



Legislation Text

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Clerk 04/18/2013

AN ORDINANCE adding a new Section 350.20.60, entitled "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 350.20.065 to the King County Charter, creating a public defense oversight commission; adding a new Section 899 to the King County Charter, designating the county public defender as the county's bargaining agent for all issues concerning employees of the department of public defense except for compensation and benefits; amending Section 350.20 of the King County Charter; amending Section 890 of the King County Charter; submitting the same to the voters of the county for their ratification or rejection at the November 2013 general election; and requiring the county public defender and the county executive to submit a joint proposal to the council for legislation to facilitate implementation of the collective bargaining provisions of the charter amendment if it is approved by the voters.

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, adding a new Section 350.20.60 and a new Section 350.20.65 to the King County Charter, amending Section 890 of the King County Charter and adding a 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. Department of Public Defense.

The department of public defense shall be administered by the county public defender, who shall perform the indigent public defense duties specified by general law, including the federal and state constitutions, and shall be overseen by the public defense oversight commission. The department of public defense shall be 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 have its duties, as established in this section, decreased by the county council or the county executive. The responsibilities 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 county public defender shall administer the department of public defense. The county public defender shall be appointed by the public defense oversight commission to a term of four years, unless removed earlier by the commission. The commission may reappoint the county public defender to additional four-year terms. To be eligible for appointment or reappointment, the county public defender must be admitted to

practice law in the state of Washington and have at least ten years of experience as a practicing attorney specializing in criminal defense. The county council may establish by ordinance additional qualifications for the county public defender. The county public defender shall receive compensation as provided by ordinance.

Section 350.20.65. Public Defense Oversight Commission.

The public defense oversight commission shall appoint the county public defender, both initially and to fill any vacancy in the office, and shall oversee the department of public defense. The commission may reappoint the county public defender to additional four-year terms. The commission may remove the county public defender during his or her term of office only for cause, which the county council may define by ordinance. Appointment and reappointment of the county public defender shall require the affirmative votes of at least four members of the commission. Removal shall require five affirmative votes. The commission's duties, membership, process and qualifications for appointment, rules and procedures shall be prescribed by ordinance.

Section 890. Employee Representation.

The county council may enact an ordinance providing for collective bargaining by the county with county employees covered by the personnel system. If an ordinance providing for collective bargaining is enacted, it shall not be subject to the veto power of the county executive; and, except with respect to bargaining by the county with employees of the department of public safety pursuant to Section 898 of this charter and with the employees of the department of public defense pursuant to Section 1030 of this charter, it shall designate the county executive as the bargaining agent of the county. Any agreement reached as a result of negotiations by the county bargaining agent with county employees shall not have the force of law unless enacted by ordinance.

Section 899. Collective Bargaining for the Department of Public Defense.

The county council may enact an ordinance providing for collective bargaining by the county with employees of the department of public defense. The county executive shall not have veto power over this

ordinance. If such an ordinance is enacted, it shall designate the county public defender as the bargaining agent of the county on all matters concerning employees of the department of public defense except for compensation and benefits, which shall be negotiated by the county executive as provided in Section 890 of this charter. Any agreement reached as a result of negotiations by the county public defender or the county executive with employees of the department of public defense shall not have the force of law unless enacted 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 oversight commission, and designate the county public defender as the county's bargaining agent for all issues concerning employees of the department of public defense except for compensation and benefits, which would continue to be bargained by the county executive?

SECTION 3. Within ninety days after the county public defender takes office pursuant to the charter amendment in section 1 of this ordinance, the county executive and the county public defender shall submit to the county council a joint proposal for legislation establishing a process of consultation and collaboration between the executive and the public defender in advance of collective bargaining negotiations concerning employees of the department of public defense. The process shall be designed to promote successful implementation of the charter amendment by identifying and resolving any disagreements between the executive and the public defender concerning the division of bargaining authority, the positions to be taken on issues expected to arise during collective bargaining or other matters that have the potential to interfere with collective bargaining. The process shall provide that the executive and the public defender shall promptly submit a confidential, detailed, written report to the chair of the county council and the chair of the council's labor policy committee describing any such disagreement that the executive and the public defender are unable

to resolve. The process shall further provide that neither the executive nor the public defender shall propose or agree to the inclusion of language in any collective bargaining agreement concerning employees of the department of public defense without conferring with one another.