## STAFF REPORT

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| **Agenda Item:** | 12 | **Name:** | Nick Bowman |
| **Proposed No**.: | 2020-0231 | **Date:** | July 14, 2020 |

**SUBJECT**

An Ordinance proposing an amendment to the King County Charter allowing the duties of the Sheriff and the structure and the duties of the Sheriff’s Office to be established by ordinance.

**SUMMARY**

Proposed Ordinance 2020-0231 would submit to the voters of King County an amendment to the County Charter, to be placed on the next general election, which would allow the County Council to establish the duties of the Sheriff and the structure and duties of the Sheriff’s Office by ordinance.

**BACKGROUND**

Under the King County Charter, Section 350.20.40, the Sheriff is the administrative head of the Department of Public Safety, whose duties are specified by General Law i.e. the duties as established by the State in RCW Chapter 36.28. RCW 36.28.10 enumerates the general duties of County Sheriffs:

The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his or her office, he or she and his or her deputies:

 (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

 (2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

 (3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

 (4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

 (5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

 (6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

King County Charter Section 350.20.40, the Department of Public Safety is declared to be an Executive Department, subject to the civil service personnel system and shall utilize the services of the administrative offices and the executive departments, which 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.

**ANALYSIS**

Proposed Ordinance 2020-0231 would submit to the voters an amendment to the King County Charter to be placed on the ballot for the November 2020 general election, which would allow the County Council to establish the duties of the Sheriff and the structure and duties of the Sheriff’s Office by ordinance. Specifically, the amendment would eliminate the Charter’s reference to the duties of the Sheriff being specified by general law under RCW chapter 36.28 and instead, allow the Sheriff’s duties to be established by county ordinance. Furthermore, the amendment would remove the Charter’s restriction preventing the Department of Public Safety, otherwise known as the King County Sheriff’s Office, from being abolished or combined with any other executive department or administrative office, as well as, the restriction prohibiting the county council from decreasing the duties of the Sheriff’s Office.

Under the proposed amendment, the Sheriff would remain an elected position and would remain the bargaining agent for the county with represented Sheriff’s Office personnel.

General Election Timing Requirements

In order to place this item on the November 3, 2020 ballot, an effective ordinance must be transmitted to the elections department by August 4, 2020.[[1]](#footnote-2) Therefore, the last regular council meeting date for adoption is July 21, 2020.[[2]](#footnote-3) August 4, 2020 is the last special council meeting date to adopt this ordinance as an emergency.

Note that Proposed Ordinance 2020-0205 which would seek to reestablish the Sheriff as an appointed position was introduced on June 9, 2020. In the event the Council were to adopt Proposed Ordinance 2020-0231 and Proposed Ordinance 2020-0205, there would be competing charter amendments on the November 2020 general election ballot; one which would retain an elected Sheriff and another which would establish an appointed Sheriff.

**ATTACHMENTS**

1. Proposed Ordinance 2020-0231
1. An ordinance adopting a Charter amendment is not subject to Executive veto so the legislation is effective ten days after the Council adopts. [↑](#footnote-ref-2)
2. Ordinance 19074 specifies that he regular meeting day of the Council is every-other Tuesday until either the Executive terminates the March 1, 2020 proclamation of emergency in response to COVID-19 or K.C.C 1.24.035 is amended. [↑](#footnote-ref-3)