



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2019-0477.1

Sponsors Gossett and Dembowski

1 AN ORDINANCE related to the establishment of a King
2 County human and civil rights commission and making
3 other technical corrections; amending Ordinance 18665,
4 Section 1, as amended, and K.C.C. 2.15.005, Ordinance
5 16692, Section 2, as amended, and K.C.C. 2.15.010,
6 Ordinance 18665, Section 8, as amended, and K.C.C.
7 2.15.100, Ordinance 14199, Section 11, as amended and
8 K.C.C. 2.16.035, Ordinance 15548, Section 1, as amended,
9 and K.C.C. 2.28.0015, Ordinance 12058, Section 9, as
10 amended, and K.C.C. 2.55.010, Ordinance 18757, Section 4,
11 as amended, and K.C.C. 3.12D.020, Ordinance 10159,
12 Section 14, as amended, and K.C.C. 6.27A.120, Ordinance
13 14509, Section 4, as amended, and K.C.C. 7.01.010,
14 Ordinance 13981, Section 2, and K.C.C. 12.17.010,
15 Ordinance 13981, Section 4, and K.C.C. 12.17.030,
16 Ordinance 13981, Section 5, and K.C.C. 12.17.040,
17 Ordinance 13981, Section 6, and K.C.C. 12.17.050,
18 Ordinance 13981, Section 7, and K.C.C. 12.17.060,
19 Ordinance 13981, Section 8, and K.C.C. 12.17.070,

20 Ordinance 13981, Section 9, and K.C.C. 12.17.080,
21 Ordinance 13981, Section 10, and K.C.C.
22 12.17.090, Ordinance 7430, Section 1, and K.C.C.
23 12.18.010, Ordinance 7430, Section 2, and K.C.C.
24 12.18.020, Ordinance 7430, Section 3, as amended, and
25 K.C.C. 12.18.030, Ordinance 7430, Section 4, and K.C.C.
26 12.18.040, Ordinance 7430, Section 5, and K.C.C.
27 12.18.050, Ordinance 7430, Section 6, and K.C.C.
28 12.18.060, Ordinance 7430, Section 7, and K.C.C.
29 12.18.070, Ordinance 7430, Section 8, and K.C.C.
30 12.18.080, Ordinance 7430, Section 9, and K.C.C.
31 12.18.090, Ordinance 13263, Section 52, and K.C.C.
32 12.18.097, Ordinance 7430, Section 10, and K.C.C.
33 12.18.100, Ordinance 5280, Section 1, as amended, and
34 K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended,
35 and K.C.C. 12.20.020, Ordinance 5280, Section 3.A, as
36 amended, and K.C.C. 12.20.040, Ordinance 5280, Section
37 3.B, as amended, and K.C.C. 12.20.050, Ordinance 5280,
38 Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance
39 5280, Section 4, as amended, and K.C.C. 12.20.070,
40 Ordinance 5280, Section 5, as amended, and K.C.C.
41 12.20.080, Ordinance 5280, Section 6, as amended, and
42 K.C.C. 12.20.090, Ordinance 10469, Section 11, and

43 K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended,
44 and K.C.C. 12.20.100, Ordinance 5280, Section 9, as
45 amended, and K.C.C. 12.20.120, Ordinance 10469, Section
46 13, and K.C.C. 12.20.122, Ordinance 10469, Section 14,
47 and K.C.C. 12.20.124, Ordinance 5280, Section 10, as
48 amended, and K.C.C. 12.20.130, Ordinance 10469, Section
49 16, and K.C.C. 12.20.133, Ordinance 5280, Section 11, as
50 amended, and K.C.C. 12.20.140, Ordinance 13263, Section
51 53, as amended, and K.C.C. 12.20.150, Ordinance 8625,
52 Section 1, and K.C.C. 12.22.010, Ordinance 8625, Section
53 2, as amended, and K.C.C. 12.22.020, Ordinance 8625,
54 Section 3, and K.C.C. 12.22.030, Ordinance 8625, Section
55 4, and K.C.C. 12.22.040, Ordinance 8625, Section 5, and
56 K.C.C. 12.22.050, Ordinance 8625, Section 6, and K.C.C.
57 12.22.060, Ordinance 8625, Section 7, and
58 K.C.C. 12.22.070, Ordinance 8625, Section 8, and K.C.C.
59 12.22.080, Ordinance 8625, Section 9, and K.C.C.
60 12.22.090, Ordinance 13263, Section 54, and K.C.C.
61 12.22.095 and Ordinance 8625, Section 10, and K.C.C.
62 12.22.100, adding a new section to K.C.C. chapter 4A.200,
63 adding a new chapter to K.C.C. Title 2 and repealing
64 Ordinance 2647, Section 3, as amended, and K.C.C.
65 3.10.010, Ordinance 2647, Section 4, as amended, and

66 K.C.C. 3.10.020, Ordinance 2647, Section 5, as amended,
67 and K.C.C. 3.10.030, Ordinance 12058, Section 4, and
68 K.C.C. 3.10.040, Ordinance 2647, Section 7, as amended,
69 and K.C.C. 3.10.050, Ordinance 2647, Section 8, as
70 amended, and K.C.C. 3.10.060 and Ordinance 6891,
71 Section 4, as amended, and K.C.C. 3.10.070.

72 STATEMENT OF FACTS:

73 1. In 1976, the King County affirmative action committee was
74 established, and was replaced in November 1995 by the King County civil
75 rights commission by Ordinance 12058.

76 2. The civil rights commission was established to serve in an advisory
77 capacity to the executive and the council on matters concerning
78 affirmative action, disability access, equal employment opportunity,
79 contract compliance, fair housing, minority and woman owned businesses,
80 and access to public accommodations to ensure the consistent application
81 of all county ordinances, rules, and regulations concerning these programs.

82 3. The scope of work and activities of the civil rights commission have
83 diminished over the years due to various factors. Currently only four of
84 the twelve commission positions are filled and the last civil rights
85 commission briefing received by the council was on June 2010 where the
86 council was briefed on the commission's 2009 annual report.

87 4. For many years, the commission was the primary advisory body on
88 county activities relating to equity and social justice, in particular the

89 efforts to adopt the county's "Equity and Social Justice Ordinance," which
90 is Ordinance 16948, efforts to establish the office of law enforcement and
91 oversight, efforts to change the county name to the Martin Luther King,
92 Jr., County and to establish the Martin Luther King, Jr., County logos, and
93 efforts to establish the immigrant and refugee task force. However, as
94 these activities have become a priority for the county, they have been
95 delegated to newly established county entities such as the office of law
96 enforcement oversight community advisory committee, the immigrant and
97 refugee commission, and the office of equity and social justice.

98 5. The commission was also tasked with reviewing and conducting
99 informal investigations of complaints alleging violations of county
100 antidiscrimination ordinances that apply to King County as an employer
101 and in unincorporated King County. However, the number of cases has
102 decreased over time, in part, due to annexations and incorporations that
103 have occurred in the county over the years reducing the area over which
104 the county has jurisdictional responsibility.

105 6. The commission has historically been active in community engagement
106 by establishing relationships with other regional human and civil rights
107 commissions, meeting and networking with community organizations, and
108 educating communities and the public at large on the work of the
109 commission. The commission included such activities in its annual work
110 plans from 2014 through 2017; however, it is unclear whether the
111 commission conducted such activities during those years or whether it

112 continues to do so currently. If the commission failed to undertake these
113 activities, the lack of community engagement activities may also have
114 contributed to the decrease in the number of complaints that relate to
115 violations of county ordinances related to discrimination.

