



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19140

**Proposed No.** 2020-0231.2

**Sponsors** Zahilay and Upthegrove

1 AN ORDINANCE proposing to amend the King County  
 2 Charter relating to the county sheriff and the department of  
 3 public safety; amending Sections 350.20.40 and 890 of the  
 4 King County Charter and repealing Section 898 of the King  
 5 County Charter; and submitting the same to the voters of  
 6 the county for their ratification or rejection at the next  
 7 general election to held in this county occurring more than  
 8 forty-five days after the enactment of this ordinance.

9 **STATEMENT OF FACTS:**

10 A. In 1969, the position of sheriff in King County became an appointed  
 11 one when the King County Charter went into effect. With the passage of  
 12 the Charter at the general election in November 1968, King County voters  
 13 approved changing the county's statutorily based board-of-commissioners  
 14 form of government, which also included several elected officers  
 15 including a sheriff, to a home rule, charter-based form of government,  
 16 which originally limited the positions of elected officers to  
 17 councilmembers, executive and assessor.

18 B. As an appointed position, the sheriff became subject to the same  
 19 selection process set out in Section 340 of the King County Charter as the

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20 other county department chief officers. Then as now, under Section 340  
21 of the King County Charter, the county executive appoints department  
22 chief officers, subject to confirmation by the county council.

23 C. The 1969 original charter also set out transitory provisions establishing  
24 the initial departments and offices of the newly created executive branch.

25 The department of public safety was established by Section 920.20 of the  
26 King County Charter, with the duties of enforcing law and order,  
27 administering the county jail and responsibility for civil defense.

28 D. In accordance with Section 920.30 of the King County Charter, for a  
29 period of two years, or until at least 1971, the county council could not  
30 exercise the powers granted to it under Section 220.20 of the King County  
31 Charter with respect to abolishing, combining or dividing the office or  
32 departments created by the charter or transferring the specified powers and  
33 duties from one office or department to another.

34 E. In 1972, by Ordinance 1438, the county council did exercise charter-  
35 based authority to establish, abolish, combine and divide administrative  
36 offices and executive departments and to establish their powers and  
37 responsibilities. In that ordinance, the council abolished all the executive  
38 branch departments and offices created by the charter's transitory provisions  
39 and then reconstituted them, some with new duties and powers, including  
40 the department of public safety. The county council reconstituted the  
41 department of public safety, keeping the duties of enforcing law and order  
42 and administering the county jail called out in the transitory Section

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43 920.20 of the King County Charter. Gone was the responsibility for civil  
44 defense. The county council added to duties to the department of public  
45 safety responsibility for disaster preparedness related to public safety and  
46 welfare and search and rescue.

47 F. In 1973, by Ordinance 1872, the county council again exercised its  
48 authority to structure the executive branch departments when it removed  
49 the duty of administering the King County jail from the department of  
50 public safety and transferred that duty to a new department also created by  
51 that ordinance.

52 G. In 1982, the county council undertook a major executive branch  
53 reorganization. Under Ordinance 6066, the county council again asserted  
54 its authority to establish the structure and duties of the executive branch  
55 departments and offices. The duties of the department of public safety  
56 were changed to mirror the duties of an office of sheriff under state law,  
57 excluding administration of county jails, as well as the additional  
58 functions of overseeing a crime prevention program, process service,  
59 major disaster planning for public safety and welfare and administrative  
60 services unique to the department.

61 H. In 1991, under Ordinance 10808, the county council again modified the  
62 duties of the department of public safety, wherein the department was no  
63 longer solely responsible for planning for public safety and welfare in the  
64 case of a major disaster but now had to coordinate that work with the  
65 recently created office of emergency management.

