



Legislation Text

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Clerk 06/22/2016

AN ORDINANCE proposing an amendment to the King County Charter to make the language of the charter gender-neutral; amending Sections 220.10, 220.30, 220.50, 230.20, 230.60, 260, 320.10, 320.20, 330, 340.30, 340.60, 350.20.10, 350.20.40, 350.20.50, 450, 495, 540, 630, 645, 680, 680.10, 690, 710, 820, 843, 850, 870, 895 and 970.20 of the King County Charter; and submitting the same to the qualified voters of the county for their approval or rejection at the next general election occurring more than forty-five days after the enactment of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the voters of King County for their approval 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 Sections 220.10, 220.30, 220.50, 230.20, 230.60, 260, 320.10, 320.20, 330, 340.30, 340.60, 350.20.10, 350.20.40, 350.20.50, 450, 495, 540, 630, 645, 680, 680.10, 690, 710, 820, 843, 850, 870, 895 and 970.20 of the King County Charter, to read as follows:

**220.10 Composition and Terms of Office.**

The metropolitan county council shall consist of nine members. The county shall be divided into nine districts, and one councilmember shall be nominated and elected by the voters of each district. The term of office of each councilmember shall be four years and until (~~his or her~~) the councilmember's successor is elected and qualified.

### **220.30 Organization.**

The county council shall elect one of its members as ~~((chairman))~~ chair, shall be responsible for its own organization and for the employment and supervision of those employees whom it deems necessary to assist it or individual ~~((councilmen))~~ councilmembers in the exercise of their legislative powers and shall appoint a clerk to maintain its records.

### **220.50 Relationship with Other Branches.**

The county council and the individual ~~((councilmen))~~ councilmembers shall not interfere in the administration, and shall not issue orders to any officer, agent or employee, of any other branch of the county government.

### **230.20 Executive Veto.**

Except as otherwise provided in this charter, the county executive shall have the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for ~~((his or her))~~ the veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for ~~((his or her))~~ the partial veto. If an ordinance is not returned by the county executive within ten days after its presentation it shall be deemed enacted without ~~((his or her))~~ the executive's signature. Within thirty days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of six affirmative votes.

### **230.60 Referendum and Initiative Petitions.**

The county council shall establish by ordinance the form to be used for referendum and initiative petitions. All referendum and initiative petitions shall be sponsored by an individual or committee of

individuals which shall secure the approval of the clerk of the county council as to the form of the proposed petitions before circulating them. Within five days after the form of the proposed petitions is submitted to ((~~him~~)) the clerk of the county council, the clerk shall return it to the sponsor with an indication of ((~~his~~)) the clerk's approval or with a detailed written explanation of ((~~his~~)) the clerk's objection to the form.

### **Section 260 Office of Citizen Complaints.**

The county council shall establish by ordinance an office to receive complaints concerning the operation of county government and shall grant it sufficient power to permit it quickly and efficiently to investigate and to make and publicize recommendations concerning its findings, including the power to subpoena witnesses, documents and other evidence and to administer oaths. The subpoena power of the office of citizen complaints shall be limited to matters under written complaint by a citizen of the county, and any witness shall have the right to be represented by counsel. Any individual who is the subject of a complaint shall have the right to present witnesses in ((~~his~~)) the individual's own behalf.

### **320.10 Election, Term of Office and Compensation.**

The county executive shall be nominated and elected by the voters of the county, and ((~~his~~)) the executive's term of office shall be four years and until ((~~his~~)) the executive's successor is elected and qualified. The county executive shall receive compensation at least one and one-half times the compensation paid to a ((~~councilman~~)) councilmember.