116 7. The office of civil rights under the county executive is authorized to
117 enforce county ordinances related to discrimination and provide staff
118 support to the commission. However, through the 2017-2018 Biennial
119 Budget Ordinance, Ordinance 18409, the council moved the functions of
120 the office of civil rights to the office of equity and social justice, which
121 administratively changed the office of civil rights to a civil rights program.

122 8. In 2018, the county executive approached some members of the council
123 to consider replacing the civil rights commission with an equity, civil
124 rights, and social justice commission. In response, King County
125 Councilmembers Larry Gossett and Rod Dembowski engaged with Seattle
126 University's Fred T. Korematsu Center for Law and Equality ("the
127 Korematsu Center") to assist in conducting research on leading practices
128 on civil rights commissions in local jurisdictions across the United States.

129 9. At the September 24, 2019 law and justice committee meeting, the
130 Korematsu Center provided a briefing, Briefing 2019-B0149, on its final
131 report, which included research findings and the following eleven
132 recommendations:

133 a. grant greater authority to the civil rights commission to implement
134 the county's civil rights laws;

135 b. include language in the enabling law of the commission that
136 explicitly establishes the independence and objectivity of the work of the
137 commission and its staff;

138 c. establish the commission's permanence through a new provision in
139 the county charter;

140 d. to ensure independence and representation, create a balanced process
141 for appointment of commissioners that takes into account the
142 representation and input of protected classes;

143 e. to ensure independence, create a new position of executive director
144 of the commission who would be responsible for the day-to-day operations
145 of the commission and for the appointment and supervision of staff;

146 f. reestablish an independent staff, led by the executive director and
147 separate from other offices in the executive branch, supported by
148 sufficient funding and resources to accomplish the goals and workload
149 contemplated by the ordinances;

150 g. consider whether renaming the commission to incorporate both civil
151 rights and human rights into the name will enhance community
152 engagement and inclusion in the work of the commission by indicating the
153 county's commitment to protecting the rights of all residents;

154 h. engage in a robust stakeholder process to determine the need for new
155 policies to address inequity proactively and propose related legislation;

156 i. consider expanding protections to additional classes of people to
157 ensure equal treatment for broader segments of the population;

158 j. update affirmative action policy based on the scope of the new state
159 law; and

160 k. explore interlocal agreements with municipalities located within the
161 county that do not have the resources to enact or enforce their own civil
162 rights laws.

163 10. The Universal Declaration of Human Rights ("the UDHR") was
164 proclaimed by the United Nations General Assembly on December 1948,
165 by General Assembly Resolution 217 A. The UDHR includes thirty
166 articles that proclaims fundamental human rights to be universally
167 protected for all peoples and all nations.

168 11. Historically, bodies established to address racial conflict, inequality,
169 and discrimination in local governments across the United States often
170 included "human relations" in their names. That label was so widely
171 accepted that in the late 1990s, the United States Department of Justice,
172 Community Relations Service issued Guidelines for Effective Human
173 Relations Commissions. More recently, however, most jurisdictions have
174 moved away from the language of "human relations," and have moved
175 toward incorporating either a human rights or a civil rights emphasis, or
176 both, into the name of commissions focused on discrimination and
177 equality. Some local governments have also made an explicit
178 commitment to refer to the UDHR to inform their work. The field of
179 human rights is broader, but encompasses civil rights, and including a
180 commitment to human rights would expand advancing the rights of its

181 residents. Including "human rights" acknowledges the changing nature of
182 the county's community, and its local government's commitment to
183 including and promoting the rights of all, as stated in the UDHR, and
184 serve to communicate to the community the broad vision King County
185 would take in protecting the rights of its residents.

186 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

187 SECTION 1. Sections 2 through 9 of this ordinance should constitute a new
188 chapter in K.C.C. Title 2.

189 NEW SECTION. SECTION 2. The definitions in this section apply throughout
190 this chapter unless the context clearly requires otherwise.

191 A. "Antidiscrimination ordinances" means K.C.C. chapters 2.15, 3.12D, 12.17,
192 12.18, 12.20 and 12.22 and K.C.C. 6.27A.120 and 7.08.080.

193 B. "Commission" means the King County human and civil rights commission.

194 C. "Protected class" means race, color, creed, religion, national origin, ancestry,
195 age, sexual orientation, gender identity or expression, marital status, pregnancy, parental
196 status, disability or use of a service or assistive animal by an individual with a disability,
197 military discharge status, military service, lawful source of income, professional training
198 or education, housing status, alienage or citizenship status, caregiver status, status as a
199 victim of domestic violence, sexual offenses or stalking or any other status protected by
200 federal, state or local law.

201 NEW SECTION. SECTION 3.

202 A. The King County human and civil rights commission is hereby established.

203 B. The organization and administration of the commission shall be sufficiently

204 independent to assure that no interference or influence external to the commission
205 adversely affects the independence and objectivity of the commission.

206 C. The commission is established to advance the human rights, including civil
207 rights, of all county residents by representing the resident's interests and to ensure the
208 principles of the United Nations Universal Declaration of Human Rights are applied in all
209 the county does in order to achieve equity and protect county residents from
210 discrimination.

211 NEW SECTION. SECTION 4. The commission shall have the following powers
212 and duties:

213 A. Enforce antidiscrimination ordinances and assist departments in complying
214 with antidiscrimination ordinances;

215 B. Assist departments in complying with the federal Americans with Disabilities
216 Act of 1990, Section 504 of the federal Rehabilitation Act of 1973 and other laws and
217 rules regarding access to county programs, facilities and services for people with
218 disabilities;

219 C. Serve as the county Americans with Disabilities Act coordinator relating to
220 public access and process and respond to Americans with Disabilities Act grievances
221 under the federal Americans with Disabilities Act of 1990;

222 D. Serve as the county federal Civil Rights Act Title VI coordinator and
223 investigate and coordinate responses to complaints filed under Title VI of the Civil
224 Rights Act of 1964;

225 E. Propose ordinances to the council to implement and carry out the purposes and
226 provisions of this chapter which may include, but are not limited to, additional human

227 and civil rights protections that strengthen county antidiscrimination ordinances,
228 additional human and civil rights protections to address issues of concern to county
229 residents, new policies to proactively prevent discrimination and address inequalities at
230 the front end that would benefit communities who have historically lacked power in the
231 community and policies related to affirmative action;

232 F. Promulgate, amend and rescind rules and regulations as may be necessary to
233 implement its authority under this chapter, including but not limited to, the investigation
234 and enforcement of antidiscrimination ordinances and implementation of affirmative
235 action policies;

236 G. Conduct and prioritize a robust and ongoing community and stakeholder
237 engagement process to ensure community input to implement and carry out the purposes
238 and provisions of this chapter. Community engagement shall be prioritized for
239 communities most disproportionately impacted by inequities and discrimination such as
240 the African American, Native American and Alaska Native, Asian/Pacific Islander,
241 Latinx, lesbian, gay, bisexual, transgender and queer and disability communities.
242 Stakeholders should include, but not be limited to, the office of law enforcement
243 oversight, the community advisory committee for law enforcement oversight, the
244 immigrant and refugee commission, the women's advisory board, Section 504/ADA
245 advisory committee, the office of equity and social justice, the county auditor, the hearing
246 examiner, and the office of citizen complaints;

247 H.1. Conduct research, public forums and educational programs on social stresses
248 that impact the cohesion between groups in the county to support building of alliances;

249 2. Conduct public hearings to ascertain the status and treatment of county

250 residents based on their protected class;

251 3. Evaluate means of alleviating discrimination and bias and of improving
252 human relations within the county; and

253 4. Issue such publications as may assist in enhancing the human and civil rights
254 of all county residents;