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66 I. With the passage of a charter amendment in 1996, a new Section  
67 350.20.40 of the King County Charter was created. Under that new charter  
68 section, four things happened: (1) the sheriff became an elected position;  
69 (2) the duties of the elected sheriff in overseeing the department of public  
70 safety are set by general law rather than by the county council in  
71 accordance with its powers under Section 220.20 of the King County  
72 Charter; (3) recognition that while the department of public safety  
73 employees remain employees under the executive branch, the department is  
74 administered by the elected sheriff; and (4) powers of the county council  
75 under Section 220.20 of the King County Charter were curtailed so that  
76 unlike departments with chief officers selected under the auspices of  
77 Section 340 of the King County Charter, the county council may neither  
78 abolish or combine the department of public safety with another county  
79 department or office, nor can the county council decrease any of the duties  
80 of the department of public safety, again unlike departments with chief  
81 officers selected under the auspices of Section 340 of the King County  
82 Charter.

83 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

84 SECTION 1. Intent. A. It is the intent of the county council that the voters of  
85 King County determine the interrelated but distinct issues of:

86 1. The extent of scope and control of the department of public safety. For the  
87 purposes of this section, "scope and control" mean the authority, exercised by ordinance,  
88 to structure the department of public safety as well as set the duties of the sheriff and

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89 department of public safety in accordance with the authority granted the county council  
90 under Section 220.20 of the King County Charter and

91 2. Whether the King County sheriff should remain an elected position or return  
92 to an appointed position.

93 B. This ordinance is only intended to determine the will of the voters as to  
94 returning to the council, as exercised by ordinance, the authority to structure the  
95 department of public safety and as set the duties of the sheriff and the department of  
96 public safety, as well as return to the county's bargaining agent all responsibilities to  
97 bargain with represented employees in the department of public safety This ordinance is  
98 not intended as the charter amendment to place before the voters the issue of whether the  
99 position of the sheriff is to be an elected or appointed position

100 C. Ordinance 19139 (Proposed Ordinance 2020-0205) is the charter amendment  
101 that is intended to determine the will of the voters as to whether the sheriff should remain  
102 an elected position or return to an appointed position. If placed on the November 2020  
103 ballot and passed by the voters, the charter amendment in Ordinance 19139 (Proposed  
104 Ordinance 2020-0205) would return the sheriff position to an appointed one; whereby, in  
105 consultation with a stakeholder group, the executive would appoint and the council would  
106 confirm the successful candidate; and if the position is reverted to an appointed one,  
107 return to the county's bargaining agent all responsibilities to bargain with represented  
108 employees in the department of public safety. The charter amendment in Ordinance  
109 19139 (Proposed Ordinance 2020-0205) is not intended as the charter amendment to  
110 otherwise determine scope and control related to the department of public safety.

111 D. If a voter wishes to return scope and control related to the department of

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112 public safety to the council and for the sheriff to again be an appointed position, then a  
113 voter would vote for both the charter amendment in this ordinance and the charter  
114 amendment in Ordinance 10139 (Proposed Ordinance 2020-0205). If both charter  
115 amendments are placed on the November 2020 ballot and both are passed by the voters,  
116 then Section 350.20.40 of the King County Charter would be amended to read:

117 **"Section 350.20.40 Department of Public Safety.**

118 The chief officer of a department of public safety, who may also be  
119 referred to as the county sheriff, shall be an appointed position, subject to  
120 section 340 of this charter, and shall perform the duties specified by  
121 ordinance. Both the executive and the county council shall consider  
122 community stakeholder input during the selection, appointment and  
123 confirmation processes for appointment of chief officer of a department of  
124 public safety, as specified by ordinance. The department of public safety  
125 shall be an executive department subject to the civil service personnel  
126 system and shall utilize the services of the administrative offices and the  
127 executive departments."