### **320.20 Powers and Duties.**

The county executive shall be the chief executive officer of the county and shall have all the executive powers of the county which are not expressly vested in other specific elective officers by this charter; shall supervise all administrative offices and executive departments established by this charter or created by the county council; shall be the chief peace officer of the county and shall execute and enforce all ordinances and state statutes within the county; shall serve on all boards and commissions on which a county commissioner was required to serve prior to the adoption of this charter, but if more than one county commissioner was

required to serve, the county council shall appoint (~~(a councilman or councilmen)~~) one or more councilmembers to serve on the board or commission with (~~(him)~~) the county executive; shall present to the county council an annual statement of the financial and governmental affairs of the county and any other report which (~~(he)~~) the county executive may deem necessary; shall prepare and present to the county council budgets and a budget message setting forth the programs which (~~(he)~~) the county executive proposes for the county during the next fiscal year; shall prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county; shall have the power to veto any ordinance adopted by the county council except as otherwise provided in this charter; shall have the power to assign duties to administrative offices and executive departments which are not specifically assigned by this charter or by ordinance; and shall sign, or cause to be signed, on behalf of the county all deeds, contracts and other instruments. The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

### **Section 330 County Administrative Officer.**

The county executive shall appoint the county administrative officer who, under the general supervision of the county executive, shall assist (~~(him)~~) the county executive, shall supervise the administrative offices and shall perform such other duties as are delegated to (~~(him)~~) the county administrative officer by the county executive.

### **340.30 Appointments by the Chief Officers.**

The chief officer of each administrative office and executive department shall appoint all officers and employees of (~~(his)~~) the chief officer's office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the career service.

### **340.60 Removal.**

Any officer, board or commission member, or employee who is not a member of the career service may be removed at any time by the officer who appointed (~~(him)~~) that person, except that a member of the personnel

board or the board of appeals may be removed only by a majority of the county council as provided in this charter.

#### **350.20.10 Department of Assessments.**

The department of assessments shall be administered by the county assessor who shall perform the duties specified by general law. The county assessor shall be elected by the voters of the county unless general law shall provide otherwise, and ~~((his))~~ the assessor's term of office shall be four years. The department of assessments shall be an executive department subject to the personnel system and shall utilize the services of the administrative offices and the executive departments, but it 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.

#### **350.20.40 Department of Public Safety.**

The department of public safety shall be administered by the county sheriff who shall perform the duties specified by general law. The county sheriff shall be elected by the voters of the county, and ~~((his or her))~~ the sheriff's term of office shall be four years. The department of public safety shall be an executive department subject to the civil service personnel system and shall utilize the services of the administrative offices and the executive departments, but it 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.

#### **350.20.50 Department of Elections.**

The department of elections shall be administered by the county director of elections who shall perform the duties specified by general law. The county director of elections shall be elected by the voters of King County, and ~~((his or her))~~ the director's term of office shall be four years. The department of elections: shall be an executive department subject to the career service personnel system and shall utilize the services of the administrative offices and the executive departments, but it 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 or

executive. The department of elections shall be responsible for the registration of voters in the county; shall conduct all special and general elections held in the county; shall be responsible for creating and printing the King County voter's pamphlet; shall maintain and be the official repository of political boundary maps, geographic information systems data and of the King County copies of campaign financial disclosure forms; and shall administer other public and nonpublic elections, as required by state law and county code and administrative rules.

#### **Section 450 Copies of Budget.**

Copies of the budget and budget message shall be delivered to the clerk and each ~~((councilman))~~ councilmember. Prior to the public hearing on the budget, the budget message and supporting tables shall be furnished to any interested person upon request, and copies of the budget shall be furnished for a reasonable fee as established by ordinance and shall be available for public inspection.

#### **Section 495 Illegal Contracts.**

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the county knowingly responsible shall be personally liable to anyone damaged by ~~((his))~~ the action. The county council when requested to do so by the county executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, but real property shall not be leased to the county for more than one year unless it is included in a capital budget appropriation ordinance.

#### **Section 540 The Personnel Board.**

There shall be a personnel board composed of five members, four of whom shall be appointed by the county executive subject to confirmation by a majority of the county council. One member of the personnel board shall be elected by secret ballot by the county employees who are members of the career service according to the procedure established by ordinance. A personnel board member shall serve a five year term and until ~~((his))~~ the member's successor is appointed or elected, with one member being appointed each year. A

majority of the county council, but not the county executive, may remove a personnel board member for just cause after written charges have been served on the personnel board member and a public hearing has been held by the county council. The county council may provide for the compensation of personnel board members on a per diem basis.

The personnel board shall report at least once a year to the county executive concerning the operation of the personnel system with any recommendations it may have for its improvement.