255 I. Upon approval of the council, enter into a written agreement with any
256 governmental entity within King County, or any state or federal agency, whereby the
257 commission and the entity may agree to jointly process, transfer, or refer from one to the
258 other for processing and investigation an individual's complaint alleging unlawful
259 discrimination, sexual harassment or other human and civil rights violation;

260 J. Whenever practical, coordinate with any governmental entity within King
261 County, or any state or federal agency charged with investigating discrimination to avoid
262 duplication of effort and create effective working relationships;

263 K. Monitor and review the implementation of antidiscrimination ordinances and
264 affirmative action policies to determine compliance and effectiveness;

265 L. Lead county efforts in raising community awareness, conducting education,
266 assistance and information programs on human and civil rights issues and on the purpose
267 and work of the commission;

268 M. Advise the county executive, the council and the public on the following:

269 1. The county's equal employment opportunity affirmative action plan;

270 2. County policies, programs and other initiatives related to human and civil
271 rights or that impact communities most disproportionately impacted by inequities and
272 discrimination such as the African American, Native American and Alaska Native,

273 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and
274 disability communities ; and

275 3. Equitable allocation of county resources, with investments that are consistent
276 with human and civil rights values, focused on people and places with the greatest needs;

277 N. Adopt bylaws to support the powers and duties as required by this chapter for
278 the executive director, staff and its own conduct; and

279 O. Beginning in 2021, deliver an annual report to the county executive and
280 council that shall include, but not be limited to, a quantitative and qualitative summary of
281 completed and ongoing commission activities as required in this chapter, progress on the
282 work program outlined in the prior calendar year annual report and a work program for
283 the following calendar year. The commission shall file the report by April 15 of each
284 year, in the form of a paper original and an electronic copy with the clerk of the council,
285 who shall retain the original and provide an electronic copy to all councilmembers,
286 county executive and the council chief of staff. The report shall be available on the
287 county website, distributed widely to the communities most impacted by inequities and
288 shared with the media. The commission shall provide annual briefings to media and
289 elected officials representing cities, the county and the state to ensure that the
290 commission's lessons learned and achievements are shared with the public and policy
291 makers.

292 NEW SECTION. SECTION 5.

293 A. The commission shall be composed of eleven regular members and up to five
294 special members with the following requirements:

295 1. Membership shall reflect representation from a broad range of protected

296 classes to reflect the diversity of the county's communities, with an emphasis on those
297 most disproportionately impacted by inequities and discrimination such as the African
298 American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian,
299 gay, bisexual, transgender and queer and disability communities;

300 2. All members shall demonstrate active and engaged civic participation in
301 human and civil rights and be well-versed on the issues affecting the county's
302 communities;

303 3. Membership shall reflect gender diversity;

304 4. Membership shall represent a diverse range of age groups;

305 5. At least one regular member shall have experience with investigations and
306 enforcement of human and/or civil rights or both;

307 6. At least one regular member shall have experience with the federal
308 Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of
309 1973 or other laws, regulations and rules related to people with disabilities;

310 7. At least one regular member shall have familiarity with King County
311 government, systems and agencies;

312 8. All members must be residents of King County; and

313 9. A member shall not hold or campaign for elective office.

314 B. One special member shall be appointed from each governmental entity within
315 King County that has entered into an interlocal agreement with King County for the
316 county to provide the services of investigating and enforcing antidiscrimination laws
317 adopted by that governmental entity, in accordance with the terms of the interlocal
318 agreement and this chapter. Appointment of a special member shall be in accordance with

319 the procedures of the appointing governmental entity. Except as otherwise provided in
320 this section, the term of any special member position for a governmental entity under this
321 section shall be coterminous with the term of the governmental entity's interlocal
322 agreement with the county. If there are six or more governmental entities that have
323 entered into an interlocal agreement with King County for the county to provide services
324 of investigating and enforcing antidiscrimination laws, then those governmental entities
325 shall convene to select individuals to the five special member positions, the term of each
326 shall be determined by the convening governmental entities but shall not exceed the term
327 of the interlocal agreement of the governmental entity appointing the individual.

328 C. For the initial selection of regular members and for vacancies of regular
329 members thereafter, the county executive and council shall jointly announce a call for
330 applications to seek candidates for appointment. The county executive and council shall
331 work collaboratively to ensure that the announcement is publicized widely, in particular
332 to those communities that are disproportionately impacted by inequities and
333 discrimination such as the African American, Native American and Alaska Native,
334 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and
335 disability communities. Publicity methods shall include, but not be limited to, non-
336 English language newspapers and periodicals, community-based organizations and
337 community leaders with expertise and focus on human and civil rights and the county's
338 website.

339 D.1. For initial appointments of regular members to the commission, a
340 recommending committee, comprised of two council representatives appointed by the
341 council chair and two representatives selected by the executive, shall review the

342 applications submitted in response to the call for applications set forth in subsection C. of
343 this section. The committee shall prepare a list of applicants recommended as candidates
344 for the executive's consideration. In making its recommendations, the committee shall
345 ensure that the candidates recommended for appointment meet the requirements as
346 outlined in this section.

347 2. For vacancies of regular members of the commission, a recommending
348 committee, comprised of two council representatives appointed by the council chair, two
349 representatives selected by the executive and up to three former members of the human
350 and civil rights commission recommended by the chair of the commission, shall review
351 the applications submitted in response to the call for applications set forth in subsection
352 C. of this section. The committee shall prepare a list of applicants recommended as
353 candidates for the executive's consideration. In making its recommendations, the
354 committee shall ensure that the candidates recommended for appointment meet the
355 requirements as outlined in this section.

356 E. Ten regular members of the commission shall be appointed by the county
357 executive and confirmed by the council. The eleventh member shall be appointed by the
358 other ten regular members and confirmed by the council. The commission shall ensure
359 that the eleventh member shall meet the requirements as outlined in this section.

360 F. For the initial commission formation, five regular commission positions shall
361 have initial terms of three years, three positions shall have initial terms of two years and
362 the remainder of the positions shall have initial terms of one year. The commission shall
363 determine by lot the initial term for each regular commission position.

364 G. At the conclusion of the initial term of each appointment for regular members,

365 all subsequent terms of each regular position shall be for three years. A commission
366 member whose term has expired may continue to serve into the following term until a
367 successor has been appointed to complete the term. A regular member shall not serve
368 more than two consecutive terms. A vacancy for an unexpired term of a regular member
369 shall be filled by the appointment process provided for in this section.

370 H. At its first meeting after January 1 of each year, the commission shall elect
371 from its membership a chairperson and a vice-chairperson. The chairperson shall preside
372 at all meetings of the commission. In the absence of the chairperson, the vice-
373 chairperson shall preside.

374 I. Regular members of the commission may remove a regular member for cause
375 with eight regular members voting in favor of the removal, subject to approval by the
376 council.

377 NEW SECTION. SECTION 6.

378 A. The commission may issue a subpoena to compel any individual to appear,
379 give sworn testimony or produce documentary or other evidence reasonable in scope and
380 relevant to the matter under inquiry and limited to the matters associated with the
381 authority granted under the county's antidiscrimination ordinances.

382 B. An individual required by the commission to provide information shall be paid
383 the same fees and allowances, in the same manner and under the same conditions, as are
384 extended to witnesses whose attendance has been required in the courts of this state,
385 excepting that city or county employees who are receiving compensation for the time that
386 they are witnesses shall not be paid the set fees and allowances.

387 C. An individual who, with or without service of compulsory process, provides

388 oral or documentary information requested by the commission shall be accorded the same
389 privileges and immunities as are extended to witnesses in the courts of this state.

