defender," adding a new Section 350.20.61 to the King
8 County Charter, adding a new Section 350.20.65 to the
9 King County Charter creating a public defense advisory
10 board, adding a new Section 555 to the King County
11 Charter, permitting the county to contract for public
12 defense services, adding a new Section 899 to the King
13 County Charter, requiring the executive to consult with the
14 county public defender on the executive's bargaining with
15 employees of the department of public defense, submitting
16 the same to the voters of the county for their ratification or
17 rejection at the November 2013 general election.

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. There shall be submitted to the qualified voters of King County for
20 their approval and ratification or rejection, at the next general election to be held in this
21 county occurring more than forty-five days after the enactment of this ordinance, an
22 amendment to the King County Charter, amending Section 350.20 of the King County
23 Charter and adding a new Section 350.20.60, new Section 350.20.61, new Section
24 350.20.65, new Section 555 and new Section 899 to the King County Charter, as set forth
25 below:

26 **Section 350.20. Executive Departments.**

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

33 **Section 350.20.60. Duties of the Department of Public Defense.**

34 The duties of the department of public defense shall include providing legal
35 counsel and representation to indigent individuals in legal proceedings, including those in
36 the superior and district courts for King County and in appeals from those courts, to the
37 extent required under the sixth amendment to the United States Constitution or Article I,
38 Section 22, of the Constitution of the State of Washington. The department of public
39 defense shall also foster and promote system improvements, efficiencies, access to justice
40 and equity in the criminal justice system. Additional duties may be prescribed by
41 ordinance. Elected officials shall not interfere with the exercise of these duties by the

department; however, the enactment of appropriation ordinances does not constitute interference. The department shall not have its duties, as established in this section, decreased by the county council or the county executive.

Section 350.20.61. Administration of the Department of Public Defense.

The department of public defense shall be managed by the county public defender. The department shall utilize the services of the executive departments and administrative offices as administered by the county executive.

The county public defender shall be appointed by the county executive, subject to confirmation by the county council, to a term that ends at the same time as the term of the county prosecuting attorney, unless removed earlier by the executive for cause, including the grounds for vacancy for elective office under Section 680 of this charter and such other grounds as the council may prescribe by ordinance. The removal may be appealed by the defender to the council by a process to be prescribed by ordinance. The council's determination shall be final.

The county executive shall appoint the county public defender from candidates recommended by the public defense advisory board under a process prescribed by ordinance. Qualifications of the county public defender may be established by ordinance. The county executive may reappoint the county public defender to additional terms, subject to confirmation by the county council. Confirmation of the appointment or reappointment, or removal when appealed, shall require the affirmative votes of at least five members of the county council.

Section 350.20.65. Public Defense Advisory Board.

64 The public defense advisory board is established to review, advise and report on
65 the department of public defense in a manner that may be prescribed by ordinance. The
66 board shall also advise the executive and council on matters of equity and social justice
67 related to public defense. In the event of a vacancy in the office of county public
68 defender, the board shall recommend candidates from whom the county executive shall
69 make an appointment to fill the vacancy subject to confirmation by the county council.
70 The county council shall prescribe by ordinance the board's membership, process and
71 qualifications for appointment to the board, rules and procedures, and may prescribe by
72 ordinance additional duties of the board.

73 **Section 555. Department of Public Defense.**

74 Nothing in this Article 5 shall limit the ability of the county to contract with any
75 person, organization, or government for services that could be provided by the
76 department of public defense.

77 **Section 899. Department of Public Defense Employee Collective Bargaining.**

78 The county executive shall consult with the county public defender on the plans
79 and goals for bargaining before and periodically during the negotiation of terms and
80 conditions of employment with employees of the department of public defense. The
81 council may prescribe the method of consultation by ordinance.

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

85 Shall the King County Charter be amended to create an appointed office of
86 county public defender, a department of public defense, and a public

87 defense advisory board, permit the county to contract for public defense
88 services, and require the executive to consult with the county public
89 defender on the executive's bargaining with employees of the department
90 of public defense?
91

Ordinance 17614 was introduced on 4/22/2013 and passed as amended by the
Metropolitan King County Council on 7/1/2013, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr.
Dembowski
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None