128 E. If a voter wishes to return scope and control related to the department of  
129 public safety to the council but does not wish for the sheriff to again be an appointed  
130 position, then the voter would vote for the charter amendment in this ordinance but would  
131 vote against the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-  
132 0205). If both charter amendments are placed on the November 2020 ballot and the  
133 charter amendment in this ordinance to return scope and control related to the department  
134 of public safety to the council passes but the charter amendment in Ordinance 19139

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135 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position fails,  
136 then Section 350.20.40 of the King County Charter would be amended to read:

137 **"Section 350.20.40 Department of Public Safety.**

138 The department of public safety shall be administered by the county sheriff  
139 who shall perform the duties specified by ordinance. The county sheriff  
140 shall be elected by the voters of the county, and the sheriff's term of office  
141 shall be four years. The department of public safety shall be an executive  
142 department subject to the civil service personnel system and shall utilize the  
143 services of the administrative offices and the executive departments."

144 F. If a voter does not wish to return scope and control related to the department of  
145 public safety to the council but does wish for the sheriff to again be an appointed  
146 position, then the voter would vote against the charter amendment in this ordinance but  
147 would vote for the charter amendment in Ordinance 19139 (Proposed Ordinance 2020-  
148 0205). If both charter amendments are placed on the November 2020 ballot and the  
149 charter amendment in this ordinance to return scope and control related to the department  
150 of public safety to the council fails but the charter amendment in Ordinance 19139  
151 (Proposed Ordinance 2020-0205) for the sheriff to again be an appointed position passes,  
152 then Section 350.20.40 of the King County Charter would be amended to read:

153 **"Section 350.20.40 Department of Public Safety.**

154 The chief officer of a department of public safety, who may also be  
155 referred to as the county sheriff, shall be an appointed position, subject to  
156 section 340 of this charter, and shall perform the duties specified by  
157 general law. Both the executive and the county council shall consider

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158 community stakeholder input during the selection, appointment and  
159 confirmation processes for appointment of chief officer of a department of  
160 public safety, as specified by ordinance. The department of public safety  
161 shall be an executive department subject to the civil service personnel  
162 system and shall utilize the services of the administrative offices and the  
163 executive departments, but it shall not be abolished or combined with any  
164 other executive department or administrative office and shall not have its  
165 duties decreased by the county council."

166 SECTION 2. There shall be submitted to the qualified voters of King County for  
167 their approval and ratification or rejection, at the next general election to be held in this  
168 county occurring more than forty-five days after the enactment of this ordinance, an  
169 amendment to Sections 350.20.40 and 890 of the King County Charter and a repeal of  
170 Section 898 of the King County Charter, as set forth herein:

171 **Section 350.20.40 Department of Public Safety.**

172 The department of public safety shall be administered by the county sheriff who  
173 shall perform the duties specified by ~~((general law))~~ ordinance. The county sheriff shall  
174 be elected by the voters of the county, and the sheriff's term of office shall be four years.  
175 The department of public safety shall be an executive department subject to the civil  
176 service personnel system and shall utilize the services of the administrative offices and  
177 the executive departments, but it shall not be abolished ~~((or combined with any other  
178 executive department or administrative office and shall not have its duties decreased))~~ by  
179 the county council.

180 **Section 890 Employee Representation.**

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

189           **Section 898 repealed.** Section 898 of the King County Charter, "Department of  
190 Public Safety Employee Collective Bargaining," is hereby repealed.

191           SECTION 3. The clerk of the council shall certify the proposition to the director  
192 of elections, in substantially the following form, with such additions, deletions or  
193 modifications as may be required by the prosecuting attorney:

194           Shall the King County charter be amended so that the duties of the county

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195 sheriff and the structure and duties of the department of public safety shall  
196 be established by county ordinance?  
197

Ordinance 19140 was introduced on 7/7/2020 and passed as amended by the Metropolitan King County Council on 7/21/2020, by the following vote:

Yes: 6 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Mr. McDermott, Mr. Upthegrove and Mr. Zahilay  
No: 3 - Mr. Dunn, Ms. Lambert and Mr. von Reichbauer

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 7/24/2020, \_\_\_\_\_.

DocuSigned by:  
*Dow Constantine*  
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Dow Constantine, County Executive

**Attachments:** None