



## Legislation Details (With Text)

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<b>On agenda:</b>		<b>Final action:</b>	9/14/2021
<b>Enactment date:</b>	9/29/2021	<b>Enactment #:</b>	19333
<b>Title:</b>	AN ORDINANCE relating to the public defense advisory board; and amending Ordinance 17678, Section 4, and K.C.C. 2.60.031.		
<b>Sponsors:</b>	Girmay Zahilay		
<b>Indexes:</b>	Boards, Public Defense		
<b>Code sections:</b>	2.60.031 - .		
<b>Attachments:</b>	1. Ordinance 19333, 2. 2021-0193 Amendment 1, 3. 2021-0193_SR_PDAB_selection.docx, 4. 2021-0193_ATT2_AMDS1.docx, 5. 2021-0193_REVISED_SR_PDAB_selection.docx		

Date	Ver.	Action By	Action	Result
9/14/2021	2	Metropolitan King County Council	Passed as Amended	Pass
8/31/2021	1	Law and Justice Committee	Recommended Do Pass Substitute	Pass
5/18/2021	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to the public defense advisory board; and amending Ordinance 17678, Section 4, and K.C.C. 2.60.031.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 17678, Section 4, and K.C.C. 2.60.031 are each hereby amended to read as

follows:

A. The public defense advisory board shall: regularly review the activities and plans of the department of public defense, make recommendations to the county public defender on matters concerning the department, advise the executive and council on matters of equity and social justice related to public defense, prepare the reports required in this section and such other reports as the board may deem appropriate; and when there is a vacancy in the office of county public defender, as provided in K.C.C. 2.60.026, recommend to the county executive candidates to fill the vacancy.

B. In performing its duties, the board shall work collaboratively with the county public defender and may reasonably request relevant, ~~((non-privileged))~~ nonprivileged information from the county public defender. The board through its chair shall consult with the county prosecutor, courts((;)) and department of public defense in the performance of all of its duties except for instances of conflict of interest, when it is not appropriate to discuss issues with all parties identified above, or for the recommendation of candidates.

C. The board shall consist of eleven members, shall establish its own rules of procedure, subject to the county charter, the county code and other applicable law, and shall choose its own chair.

D. The board shall consist of one representative from each of the following:

1. The Washington Association of Criminal Defense Lawyers;
2. The Washington state Office of Public Defense;

3. The Washington Defender Association;
4. The King County Bar Association and ;
5. ~~((A-b))~~Bar associations identified as ~~((a))~~ minority bar associations by the Washington State Bar Association; and
6. ~~((A nonpartisan organization active in King County that focuses on mental health;~~
7. ~~A nonpartisan organization active in King County that focuses on substance abuse issues;~~
8. ~~A nonpartisan organization active in King County that focuses on issues concerning military veterans;~~
9. ~~A nonpartisan organization active in King County that focuses on issues related to poverty;~~
10. ~~A nonpartisan organization active in King County that focuses on juvenile justice issues; and~~
11. ~~A nonpartisan organization active in King County that focuses on immigration issues))~~ The remaining six members of the board shall represent areas or issues that may affect public defense clients, including mental health, substance abuse, military veterans, poverty, juvenile justice and immigration issues.

E. Candidates for a position referenced in subsection D.6. of this section may either be nominated by an organization active in the areas referenced or may apply individually for one of the seats listed if the applicant has significant experience or knowledge in one of the listed areas.

F. Members of the board shall serve staggered three-year terms and until their successors are appointed and confirmed~~((, except that the members designated in subsection D.1., 2., 3. and 4. of this section shall serve an initial term of one year and the members designated in subsection D.5., 6., 7. and 8. of this section shall serve an initial term of two years))~~. If a member leaves the board midterm, the person appointed as a replacement shall serve the remainder of the unexpired term, rather than beginning a new term of three years. The county council may reappoint board members for additional three-year terms and may remove any board member by motion adopted with the affirmative votes of at least five councilmembers. Members of the board shall not be compensated for the performance of their duties as members of the board, but may be reimbursed for parking expenses in the King County parking garage when attending meetings of the committee, which shall be deemed to be for the business convenience of the county and shall be paid for by the department of public defense.

