



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19332

Proposed No. 2021-0194.1

Sponsors Zahilay

1 AN ORDINANCE relating to the public defender selection
2 process; and amending Ordinance 17588, Section 4, as
3 amended, and K.C.C. 2.60.026.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 are
6 each hereby amended to read as follows:

7 A. The department of public defense shall be directed by the county public
8 defender, whose duties include:

- 9 1. Managing the department of public defense;
- 10 2. Ensuring the department employs the needed technical and public defense
11 expertise to ensure effective delivery of public defense services;
- 12 3. Representing the executive in all city, county, state and federal forums where
13 the defense perspective is required;
- 14 4. Ensuring that the American Bar Association Ten Principles for a Public
15 Defense Delivery System, as approved by the American Bar Association House of
16 Delegates in February of 2002, guide the management of the department and
17 development of department standards for legal defense representation, and filing with the
18 clerk of the council by April 1 of ((each)) at least every other year a report on the results
19 of the county public defender's efforts in that regard;

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20 5. Following the Washington State Standards for Indigent Defense Services;

21 ~~((and))~~

22 6. Developing and maintaining appropriate standards and guidelines for the
23 qualifications and experience level of public defense attorneys and paraprofessionals;

24 7. Working collaboratively with the public defense advisory board and
25 providing relevant nonprivileged information to the board upon its reasonable request;
26 and

27 8. Fostering and promoting system improvements, efficiencies, access to justice
28 and equity in the criminal justice system.

29 B.1. The county public defender shall be appointed by the executive, subject to
30 confirmation by the council. The executive shall appoint one of the three candidates
31 recommended by the public defense advisory board, except that the executive may
32 request three additional candidates from the public defense advisory board, and the
33 executive may then appoint the county public defender from among the six candidates,
34 subject to confirmation by motion by the council. Confirmation requires the affirmative
35 votes of at least five members of the council.

36 2. Within seven days after either a vacancy occurs in the office of the county
37 public defender or the county executive learns that a vacancy is expected to occur within
38 one hundred eighty days, including but not limited to a vacancy that will result from the
39 expiration of the term of a county public defender who the executive determines to not
40 reappoint, the executive shall provide written notice of the vacancy or expected vacancy
41 to each member of the public defense advisory board and to the clerk of the council and
42 shall commence a national recruitment for candidates to fill the vacancy. Within sixty

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43 ~~thirty~~ days after commencing the recruitment, the executive shall provide to each member
44 of the public defense advisory board the names, resumes and all other relevant
45 information about all candidates who meet the qualifications for office set forth in the
46 county charter and subsection C. of this section. Within (~~sixty~~) ninety days after
47 receiving the names, resumes(~~(s)~~) and other relevant information about the qualified
48 candidates from the executive, the public defense advisory board shall provide in writing
49 at the same time to the executive and the clerk of the county council the names of three
50 candidates to fill the vacancy, together with copies of the candidates' resumes and other
51 relevant information, including all written information upon which the board relied in
52 choosing the three candidates. The board shall not rank the candidates, but may
53 summarize the particular strengths of each candidate. If the board is unable to provide
54 the names of three candidates within ninety days, the board may request in writing
55 additional time from the executive, not to exceed sixty days, to identify candidates.

56 3. The executive may request in writing to the board chair, within fifteen days
57 after receiving the list of three candidates, that the board provide to the executive the
58 names, resumes and other relevant written information of up to three additional
59 candidates, depending on the number of qualified candidates remaining, and the board
60 shall comply with such a request within (~~thirty~~) sixty days and shall at the same time
61 provide a copy of the additional materials to the clerk of the council.

62 4. Within thirty days after receiving either the original list of three candidates or
63 the list of up to three additional candidates, the executive shall appoint the county public
64 defender by providing written notice of the appointment to the clerk of the council, who
65 shall provide an electronic copy of the notice to each councilmember and to the chair of

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66 the public defense advisory board. If the board fails to timely recommend in writing to
67 the executive the initial three or ~~((six))~~ sufficient additional candidates, as applicable, the
68 executive may either appoint the county public defender from among the candidates who
69 have been recommended or wait until the board has recommended the requisite number
70 of candidates and make the appointment within thirty days thereafter.

71 5. The county council may confirm or reject the executive's appointment by
72 adoption of a motion with the affirmative votes of at least five members. A motion to
73 confirm or reject the appointment shall be referred for committee consideration to the
74 council's committee of the whole.

75 6. ~~((If the council rejects the executive's appointment of the county public
76 defender, the public defense advisory board shall, within thirty days, recommend and
77 provide in writing at the same time to both the executive and the clerk of the council the
78 name, resume and all other relevant written information for one additional candidate.~~

79 7.) If the council rejects the executive's appointment of the county public
80 defender and the executive has not previously elected to request additional candidates
81 from the advisory board under ~~((this subsection B.7. or))~~ subsection B.3. of this section,
82 the executive may request the public defense advisory board for recommendation of
83 ~~((four additional candidates))~~ up to three additional candidates in accordance with
84 subsection B.3. of this section. Such a request must be made in writing within seven days
85 after the council rejects the executive's appointment, to the chair of the advisory board,
86 with a copy to the clerk of the council. ~~((The advisory board shall, within thirty days
87 after receiving the executive's request, recommend and provide in writing at the same~~

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88 ~~time to both the executive and the clerk of the council the name, resume and all other~~
89 ~~relevant written information for four additional candidates.~~

90 ~~8.))~~ 7. Within thirty days after receiving the additional name or names, the
91 executive shall appoint the county public defender from among the recommended
92 candidates, except that the executive may not reappoint any candidate whose appointment
93 has been rejected by the council. If the advisory board fails to recommend the additional
94 candidate or candidates required by subsection B.~~((6.))~~ 3. and ~~((7.))~~ 6. of this section and
95 provide the required written information, the executive shall proceed in the same manner
96 as set forth in subsection B.4. of this section.

