



Legislation Text

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AN ORDINANCE relating to the creation of a department of public defense, amending Section 350.20 of the King County Charter adding a new Section 350.20.60 entitled "Duties of the Department of Public Defense" to the King County Charter creating a department of public defense and an appointed office with the title of "county public defender," adding a new Section 350.20.61 to the King County Charter, adding a new Section 350.20.65 to the King County Charter creating a public defense advisory board, adding a new Section 555 to the King County Charter, permitting the county to contract for public defense services, adding a new Section 899 to the King County Charter, requiring the executive to consult with the county public defender on the executive's bargaining with employees of the department of public defense, submitting the same to the voters of the county for their ratification or rejection at the November 2013 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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 the King County Charter, amending Section 350.20 of the King County Charter and adding a new Section 350.20.60, new Section 350.20.61, new Section 350.20.65, new Section 555 and new Section 899 to the King County Charter, as set forth below:

Section 350.20. Executive Departments.

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

Section 350.20.60. Duties of the Department of Public Defense.

The duties of the department of public defense shall include providing legal counsel and representation to indigent individuals in legal proceedings, including those in the superior and district courts for King County and in appeals from those courts, to the extent required under the sixth amendment to the United States Constitution or Article I, Section 22, of the Constitution of the State of Washington. The department of public defense shall also foster and promote system improvements, efficiencies, access to justice and equity in the criminal justice system. Additional duties may be prescribed by 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.

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

Section 555. Department of Public Defense.

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

Section 899. Department of Public Defense Employee Collective Bargaining.

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

SECTION 2. The clerk of the council shall certify the proposition to the director of the elections

department, 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 to create an appointed office of county public defender, a department of public defense, and a public defense advisory board, permit the county to contract for public defense services, and require the executive to consult with the county public defender on the executive's bargaining with employees of the department of public defense?