



Legislation Details (With Text)

File #: 2021-0465 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 12/7/2021 **In control:** Committee of the Whole

On agenda: **Final action:** 12/14/2021

Enactment date: **Enactment #:** 19382

Title: AN ORDINANCE relating to the executive's authority to appoint directors of executive departments; amending Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.120; and declaring an emergency.

Sponsors: Claudia Balducci

Indexes: Appointments, Emergency Management, Emergency Services, Executive, Sheriff

Code sections: 2.16.120 -

Attachments: 1. Ordinance 19382

Date	Ver.	Action By	Action	Result
12/14/2021	1	Metropolitan King County Council	Passed	Pass
12/7/2021	1	Metropolitan King County Council	Introduced and Referred	

Clerk 12/07/2021

AN ORDINANCE relating to the executive's authority to appoint directors of executive departments; amending Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.120; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. In November 2020, the voters of King County approved Charter Amendment No. 5, returning the King County sheriff to an appointed position with a requirement for consideration of community stakeholder input during the selection, appointment and confirmation process to be prescribed by county ordinance. The charter amendment becomes operational at the end of the current elected sheriff's term, which takes effect January 1, 2022.

B. In November 2020, the voters of King County approved Charter Amendment No. 6, allowing

the duties of the chief officer of the department of public safety, who may also be referred to as the county sheriff, and the duties and structure of the department of public safety to be established by county ordinance.

C. In advance of the effective date of Charter Amendment No. 5, Ordinance 19249, as amended by Ordinance 19313, established an advisory committee regarding the selection, appointment and confirmation of the county sheriff. The advisory committee's report was filed with the council in September 30, 2021.

D. This ordinance modifies the King County Code to reflect the passage of Charter Amendment No. 5, by allowing the executive to appoint an acting director of public safety.

E. For the continuance of leadership in the department of public safety, the executive must be able to appoint an acting director of public safety no later than January 1, 2022. As a result, this ordinance must be enacted as an emergency ordinance.

SECTION 2. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.120, are 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 appointment of the county public defender shall be consistent with Section 350.20.61 of the King County Charter and K.C.C. chapter 2.60.

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 the director's 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 the executive's 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 the executive's 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.

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.

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.

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:

- (1) a demonstrated reputation for integrity and professionalism;
- (2) a commitment to and knowledge of the responsibilities of the office;
- (3) a history of demonstrated leadership, experience and administrative ability;

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

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

e. The appointee, before review of the appointment by the council, shall submit to the chair of the council:

(1) a full and complete resume of the appointee's employment history, to include references attesting to the stated employment experiences; and

(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.

f. Upon receipt of an executive appointment, the chair or the chair's 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. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.