

6-27-13

nw, at

Sponsor: Patterson, Lambert

Proposed No.: 2013-0212

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2013-0212, VERSION**

2 **1**

3 On page 2, beginning on line 20, strike everything through page 6, line 116, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

11 **Section 350.20. Executive Departments.**

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

18 **Section 350.20.60. Department of Public Defense.**

19 The duties of the department of public defense shall include providing legal
20 counsel and representation to indigent individuals in legal proceedings, including those in
21 the superior and district courts for King County and in appeals from those courts, to the
22 extent required under the sixth amendment to the United States Constitution or Article I,
23 Section 22, of the Constitution of the State of Washington. Additional duties may be
24 prescribed by ordinance. The department shall utilize the services of the administrative
25 offices and the executive departments, but it shall not be abolished or have its duties, as
26 established in this section, decreased by the county council or the county executive.

27 The department of public defense shall be administered by the county public
28 defender, who shall perform the indigent public defense duties specified by general law,
29 including the federal and state constitutions, and additional duties as may be prescribed
30 by ordinance. Elected officials shall not interfere with the administration of the
31 constitutional or ethical duties of the county public defender or issue orders to any
32 officer, agent or employee of the department of public defense regarding those duties.

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

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

47 **Section 350.20.65. Public Defense Advisory Board.**

48 The public defense advisory board is established to review, advise and report on
49 the department of public defense in a manner that may be prescribed by ordinance. The
50 board shall also advise the executive and council on matters of social justice related to
51 public defense. In the event of a vacancy in the office of county public defender, the
52 board shall recommend candidates from whom the county executive shall make an
53 appointment to fill the vacancy subject to confirmation by the county council. The
54 county council shall prescribe by ordinance the board's membership, process and
55 qualifications for appointment to the board, rules and procedures, and may prescribe by
56 ordinance additional duties of the board.

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

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

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

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

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

69 Shall the King County Charter be amended to create an appointed office of
70 county public defender, a department of public defense, and a public
71 defense advisory board, permit the county to contract for public defense
72 services, and require the executive to consult with the county public
73 defender on the executive's bargaining with employees of the department
74 of public defense?"

75 **EFFECT:**

- 76 1. An unnecessary (redundant) reference to career service is removed.
- 77 2. Adds language that elected officials shall not interfere with the administration of
78 the constitutional or ethical duties of the county public defender or issue orders to
79 any officer, agent or employee of the department of public defense regarding
80 those duties.
- 81 3. Public Defense Advisory Committee is renamed Public Defense Advisory Board.
- 82 4. The details of the board's recommendations for Defender candidates to the
83 Executive are left to be specified by ordinance, but the fact that the Executive
84 must pick from board recommendations remains in the charter amendment.

- 85 5. Qualifications of the Defender are removed and may be established by ordinance.
- 86 6. Board's oversight role is reframed as reviewing, advising and reporting.
- 87 7. Board's duties are expanded to include advising the Executive and Council on
- 88 social justice related to public defense.
- 89 8. Removal of Defender is changed from 6 votes of Council to Executive removal,
- 90 but subject to appeal to the Council by the Defender; the Council's decision shall
- 91 be final and require 5 votes.
- 92 9. Adds that personnel requirements in the charter (including career service) shall
- 93 not prevent the department from contracting out for services.
- 94 10. Instead of bifurcated bargaining, the Executive remains the sole bargaining agent
- 95 for public defense but must consult with the Defender periodically throughout the
- 96 bargaining process.

[Blank Page]

6-27-13

at Sponsor: Dembowski
Proposed No.: 2013-0212

1 **AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE**

2 **2013-0212, VERSION 1**

3 On page 2, beginning on line 18, strike lines 18 through 32, and insert:

4 **"Section 350.20.60. Duties of the Department of Public Defense.**

5 The duties of the department of public defense shall include providing legal
6 counsel and representation to indigent individuals in legal proceedings, including those in
7 the superior and district courts for King County and in appeals from those courts, to the
8 extent required under the sixth amendment to the United States Constitution or Article I,
9 Section 22, of the Constitution of the State of Washington. The department of public
10 defense shall also foster and promote system improvements, efficiencies, access to justice
11 and equity in the criminal justice system. Additional duties may be prescribed by
12 ordinance. Elected officials shall not interfere with the exercise of these duties by the
13 department. The department shall not have its duties, as established in this section,
14 decreased by the county council or the county executive.

15 **Section 350.20.61. Administration of the Department of Public Defense**

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

19 **EFFECT:**

- 20 1. Divides charter section for Department of Public Defense into two sections,
21 Duties and Administration.
- 22 2. Adds as a duty that the public defender shall foster and promote system
23 improvements, efficiencies, access to justice, and equity in the criminal justice
24 system.
- 25 3. Rephrases that elected officials shall not interfere with those duties (as opposed to
26 the S2 striker language of noninterference with the administration of
27 constitutional or ethical duties or issuance of orders regarding those duties) – for
28 this sentence, Amendment 2 refers to the duties of the department instead of
29 duties of the defender.
- 30 4. Removes language prohibiting abolishment of the department because the
31 department has now been enshrined in the county charter.
- 32 5. Moves required use of executive and administrative services to the new
33 Administration section.
- 34 6. Wording change that the department is managed by, as opposed to administered
35 by, the county public defender.

6-27-13

at Sponsor: Dembowski
Proposed No.: 2013-0212

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2013-0212, VERSION 1**

2 On page 1, beginning on line 1, strike everything through page 1, line 19, and insert:

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

18 the same to the voters of the county for their ratification or
19 rejection at the November 2013 general election."

20 **EFFECT: Amends the title to reflect Striking Amendment S2, as amended by**
21 **Amendment 2.**

6-27-13

nw, at

Sponsor: Patterson, Lambert

Proposed No.: 2013-0212

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2013-0212, VERSION 1**

2 On page 1, beginning on line 1, strike everything through page 1, line 19, and insert:

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

17 county for their ratification or rejection at the November
18 2013 general election."

19 **EFFECT: Amends the title to reflect Striking Amendment S2.**