390 D. Any witness in a proceeding before the commission shall have the right to be
391 represented by counsel.

392 E. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
393 testify when requested concerning any matter under examination or investigation at the
394 hearing, the commission may petition the superior court of King County for enforcement
395 of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof
396 of service, and shall set forth in what specific manner the subpoena has not been
397 complied with, and shall ask an order of the court to compel the witness to appear and
398 testify before the commission. The court, upon such a petition, shall enter an order
399 directing the witness to appear before the court at a time and place to be fixed in the
400 order, and then and there to show cause why the witness has not responded to the
401 subpoena or has refused to testify. A copy of the order shall be served upon the witness.
402 If it appears to the court that the subpoena was properly issued and that the particular
403 questions that the witness refuses to answer are reasonable and relevant, the court shall
404 enter an order that the witness appear at the time and place fixed in the order and testify
405 or produce the required papers and on failing to obey the order the witness shall be dealt
406 with as for a contempt of court.

407 NEW SECTION. SECTION 7.

408 A. The commission shall appoint an executive director, who shall be confirmed
409 by the council by motion. The commission shall commit to affirmative action practices
410 and consider principles of racial justice and equity in appointing an executive director.

411 B. The executive director and commission staff shall be employees of the council
412 subject to this chapter.

413 C. Under the supervision of the commission, the executive director shall:

414 1. Perform the duties included in sections 4 and 6 of this ordinance, as delegated
415 by the commission;

416 2. Upon approval by the commission, make and enforce contracts;

417 3. Propose to the commission a recommended budget; and

418 4. coordinate with county departments, governmental entities within King
419 County, any state or federal agency and any other stakeholders that would support the
420 work of the commission;

421 5. Disburse funds as authorized by the commission's budget and by county
422 ordinances; accept funds due to the county on account of the work of the commission;
423 and deposit funds received to be deposited to the county;

424 6. Upon approval by the commission, develop job descriptions, appoint and
425 remove staff, manage the work of the staff and delegate authority to staff as appropriate;
426 and

427 7. Perform other duties as assigned by the commission.

428 D. Neither the executive director nor staff to the commission may hold or
429 campaign for elective office.

430 E. The commission may remove its executive director for cause upon a two-
431 thirds majority vote of its membership and notice of that vote to the council and shall be
432 effective thirty days after the notice to the council unless the council, within that thirty
433 day period, by a six vote majority passes a motion rejecting the removal of the executive

434 director.

435 F. The commission shall adopt rules that specify those duties and responsibilities
436 that may be delegated to the executive director and staff, and those duties and
437 responsibilities that shall remain with the members of the commission.

438 G. An employee from the office of equity and social justice shall staff the
439 commission until the initial executive director is appointed by the commission.

440 NEW SECTION. SECTION 8.

441 A. The council shall appropriate available moneys to support the activities of the
442 commission as required by this chapter.

443 B. The council shall delegate to the commission to transmit a biennial budget to
444 the executive and comply with budgeting and reporting requirements as outlined in
445 K.C.C. chapter 4A.100.

446 C. Commission members shall receive per diem compensation of fifty dollars for
447 attendance at one commission meeting per month. The purpose of the compensation is to
448 alleviate financial burden as a barrier to serving as a commission member and ensure
449 representation from communities that are most impacted by inequities and discrimination.
450 Commission members also may receive reimbursements as authorized in subsection D. of
451 this section. The per diem amount shall be automatically adjusted annually, beginning
452 January 1, 2021, and every year thereafter, using the U.S. Department of Labor, Bureau
453 of Labor Statistics Consumer January through December Price Index for All Urban
454 Consumers for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area, which is
455 known as "the CPI-U". However, if the CPI-U is negative, there shall not be an
456 adjustment.

457 D. Commission members shall be reimbursed for mileage at the standard county
458 reimbursement rate for travel to and from scheduled commission meetings, workgroup
459 meetings and community meetings, and for parking at meetings.

460 NEW SECTION. SECTION 9. All boards and commissions, county departments
461 or agencies and the officers, employees and agents of those departments and agencies
462 shall cooperate fully and in good faith with the commission to support the powers and
463 duties of the commission as required by this chapter.

464 SECTION 10. Ordinance 18665, Section 1, and K.C.C. 2.15.005 are hereby
465 amended to read as follows:

466 The definitions in this section apply throughout this chapter unless the context
467 clearly requires otherwise.

468 A. "Administrative warrant" means a noncriminal immigration warrant of arrest,
469 order to detain or release aliens, notice of custody determination, notice to appear, removal
470 order, warrant of removal or any other document, issued by ICE, CBP or USCIS that can
471 form the basis for a person's arrest or detention for a civil immigration enforcement
472 purpose. ICE administrative warrant forms include the U.S. DHS form I-200 (Rev. 09/16)
473 "Warrant for Arrest of Alien" and Form I-205 "Warrant Of Removal/Deportation," as well
474 as predecessor and successor versions. "Administrative warrant" does not include any
475 criminal warrants issued upon a judicial determination of probable cause and in compliance
476 with the Fourth Amendment to the United States Constitution.

477 B. "Agency" means a King County department, agency, division, commission,
478 council, committee, board, other body or person, established by authority of an ordinance,
479 executive order, or charter.

480 C. "Agent" means a person acting within the scope of employment by or acting on
481 behalf of an agency.

482 D. "CBP" means the United States Customs and Border Protection agency of the
483 United States Department of Homeland Security and shall include any successor federal
484 agency charged with border enforcement.

485 E. "Citizenship or immigration status" means a person's recorded citizenship or
486 immigration status, as such status is defined in the Immigration and Nationality Act, at the
487 time an agent or agency receives the information.

488 F. "Civil immigration enforcement operation" means an operation that has as one
489 of its objectives the identification or apprehension of a person or persons in order to
490 investigate them for a violation of the immigration laws and subject them to one or more of
491 the following:

- 492 1. Civil immigration detention;
- 493 2. Removal proceedings; and
- 494 3. Removal from the United States.

495 G. "Coerce" means to use express or implied threats towards a person or any
496 family member of a person that attempts to put the person in immediate fear of the
497 consequences in order to compel that person to act against the person's will.

498 H. "Commitment" means confinement in secure detention for a specified amount
499 of time following a determination of guilt. "Commitment" does not include pretrial
500 detention of any persons such as those who unable to post bail.

501 I. "Employee" means a person who is appointed as an employee by the appointing
502 authority of a county agency, office, department, council, board, commission or other

503 separate unit or division of county government, however designated, acting within the
504 scope of employment by or acting on behalf of the county. "County employee" also
505 includes a county elected official and a member of a county board, commission, committee
506 or other multimember body, but does not include an official or employee of the county's
507 judicial branch, though it does include an employee of the department of judicial
508 administration.

509 J. "ICE" means the United States Immigration and Customs Enforcement agency
510 including Enforcement and Removal Operations and Homeland Security Investigations and
511 shall include any successor federal agency charged with the enforcement of immigration
512 laws.

513 K. "Immigration detainer" means a request by ICE to a federal, state or local law
514 enforcement agency, such as the King County department of adult and juvenile detention,
515 to provide notice of release or maintain custody of a person based on an alleged violation of
516 a civil immigration law. "Immigration detainer" includes a detainer issued under Sections
517 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code
518 of Federal Regulations. "Immigration detainer" includes a detainer issued under DHS form
519 I-274A entitled Immigration Detainer- Notice of Action, as well as well as predecessor and
520 successor versions.

521 L. "Interpretation" means the transfer of an oral communication from one language
522 to another.

523 M. "Limited-English-proficient" means a person who does not speak English as the
524 person's primary language, who has a limited ability to read, speak, write, or understand
525 English.