Any member of the career service may appeal to the personnel board; from any action pertaining to the methods of examination, appointment or promotion; from any suspension for more than sixty days, reduction in rank or pay, or removal; and from any classification or reclassification of positions. The personnel board shall hold a public hearing to consider an appeal and shall issue such orders as it deems proper including but not limited to the restoration of rank or pay, with or without loss of benefits and pay, and the allocation and reallocation of positions. The decision of the personnel board shall be final unless reviewed by a court of competent jurisdiction.

### **Section 630 Qualifications.**

Each county officer holding an elective office shall be, at the time of ~~((his))~~ the officer's appointment or election and at all times while ~~((he))~~ the officer holds office, at least twenty-one years of age, a citizen of the United States and a resident and registered voter of King County; and each councilmember shall be a resident of the district that the councilmember represents. Any change in the boundaries of a councilmember's district that causes the councilmember to be no longer a resident of the district that the councilmember represents shall not disqualify the councilmember from holding office during the remainder of the term for which the councilmember was elected or appointed. Additional qualifications for those separately elected officials who head executive departments may be established by ordinance.

### **Section 645 Sheriff; Election, Term of Office and Compensation.**

The county sheriff shall be nominated and elected as a non-partisan office by the voters of the county,

and the term of office shall be four years and until (~~his or her~~) the sheriff's successor is elected and qualified. The initial election for county sheriff shall be at the general election in 1997. The county sheriff shall receive compensation as provided by ordinance.

### **Section 680 Vacancies.**

An elective county office shall become vacant upon the incumbent's death; resignation; recall; conviction of a felony, crime involving moral turpitude, unlawful destruction of court records, or other crime pertinent to (~~his~~) the incumbent's office; declaration of incompetency by a court of competent jurisdiction; absence from the county for a period of more than thirty days without the permission of a majority of the county council; or failure to fulfill or continue to fulfill the qualifications for office; provided, however, that an elective county office shall not become vacant as the result of a criminal conviction or declaration of incompetency until the conviction or declaration has become final and is no longer subject to appeal.

#### **680.10 Designation, Appointment and Election to Fill Vacancy.**

Immediately upon commencing their terms of office, the county executive, county assessor, county director of elections and county sheriff shall each designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, county assessor, county director of elections or county sheriff, respectively.

Except for a designation made by the metropolitan county council, a designation of an interim official shall only be effective if the county executive, county assessor, county director of elections and county sheriff, each for (~~his or her~~) that officer's elective office, complies with the following procedure; commits the designation to writing; identifies the order of precedence if more than one county officer or employee is designated; signs the written designation; has the written designation notarized; files the written designation with the county office responsible for records; and provides a copy of the written designation to the chair of the metropolitan county council. The county executive, county assessor, county director of elections and county sheriff may, at any time, amend such designation by complying with the same procedure established for making



the designation.

In the event the county executive, county assessor, county director of elections or county sheriff neglects or fails to make such a designation within seven calendar days of commencing (~~his or her~~) that person's term of office, the metropolitan county council may by ordinance designate one or more employees who serve as a deputy or assistant in such office to serve as an interim official in the event of a vacancy in the elective office of the county executive, county assessor, county director of elections or county sheriff, respectively. A designation made by the metropolitan county council shall be effective upon adoption of the ordinance therefor and may be amended by ordinance; provided that a designation by the county executive, county assessor, county director of elections or county sheriff which occurs subsequent to the adoption of an ordinance shall take precedence over the designation by ordinance.

The designated county officer or employee shall immediately upon the occurrence of a vacancy serve as the interim official and shall exercise all the powers and duties of the office granted by this charter and general law until an acting official is appointed as provided in this section.

The metropolitan county council shall, after being appraised of a vacancy in the elective office of county executive, county assessor, county director of elections or county sheriff, fill the vacancy by the appointment of an employee who served as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official shall serve until the vacancy is filled by appointment pursuant to general law for nonpartisan county elective offices.

A vacancy in an elective county office shall be filled at the next primary and general elections which occur in the county; provided that an election to fill the vacancy shall not be held if the successor to the vacated office will be elected at the next general election as provided in Sections 640 and 645 of this charter. The term of office of an officer who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the officer whose office has become vacant and shall commence as soon as he or she is elected and qualified.