97 ~~((9.))~~ 8. At any time after the commencement of the national recruitment
98 process required by subsection B.2. of this section, except when the executive has
99 appointed a county public defender and the council has not confirmed or rejected the
100 appointment, the executive may request that the council authorize the commencement of
101 a new national recruitment and public defense advisory board review and executive
102 appointment process. Such a request must be submitted in writing to the clerk of the
103 council with a copy to the chair of the advisory board. When so requested, the council
104 may authorize commencement of a new recruitment, advisory board review, and
105 appointment process by motion adopted with the affirmative votes of at least five
106 councilmembers.

107 ~~((10.))~~ 11. Within seven days after appointment, the county public defender
108 shall designate an employee in the department of public defense to serve as a deputy and,
109 in the event of a vacancy in that office, as interim county public defender until a new
110 county public defender has been appointed.

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111 C. The county public defender must be an attorney admitted to practice law in
112 any jurisdiction within the United States and in active status and good standing. The
113 county public defender shall, within two years after appointment, be an attorney admitted
114 to practice law in the courts of the state of Washington and an active member of the
115 Washington State Bar Association in good standing and shall, at the time of appointment,
116 have at least seven years of experience as an attorney primarily practicing criminal
117 defense, including both felonies and misdemeanors, as well as supervisory and
118 managerial experience.

119 D. The term of office of the county public defender shall end at the same time as
120 the term of the county prosecuting attorney. The county executive may reappoint the
121 county public defender to additional four-year terms, subject to confirmation by the
122 county council. The county council may confirm or reject the executive's reappointment
123 by adoption of a motion with the affirmative votes of at least five members.

124 E. The executive may remove the county public defender from office for cause,
125 which includes, but is not limited to:

- 126 1. The grounds for vacancy of elective office under Section 680 of the King
127 County Charter;
- 128 2. Failure to meet the applicable legal requirements for serving as county public
129 defender, as set forth in the county charter or the county code;
- 130 3. Conviction of a crime;
- 131 4. A finding or stipulation of misconduct under the Washington Rules of
132 Professional Conduct; and
- 133 5. Failure to manage the department effectively.

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134 F. To remove the county public defender for cause, the executive shall serve a
135 written notice of removal, specifying the cause for removal, by delivering a copy of the
136 notice to the county public defender personally or by leaving a copy of the notice at the
137 office of the county public defender with a secretary or other assistant to the county
138 public defender. The executive shall contemporaneously deliver a copy of the written
139 notice of removal to the clerk of the council and to the chair of the public defense
140 advisory board.

141 G. The county public defender may appeal removal to the council by delivering a
142 written notice of appeal to the clerk of the council within ten days after service of the
143 written notice of removal. The notice of appeal shall be delivered at the same time to the
144 executive and to the chair of the public defense advisory board. The council shall review
145 de novo the grounds for removal and either affirm or reverse the removal within thirty
146 days after delivery of the notice of appeal by an affirmative vote of five members, or else
147 the removal shall stand. Removal of the county public defender is effective upon the
148 earliest of:

149 1. Ten days after service of notice of removal, if the county public defender
150 serves no notice of appeal;

151 2. Affirmation of removal by the council following an appeal;

152 3. Thirty days after delivery of the notice of appeal, if the council neither
153 affirms nor reverses the removal; or

154 4. The county public defender's delivery of a written notice of resignation to the
155 executive or the clerk of the council.

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156 H. The county public defender shall receive compensation at the same rate as the
157 prosecuting attorney.

Ordinance 19332 was introduced on 5/18/2021 and passed by the Metropolitan King County Council on 9/14/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this ____ day of 9/29/2021, _____.

DocuSigned by:
Dow Constantine
4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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 Subject: Please DocuSign: Ordinance 19332.docx
 Source Envelope:
 Document Pages: 8
 Certificate Pages: 5
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 Envelope Stamping: Enabled
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed
 Envelope Originator:
 Cherie Camp
 401 5th Ave
 Suite 100
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 IP Address: 198.49.222.20

Record Tracking

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Signer Events

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Signature

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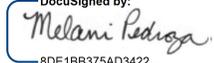
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kaitlyn Wiggins kwiggins@kingcounty.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 9/21/2021 10:15:44 AM Viewed: 9/21/2021 12:17:19 PM
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	9/29/2021 5:10:16 PM
Completed	Security Checked	9/29/2021 5:10:16 PM

Payment Events	Status	Timestamps
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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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