526 N. "Nonpublic" means any area of a county facility, including the secure detention
527 facilities of the department of adult and juvenile detention that is not generally open and
528 accessible to the general public, but instead requires special permission for admittance by a
529 county employee on an individual basis.

530 O. "Personal information" means one or more of the following, when the
531 information is linked with or is reasonably linkable, including via analytic technology, to
532 the person's first name or first initial and last name:

- 533 1. Home address;
- 534 2. Work address;
- 535 3. Telephone number;
- 536 4. Electronic mail address;
- 537 5. Social media handle or other identifying social media information;
- 538 6. Any other means of contacting a person;
- 539 7. Social security number;
- 540 8. Driver's license number or Washington identification card number;
- 541 9. Bank account number or credit or debit card number;
- 542 10. Information or data collected through the use or operation of an automated
543 license plate recognition system; and
- 544 11. User name that, in combination with a password or security question and
545 answer, would permit access to an online account.

546 P. "Public communication materials" means materials that are intended for broad
547 distribution to inform or educate people served by King County. For the purpose of
548 translation, "public communication materials" refers only to printed media such as

549 brochures, posters, booklets, pamphlets, billboards and advertisements in printed
550 publications.

551 Q. "Translation" means the transfer of a written communication from one language
552 to another while preserving the intent and essential meaning of the original text.

553 R. "USCIS" shall mean the United States Citizenship and Immigration Services
554 and any successor agency charged with overseeing United States immigration laws.

555 S. "Verbal abuse" means the use of a remark which is overtly insulting, mocking or
556 belittling directed at a person based upon the actual or perceived:

557 1. Race, color, (~~(sex, religion, national origin, English proficiency, sexual~~
558 ~~orientation or gender identity or expression of the person)) creed, religion, national origin,
559 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,
560 parental status, disability or use of a service or assistive animal by an individual with a
561 disability, military discharge status, military service, lawful source of income,
562 professional training or education, housing status, alienage or citizenship status, caregiver
563 status, status as a victim of domestic violence, sexual offenses or stalking or any other
564 status protected by federal, state or local law; or~~

565 2. Citizenship or immigration status of the person or the person's family member.

566 T. "Vital documents" are materials that provide essential information for accessing
567 basic county services and benefits and for which serious consequences would result if the
568 information were not provided.

569 SECTION 11. Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010 are
570 hereby amended to read as follows:

571 A. Except as otherwise provided in this section or when otherwise required by law,

572 a Reverend Doctor Martin Luther King, Jr., County office, department, employee, agency
573 or agent shall not condition the provision of county services on the citizenship or
574 immigration status of any person.

575 B. All applications, questionnaires and interview forms used in relation to the
576 provision of county benefits, opportunities or services shall be reviewed by each agency,
577 and any question requiring disclosure of information related to citizenship or immigration
578 status, unless required by state or federal law, or international treaty, shall be, in the
579 agency's best judgment, either deleted in its entirety or revised such that the disclosure of
580 the information is no longer required. Agencies that have a need for the collection of
581 demographic data related to immigration status for performance measurement shall identify
582 mechanisms that will allow for the separation of the demographic information from
583 personally identifying information.

584 C. The Seattle-King County department of public health shall not condition the
585 provision of health benefits, opportunities or services on matters related to citizenship or
586 immigration status. The Seattle-King County department of public health may inquire
587 about or disclose information relating to a person's citizenship or immigration status for the
588 purpose of determining eligibility for benefits or seeking reimbursement from federal, state
589 or other third-party payers.

590 D. Except when otherwise required by law, where the county accepts presentation
591 of a state-issued driver's license or identification card as adequate evidence of identity,
592 presentation of a state-issued document marked as not valid for federal purposes or
593 presentation of a photo identity document issued by the person's nation of origin, such as a
594 driver's license, passport or other consul-issued document, such as a Matricula Consular de

595 Alta Seguridad, shall also be accepted and shall not subject the person to a higher level of
596 scrutiny or different treatment than if the person had provided a Washington state driver's
597 license or identification card. However, a request for translation of such a document to
598 English shall not be deemed a violation of any provision of this chapter. This subsection
599 does not apply to documentation required to complete a federal I-9 employment eligibility
600 verification form.

601 E. A county employee or an agent or agency of King County shall not inquire
602 about or request, from a member of the public information about the citizenship or
603 immigration status or place of birth of any person unless the inquiry, request or
604 investigation is required by state or federal law, regulation or directive or court order or
605 rule, or to ensure compliance with any state or federal law, regulation or directive or court
606 order. When an inquiry, request or investigation into nationality, immigration status or
607 citizenship, including place of birth, is required to be or for any reason is made, the King
608 County agent or county employee shall not attempt to coerce a response. All persons to
609 whom the inquiries are made shall be explicitly informed of their right to decline to
610 respond, free from fear or threat of retaliation.

611 F. Agents of King County and county employees are hereby prohibited from
612 conditioning King County services on immigration status, except where required under
613 applicable federal or state law or regulation or directive or court order or rule. Agents of
614 King County and county employees are prohibited from verbally abusing or coercing
615 persons or threatening to report them or their family members to ICE or threatening to take
616 other immigration-related action against them or their family members.

617 G. Except where necessary to provide King County services, or where otherwise

618 required by state or federal law or regulation or directive or court order, King County
619 agents and employees are not permitted to either maintain or share, or both, personal
620 information or information about (~~(national origin, race, ethnicity, language proficiency,~~
621 ~~religion, sexual orientation, gender identity or expression, disability, housing status,~~
622 ~~financial status, marital status, status as a victim of domestic violence, criminal history,~~
623 ~~release date from incarceration or confinement in a secure detention or other custody or~~
624 ~~status as a veteran)) race, color, creed, religion, national origin, ancestry, age, sexual
625 orientation, gender identity or expression, marital status, pregnancy, parental status,
626 disability or use of a service or assistive animal by an individual with a disability,
627 military discharge status, military service, lawful source of income, professional training
628 or education, housing status, alienage or citizenship status, caregiver status, status as a
629 victim of domestic violence, sexual offenses or stalking or any other status protected by
630 federal, state or local law.~~

631 H. Nothing in this chapter shall be construed as to prohibit any county employee,
632 upon request of the noncitizen, from aiding a noncitizen to obtain immigration benefits
633 pursuant federal immigration law.

634 I. An agent of King County or a county employee shall not expend any time,
635 moneys or other resources on facilitating the civil enforcement of federal immigration law
636 or participating in civil immigration enforcement operations, except where state or federal
637 law, regulation or court order shall so require. However, a county agency, employee or
638 agent is not prohibited from sending to, or receiving from, federal immigration authorities,
639 the citizenship or immigration status of a person. Also, nothing in this section prohibits
640 any county agency from sending to, receiving from, requesting from or exchanging with

641 any federal, state or local government agency information regarding the immigration status
642 of a person or from maintaining such information.

643 J. Nothing in this section shall be construed to prohibit any county employee from
644 participating in cross-designation or task force activities with federal law enforcement
645 authorities for criminal law enforcement.

646 K. The executive shall ensure that all King County employees and agents receive
647 appropriate training on the implementation of the provisions of this section.

648 SECTION 12. Ordinance 18665, Section 8, and K.C.C. 2.15.100 are hereby
649 amended to read as follows:

650 A person who has been injured or otherwise sustained damages as a result of a
651 violation of this chapter may file a complaint with the ~~((King County office of))~~ human
652 and civil rights commission in accordance with K.C.C. 12.22.040.