A majority of the county council may temporarily fill a vacancy by appointment until the vacancy has been filled by election or the successor to the office has been elected and qualified.

**Section 690 Statement of Campaign Contributions and Expenditures.**

Every candidate for nomination or election to an elective county office shall, within ten days after the primary, general or special election as the case may be, file an itemized statement with the executive department responsible for conducting elections showing all campaign contributions and pledges of (~~manpower~~) labor and material made to the candidate or on the candidate's behalf and all campaign expenditures and obligations incurred by the candidate or on the candidate's behalf. Such statement when filed shall be a public record. The county council shall by ordinance prescribe the form of such statement. Timely filing of a statement of campaign receipts and expenditures with the Washington State Public Disclosure Commission in accordance with chapter 42.17 RCW satisfies the filing obligations of this section. A willful violation of this section shall disqualify the candidate from holding county elective office.

**Section 710 Composition, Appointment, Removal.**

The board of appeals shall be composed of seven members appointed by the county executive subject to confirmation by a majority of the county council. Each member of the board of appeals shall serve a four year term and until (~~his~~) the member's successor is appointed. Two members shall be appointed each year; except that every fourth year, only one member shall be appointed. A majority of the county council, but not the county executive, may remove a board of appeals member for just cause after written charges have been served on the board of appeals member and a public hearing has been held by the county council. The county council shall provide for the compensation of the board of appeals members on a per diem basis.

**Section 820 Conflict of Interest.**

The county council shall adopt an ordinance prohibiting an officer or employee of the county when it might conflict with the performance of (~~his~~) the officer's or employee's official duties from directly or indirectly; receiving or having any financial interest in any sale to or by the county of any service or property;

accepting or seeking for others any service or thing of value on more favorable terms than those granted to the public generally from any person, firm or corporation having dealings with county; or accepting any gift from any person, firm or corporation having dealings with the county. The ordinance shall include civil and criminal penalties for the negligent or willful violation of this section by any county officer or employee or by any person, firm or corporation having dealings with the county.

**Section 843 Freedom of religion guarantee.**

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: ~~((PROVIDED, HOWEVER, T))~~provided, however, that this section shall not be so construed as to forbid the employment by the county of a chaplain for such of the county custodial, correctional, and mental institutions, or by a county public hospital, health care facility, or hospice, as may be allowed by law. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of ~~((his))~~ the person's opinion on matters of religion, nor be questioned in any court of justice touching ~~((his))~~ the person's religious belief to affect the weight of ~~((his))~~ the person's testimony. This section shall not diminish or limit any other protections guaranteed by Article I, Section 11 of the Washington State Constitution or by the first amendment of the United States Constitution.

**Section 850 Delegation of Authority.**

Any power or duty of a county officer except the veto power of the county executive may be delegated by that officer to another officer or employee under ~~((his))~~ the delegating officer's control and supervision; provided, however, that the delegating officer shall continue to be responsible for the

exercise of the power or the performance of the duty delegated. The county council shall not delegate its legislative power except to the extent that it delegates to a county officer the authority to promulgate regulations in accordance with adequate standards established by the county council.

**Section 870 Additional Compensation.**

Any county officer or employee who is compensated by salary shall not receive any additional compensation for serving on any board or commission or in any other position established by or pursuant to this charter. An elected officer of the county shall not be appointed to any other compensated county office or position during ~~((his))~~ the officer's term of office.

**Section 895 Mandatory Inquests.**

An inquest shall be held to investigate the causes and circumstances of any death involving a member of the law enforcement agency of the county in the performance of ~~((his))~~ the member's duties.

**970.20 Effective Date.**

The county executive shall present to the county council a proposed ordinance containing a comprehensive set of personnel rules as soon as possible, and the effective date of the personnel system shall be no later than January 1, 1970. Prior to the effective date of the personnel system, each employee shall be appointed, promoted, suspended and removed by the officer in whose office ~~((he))~~ the employee serves.

SECTION 2. The clerk of the council shall certify the proposition to the county elections director, 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 make its language  
gender-neutral?