~~((F-))~~ G. The process for filling vacancies on the board is:

1.a. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy on the board, the board chair and the county public defender shall provide written notice of the vacancy to the clerk of the council and to the executive.

b. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy, the ~~((clerk of the council))~~ executive shall provide written notice of the vacancy to ~~((the executive,))~~ all councilmembers, the board chair, the county public defender and:

(1) to the represented organization for vacancies in the board seats designated in subsection D.1., 2., 3., and 4. of this section;

(2) to each of the bar associations identified as a minority bar association by the Washington State Bar Association for a vacancy in the board seat designated in subsection D.5. of this section; and

(3) ~~((by publication of notice of the vacancy in the official county newspaper and in the largest newspaper of general circulation within the county for the board seats designated in subsection D.6., 7., 8., 9., 10. and 11. of this section))~~ to organizations active in the areas referenced in subsection D.6. of this section for vacancies in boards seats designated in subsection D.6. of this section.

c. The notice shall specify the deadlines established in subsection ~~((F-))~~ G.2. of this section;

2. Within sixty days after the ~~((clerk of the council))~~ executive provides the notice required in subsection ~~((F-))~~ G.1.b. of this section, ~~((the represented))~~ an organization ~~((, any minority bar association organization may and each nonpartisan organization with the required subject matter focus that wishes to do so))~~ listed in subsection D1.,2.,3. and 4. of this section shall submit in writing ~~((at the same time))~~ to the county executive ~~((and the clerk of the council,))~~ the names of three candidates recommended for appointment to fill a vacancy in the board seat for which notice was required to be given to the organization~~((, together))~~. For the board seats designated in subsection D.5 and D.6. of this section, the organizations with the required subject-matter focus may submit the names of up to three candidates. All nominations shall include the board application, with the resume of each candidate and all other written materials that the organization considered in deciding to recommend the candidate. The organization

shall not rate the candidates, but may provide a brief description of the strengths of each candidate. ~~((The clerk of the council shall provide an electronic copy of the resumes and other written materials to each councilmember))~~ An individual candidate shall also submit to the county executive a board application, resume and other relevant materials, including a written statement or other documents that establish the candidate's expertise in one of the areas listed;

3. Within thirty days after receiving the written materials concerning the recommended candidates for a board seat designated in subsection D.1., 2., 3. or 4. of this section, or within sixty to ninety days after the ~~((clerk of the council))~~ executive provides the notice required in subsection ~~((F.))~~ G.2. of this section for a board seat designated in subsection D.5~~((;))~~ . or 6.~~((, 7., 8., 9., 10. or 11.))~~ of this section, the county executive shall appoint one of the recommended candidates by providing written notice of the appointment to the clerk of the council, who shall provide an electronic copy of the notice to each councilmember. If the applicable organization referenced in subsection D.1., 2., 3. and 4. of this section fails to timely recommend three candidates, the executive may either make an appointment from among the recommended candidates or candidate or wait until the organization has recommended three candidates and make an appointment within thirty days after receiving the board's recommendation of the third candidate;

4. The county council may confirm or reject the executive's appointment by motion adopted by the affirmative votes of at least five members. A motion to confirm the appointment shall be referred for committee consideration to the council's law~~((;))~~ and justice~~((, health and human services))~~ committee, or its successor; and

5. If the council rejects the executive's appointment of a board member nominated by an organization referenced in subsection D1., 2., 3. and 4. of this section, the clerk of the council shall provide written notice of the rejection to the executive and the represented organization or organizations. Within thirty days after receiving the written notice, the represented organization shall provide to the executive in writing, and contemporaneously to the clerk of the council, the name, board application, resume~~((;))~~ and all other relevant written information for one additional candidate. Within thirty days after receiving the additional candidate recommendation and the relevant written materials, the executive shall appoint the board member from among the recommended candidates,

excluding any candidate whom the council has rejected. If a represented organization fails to timely provide the additional candidate recommendation and relevant written materials, the executive shall proceed in the same manner as if the entity had recommended fewer than the required number of candidates, as provided in subsection ~~((F.))~~ G.3. of this section.

~~((G.))~~ H. Each member of the advisory board shall have substantial experience and expertise that are relevant to the work of the department of public defense and shall have an ability and willingness to commit the time necessary to attend meetings and participate effectively as a member of the board. A majority of the members should have substantial familiarity with advocating on behalf of the indigent. To the extent practicable, the board membership shall reflect the diversity of the county. A member may not, while serving on the board, hold elective public office except precinct committee officer, be a candidate for elective public office except precinct committee officer, serve as a King County judicial officer, a King County prosecuting attorney or a King County public defender or be an employee of a King County court, the King County prosecuting attorney or the King County department of public defense.

~~((H.))~~ I. The board shall meet at least once every two months and shall issue at least two written reports to the executive and the council ~~((each calendar year)), including:~~ one report on the board's review of the executive's proposed budget for public defense; and one report on the state of county public defense. Each report shall be issued at least every other year. The report on the state of county public defense shall include an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.

~~((I.))~~ J. The council shall provide funding, subject to appropriation, for executive staffing of the advisory board.