653 SECTION 13. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are
654 hereby amended to read as follows:

655 A. The county administrative officer shall be the director of the department of
656 executive services. The department shall include the records and licensing services
657 division, the finance and business operations division, the facilities management division,
658 the fleet services division, the airport division, the administrative office of risk
659 management, the administrative office of emergency management~~((;))~~ and the
660 administrative office of the business resource center ~~((and the administrative office of~~
661 ~~civil rights))~~). In addition, the county administrative officer shall be responsible for
662 providing staff support for the board of ethics.

663 ~~((A-))~~ B. The duties of the records and licensing services division shall include

664 the following:

- 665 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and
666 pet licenses, collecting license fee revenues and providing licensing services for the
667 public;
- 668 2. Enforcing county and state laws relating to animal control;
- 669 3. Managing the recording, processing, filing, storing, retrieval and certification
670 of copies of all public documents filed with the division as required;
- 671 4. Processing all real estate tax affidavits; and
- 672 5. Acting as the official custodian of all county records, as required by general
673 law, except as otherwise provided by ordinance.

674 ~~(B.)~~ C. The duties of the finance and business operations division shall include
675 the following:

- 676 1. Monitoring revenue and expenditures for the county. The collection and
677 reporting of revenue and expenditure data shall provide sufficient information to the
678 executive and to the council. The division shall be ultimately responsible for maintaining
679 the county's official revenue and expenditure data;
- 680 2. Performing the functions of the county treasurer;
- 681 3. Billing and collecting real and personal property taxes, local improvement
682 district assessments and gambling taxes;
- 683 4. Processing transit revenue;
- 684 5. Receiving and investing all county and political subjurisdiction moneys;
- 685 6. Managing the issuance and payment of the county's debt instruments;
- 686 7. Managing the accounting systems and procedures;

- 687 8. Managing the fixed assets system and procedures;
- 688 9. Formulating and implementing financial policies for other than revenues and
689 expenditures for the county and other applicable agencies;
- 690 10. Administering the accounts payable and accounts receivable functions;
- 691 11. Collecting fines and monetary penalties imposed by district courts;
- 692 12. Developing and administering procedures for the procurement of and
693 awarding of contracts for tangible personal property, services, professional or technical
694 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
695 and state laws and regulations;
- 696 13. Establishing and administering procurement and contracting methods, and
697 bid and proposal processes, to obtain such procurements;
- 698 14. In consultation with the prosecuting attorney's office and office of risk
699 management, developing and overseeing the use of standard procurement and contract
700 documents for such procurements;
- 701 15. Administering contracts for goods and services that are provided to more
702 than one department;
- 703 16. Providing comment and assistance to departments on the development of
704 specifications and scopes of work, in negotiations for such procurements, and in the
705 administration of contracts;
- 706 17. Assisting departments to perform cost or price analyses for the procurement
707 of tangible personal property, services and professional or technical services, and price
708 analysis for public work procurements;
- 709 18. Developing, maintaining and revising as may be necessary from time to

710 time the county's general terms and conditions for contracts for the procurement of
711 tangible personal property, services, professional or technical services and public work;

712 19. Managing the payroll system and procedures, including processing benefits
713 transactions in the payroll system and administering the employer responsibilities for the
714 retirement and the deferred compensation plans;

715 20. Managing and developing financial policies for borrowing of funds,
716 financial systems and other financial operations for the county and other applicable
717 agencies;

718 21. Managing the contracting opportunities program to increase opportunities
719 for small contractors and suppliers to participate on county-funded contracts. Submit an
720 annual report as required by K.C.C. 2.97.090;

721 22. Managing the apprenticeship program to optimize the number of apprentices
722 working on county construction projects. Submit an annual report as required by K.C.C.
723 12.16.175; and

724 23. Serving as the disadvantaged business enterprise liaison officer for federal
725 Department of Transportation and other federal grant program purposes. The
726 disadvantaged business enterprise liaison officer shall have direct, independent access to
727 the executive on disadvantaged business enterprise program matters consistent with 49
728 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
729 officer shall report to the manager of the finance and business operations division.

730 ~~(C.)~~ D. The duties of the facilities management division shall include the
731 following:

732 1. Overseeing space planning for county agencies;

- 733 2. Administering and maintaining in good general condition the county's
734 buildings except for those managed and maintained by the department of natural
735 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
- 736 3. Operating security programs for county facilities except as otherwise
737 determined by the council;
- 738 4. Administering all county facility parking programs except for public
739 transportation facility parking;
- 740 5. Administering the supported employment program;
- 741 6. Managing all real property owned or leased by the county, except as provided
742 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
743 closely approximating fair market value;
- 744 7. Maintaining a current inventory of all county-owned or leased real property;
- 745 8. Functioning as the sole agent for the disposal of real properties deemed
746 surplus to the needs of the county;
- 747 9. In accordance with K.C.C. chapter 4A.100, providing support services to
748 county agencies in the acquisition of real properties, except as otherwise specified by
749 ordinance;
- 750 10. Issuing oversized vehicle permits, franchises and permits and easements for
751 the use of county property except franchises for cable television and telecommunications;
- 752 11. Overseeing the development of capital projects for all county agencies
753 except for specialized roads, solid waste, public transportation, airport, water pollution
754 abatement, surface water management projects and parks and recreation;
- 755 12. Being responsible for all general projects, such as office buildings or

- 756 warehouses, for any county department including, but not limited to, the following:
- 757 a. administering professional services and construction contracts;
 - 758 b. acting as the county's representative during site master plan, design and
759 construction activities;
 - 760 c. managing county funds and project budgets related to capital projects;
 - 761 d. assisting county agencies in the acquisition of appropriate facility sites;
 - 762 e. formulating guidelines for the development of operational and capital
763 project plans;
 - 764 f. assisting user agencies in the development of capital projects and project
765 plans, as defined and provided for in K.C.C. chapter 4A.100;
 - 766 g. formulating guidelines for the use of life cycle cost analysis and applying
767 these guidelines in all appropriate phases of the capital process;
 - 768 h. ensuring the conformity of capital project plans with the adopted space plan
769 and agency business plans;
 - 770 i. developing project cost estimates that are included in capital project plans,
771 site master plans, capital projects and biennial project budget requests;
 - 772 j. providing advisory services, feasibility studies or both services and studies to
773 projects as required and for which there is budgetary authority;
 - 774 k. coordinating with user agencies to assure user program requirements are
775 addressed through the capital development process as set forth in this chapter and in
776 K.C.C. chapter 4A.100;
 - 777 l. providing engineering support on capital projects to user agencies as
778 requested and for which there is budgetary authority; and

779 m. providing assistance in developing the executive budget for capital projects;
780 and

781 13. Providing for the operation of a downtown winter shelter for homeless
782 persons between October 15 and April 30 each year.

783 ~~((D.))~~ E. The duties of the fleet services division shall include the following:

784 1. Acquiring, maintaining and managing the motor pool equipment rental and
785 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund
786 and the wastewater equipment rental and revolving fund. Metro transit department
787 vehicles determined by the Metro transit department director to be intricately involved in
788 or related to providing public transportation services shall not be part of the motor pool;

789 2. Establishing rates for the rental of equipment and vehicles;

790 3. Establishing terms and charges for the sale of any material or supplies that
791 have been purchased, maintained or manufactured with money from the motor pool and
792 equipment revolving fund, the equipment rental and revolving fund and the wastewater
793 equipment rental and revolving fund;

794 4. Managing fleet and equipment training programs, stores function and vehicle
795 repair facilities;

796 5. Administering the county alternative fuel program and take-home assignment
797 of county vehicles policy; and

798 6. Inventorying, monitoring losses and disposing of county personal property in
799 accordance with K.C.C. chapter 4.56.

800 ~~((E.))~~ F. The duties of the airport division shall include managing the
801 maintenance and operations of the King County international airport, and shall include

802 the following:

803 1. Developing and implementing airport programs under state and federal law

804 including preparing policy recommendations and service models;

805 2. Managing and maintaining the airport system infrastructure;

806 3. Managing, or securing services from other divisions, departments or entities

807 to perform, the design, engineering and construction management functions related to the

808 airport capital program, including new facilities development and maintenance of

809 existing infrastructure; providing support services such as project management,

810 environmental review, permit and right-of-way acquisitions, schedule and project control

811 functions; and

812 4. Preparing and administering airport service and supporting capital facility

813 plans and periodic updates.

814 ~~((F.))~~ G. The duties of the administrative office of risk management shall include

815 the management of the county's insurance and risk management programs consistent with

816 K.C.C. chapter 2.21.

817 ~~((G.))~~ H. The duties of the administrative office of emergency management shall

818 include the following:

819 1. Planning for and providing effective direction, control and coordinated

820 response to emergencies; and

821 2. Being responsible for the emergency management functions defined in

822 K.C.C. chapter 2.56.

823 ~~((H. The duties of the administrative office of civil rights shall include the~~

824 following:

825 1. ~~Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,~~
826 ~~12.18, 12.20 and 12.22;~~

827 2. ~~Assisting departments in complying with the federal Americans with~~
828 ~~Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other~~
829 ~~legislation and rules regarding access to county programs, facilities and services for~~
830 ~~people with disabilities;~~

831 3. ~~Serving as the county Americans with Disabilities Act coordinator relating to~~
832 ~~public access;~~

833 4. ~~Providing staff support to the county civil rights commission;~~

834 5. ~~Serving as the county federal Civil Rights Act Title VI coordinator; and~~

835 6. ~~Coordinating county responses to federal Civil Rights Act Title VI issues and~~
836 ~~investigating complaints filed under Title VI.)~~

837 I. The duties of the administrative office of the business resource center shall
838 include the following:

839 1. The implementation and maintenance of those systems necessary to generate
840 a regular and predictable payroll through the finance and business operations division;

841 2. The implementation and maintenance of those systems necessary to provide
842 regular and predictable financial accounting and procedures through the finance and
843 business operations division;

844 3. The implementation and maintenance of those systems necessary to generate
845 regular and predictable county budgets, budget reports and budget management tools for
846 the county; and

847 4. The implementation and maintenance of the human resources systems of

848 record for all human resources data for county employment purposes.

849 SECTION 14. Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015 are

850 hereby amended to read as follows:

851 A. Each councilmember must provide the executive with a nomination to
852 represent the councilmember's council district. If the executive does not appoint the
853 person nominated by the councilmember, the executive shall request that the
854 councilmember nominate another person.

855 B. At-large positions designated for the council shall be appointed by the
856 executive after receiving nominations from the council. When notified of a vacancy in
857 one of these four at-large positions, the council chair shall inform the council at an open
858 public meeting of the vacancy and seek nominations from councilmembers. At a
859 subsequent council meeting, the chair shall inform the council of the names of all
860 nominees received from councilmembers and that all nominations have been forwarded
861 to the executive. If the executive does not appoint a person who has been nominated by
862 the council, the executive must request that the council nominate other candidates for
863 appointment.

864 C. When appointing and confirming members to boards, commissions and
865 committees it shall be the goal to have geographical diversity and balance. The women's
866 advisory board created under K.C.C. 2.30.010, the conservation futures advisory
867 committee established under K.C.C. 2.36.070((~~;~~)) and the Harborview Medical Center
868 board of trustees established under K.C.C. 2.42.030 ((~~and the civil rights commission~~
869 ~~created under K.C.C. 3.10.010~~)), should not have more than two members from a single
870 council district. This subsection does not apply to a board, commission or committee

871 until the board, commission or committee attains the council district and at-large
872 membership as specified in Ordinance 15548, Section 7.

873 SECTION 15. Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010 are
874 hereby amended to read as follows:

875 A. ~~((Creation.))~~ There is hereby created a King County Section 504/Americans
876 with Disabilities Act ~~((hereinafter referred to as the ADA) A))~~ advisory ~~((C))~~ committee,
877 ~~((hereinafter referred to as))~~, referred to in this section as the 504/ADA committee.

878 B. ~~((Composition.))~~ The 504/ADA committee shall be composed of not less than
879 three individuals, subject to confirmation by the county council, including the chair. The
880 executive shall appoint the chair ~~((who will also serve on the civil rights commission to
881 ensure coordination of efforts))~~.

882 C. ~~((Purpose.))~~ The 504/ADA committee shall serve in an advisory capacity to
883 the executive in developing strategies, systems and guidelines in implementing the
884 504/ADA Compliance Workplan. The functions of the 504/ADA committee shall
885 include, but not be limited to, the following:

886 1. Review the ~~((504/ADA))~~ Section 504 of the Americans with Disabilities Act
887 compliance workplan and make recommendations towards improving its effectiveness;

888 2. Review and monitor the progress of the ~~((504/ADA))~~ Section 504 of the
889 Americans with Disabilities Act compliance workplan; and

890 3. Review and monitor the affirmative action progress made in the employment
891 of persons with disabilities in the county's workforce.

892 D. ~~((Staffing.))~~ Appropriate staff to the 504/ADA committee shall be provided
893 by the executive, including the Section 504~~((/ADA))~~ 504 of the Americans with

894 Disabilities Act compliance specialist in such department of information and
895 administrative services.

896 E. (~~Designation of Americans with Disabilities Act coordinator.~~) The Section
897 504(~~ADA~~) of the Americans with Disabilities Act compliance specialist in the
898 department of information and administrative services is the designated county employee
899 to coordinate the county's effort to comply with and carry out its responsibilities under
900 the (~~ADA~~) Americans with Disabilities Act and its implementing regulations.

901 SECTION 16. The following are hereby repealed:

902 A. Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010;

903 B. Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020;

904 C. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030;

905 D. Ordinance 12058, Section 4, and K.C.C. 3.10.040;

906 E. Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050;

907 F. Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060; and

908 G. Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

909 SECTION 17. Ordinance 12014, Section 18, as amended, and K.C.C. 3.12.180

910 are hereby amended to read as follows:

911 A. For purposes of this section:

912 1. "County work force" means persons employed by King County executive
913 departments;

914 2. "Job group" means a grouping of jobs as defined by the United States
915 Department of Labor;

916 3. "Labor force availability rate" means the percentage of persons of color or

917 women with requisite job skills in King County as reported by the United States Census
918 Bureau;

919 4. "Persons of color" means persons in each of the following groups: Blacks;
920 Hispanics; Asian/Pacific Islanders; and Native Americans; and

921 5. "Placement goal" shall equal the labor force availability rate.

922 B. The county is an equal opportunity employer and shall carry out federal, state
923 and local laws and regulations prohibiting discrimination in employment on the basis of
924 race, color, ~~((religion, religious affiliation, creed, national origin, ancestry, sex, sexual
925 orientation, gender identity or expression, age (except by minimum age and retirement
926 provisions), marital status, honorably discharged veteran or military status, or the
927 presence of a sensory, mental or physical disability))~~ creed, religion, national origin,
928 ancestry, age except by minimum age and retirement provisions, sexual orientation,
929 gender identity or expression, marital status, pregnancy, parental status, disability or use
930 of a service or assistive animal by an individual with a disability, military discharge
931 status, military service, lawful source of income, professional training or education,
932 housing status, alienage or citizenship status, caregiver status, status as a victim of
933 domestic violence, sexual offenses or stalking or any other status protected by federal,
934 state or local law. Further, it is the intent of the county to ensure that employment is
935 based on the principle of equal opportunity and that such a principle shall be
936 implemented in all county personnel-related actions including, but not limited to,
937 recruitment, hiring, testing, training, promotion, compensation, transfer and all other
938 terms and conditions of employment in all job classifications.

939 C. In order to comply with federal contracting requirements and to ensure equal

940 opportunity for all persons, all county departments shall establish and maintain an
941 effective equal employment opportunity affirmative action plan, as adopted by the
942 council by ordinance. Such an equal employment opportunity affirmative action plan
943 shall promote the objectives of public policy set forth in applicable federal and state laws
944 relating to nondiscrimination, equal employment opportunity, affirmative action and civil
945 rights. Specifically, the plan shall promote the objectives of the applicable parts of the
946 State Law Against Discrimination, chapter 49.60 RCW (~~applicable parts~~), and
947 provisions of the Washington Administrative Code adopted thereunder. As part of the
948 county's equal employment opportunity affirmative action plan, the executive shall
949 submit by June 1 of every fourth year, commencing with 2018, a proposed ordinance for
950 the approval of an equal employment opportunity affirmative action plan pertaining to
951 executive county departments and agencies to be approved, or modified, by the council
952 by ordinance, or rejected by the council, by January 1 following the plan's submittal to
953 council. The equal employment opportunity affirmative action plan shall include:

954 1. Information related to county work force statistics, which shall include:

955 a. a comparison of labor force availability for women and persons of color to
956 the county's actual labor force for women and persons of color as a summary across all
957 departments. The plan shall also compare labor force availability for women and persons
958 of color to the county's actual labor force for women and persons of color by departments
959 and job group. The plan shall also summarize the percentage of total goal setting areas
960 which meet or exceed the labor force availability rate;

961 b. a summary of the county work force by job group and by race and gender;

962 c. a discussion of the methodology by which the labor force availability and

963 county work force data is developed and a listing of the county job classifications that are
964 included in each job group;

965 d. the total number of persons with disabilities in each job group within the
966 county work force and the total number of persons with disabilities by department
967 voluntarily reported by individuals for equal employment opportunity affirmative action
968 purposes. The plan shall include the number of positions for which an accommodation is
969 currently in effect;

970 e. the total number and percentage of employees by salary range and by race
971 and gender. Salary ranges shall be reported in a manner consistent with the equal
972 employment opportunity data reported by the United States Census Bureau. The plan
973 shall include data reported by the United States Census bureau on the total number and
974 percentage of the labor force working in King County by salary range and by race and
975 gender;

976 f. an analysis by race and gender of the positions filled by promotion during
977 the prior plan period. For the purposes of this subsection, "promotions" means those
978 instances in which an individual advances in salary level because the individual changed
979 to a position with a higher pay range assignment;

980 g. a summary by year for the prior plan period on executive branch
981 discrimination complaints by basis of complaint and complaint status. The summary
982 shall also include data by department on the number of complaints filed by complaint
983 type and the number of people filing complaints; and

984 h. historical data on the county work force by race and gender. Historical data
985 before 2014 is required only to the extent it is readily available;

986 2. Placement goals for the plan period. For those job groups within departments
987 where the actual number of women and persons of color employed is less than projected
988 by labor force availability, a placement goal by race and gender shall be established for
989 the entire plan period. A placement goal shall equal the labor force availability rate.
990 Placement goals are used to measure progress toward achieving equal employment
991 opportunity. Placement goals may not be quotas, which must be met, nor do they create
992 set-asides for specific groups. Placement goals may not be used to supersede merit
993 selection principles. Further, existence of a placement goals does not constitute evidence
994 of discrimination. If a placement goal has been established, the plan shall identify the
995 labor force availability rate;

996 3. Implementation plans for departments. Each implementation plan shall:
997 a. identify the activities proposed each year during the plan period to meet the
998 department's placement goals. The plan shall discuss how the proposed activities will
999 help the department achieve its placement goals;

1000 b. identify the activities proposed during the plan period by year to recruit,
1001 retain and promote women and persons of color in the work force; and

1002 c. identify the specific activities during the plan period, by year, that each
1003 department will undertake to increase its hiring, retention and promotion of persons with
1004 disabilities; and

1005 4. A summary of the results of the prior equal employment opportunity
1006 affirmative action plan, which shall include:

1007 a. A description of the progress of each department in completing the activities
1008 listed in subsection C.3. a. through c. of this section proposed in the previous

1009 implementation plan. The outcomes of each activity shall be reported. The department
1010 of human resources shall provide an evaluation of the effectiveness of each department's
1011 implementation activities during the plan period;

1012 b. the status of each placement goal established in the prior equal employment
1013 opportunity affirmative action plan. For each identified placement goal, the status report
1014 shall report the:

1015 (1) labor force availability rate;

1016 (2) total number of positions filled for the corresponding job group within a
1017 department;

1018 (3) of the total number reported under subsection C.4.b.(2) of this section, the
1019 number of positions that were filled by each race and gender category; and

1020 (4) an actual hiring rate for each race and gender category calculated by
1021 dividing the number of positions filled by the number of positions filled by each race and
1022 gender category; and

1023 c. a separate listing of those placement goals for the plan period that were not
1024 achieved. Placement goals are considered not achieved when the actual hiring rate is less
1025 than the availability rate for the overall plan period. For each placement goal not
1026 achieved, the plan shall provide an analysis of why the goals were not met including
1027 whether the planned implementation activities were completed. Placement goals shall
1028 only be considered not achieved in those instances in which the total number of hires is
1029 large enough such that it is statistically reasonable to expect under conditions of equal
1030 employment opportunity that the number of hires by race and gender will reflect work
1031 force availability.

1032 D. A progress report on each year's placement goals and implementation plans
1033 shall be delivered to the council annually on June 1. Eleven copies of the report shall be
1034 filed with the clerk of the council, for distribution to all councilmembers. For each
1035 category where a placement goal is established, the following shall be reported:

1036 1. Labor force availability rates as proposed in the equal employment
1037 opportunity affirmative action plan by department, job group, race and gender;

1038 2. Data by department and job group of the total number of positions filled;

1039 3. For each department and job group, the number of positions that were filled
1040 by each race and gender category;

1041 4. For each department and job group, the percentage of positions that were
1042 filled by each race and gender category;

1043 5. A separate listing of placement goals not achieved. Placement goals are
1044 considered not achieved when the availability rates are greater than the hiring rates.
1045 Placement goals shall only be considered not achieved in those instances in which the
1046 total number of hires is large enough such that it is statistically reasonable to expect
1047 under conditions of equal employment opportunity that the number of hires by race and
1048 gender will reflect work force availability;

1049 6. Beginning in the second year, cumulative data for the plan period for the
1050 information required under subsection D.1. through 5. of this section; and

1051 7. The status of each activity proposed in each department's implementation
1052 plan as required by subsection C.3. a. through c. of this section. The progress report shall
1053 include updates to the implementation plans in order that the plans consist of more than
1054 repeating the same activities (~~which~~) that have previously produced inadequate results.

1055 E. The executive shall submit a proposed ordinance approving a new four-year
1056 equal employment opportunity affirmative action plan to the council within twelve
1057 months of the publication of the appropriate data from the ten-year United States census.

1058 SECTION 18. Ordinance 18757, Section 2, and K.C.C. 3.12D.010 are hereby
1059 amended to read as follows:

1060 A. It is the policy of King County to promote a respectful, nondiscriminatory
1061 work environment, free of behavior that is illegal or contributes to interpersonal conflicts,
1062 poor performance or poor morale. Therefore, King County prohibits discrimination and
1063 harassment, including sexual harassment, and inappropriate conduct, toward any
1064 employee on the basis of the employee's race, color, ~~((gender, age, creed, disability,~~
1065 ~~marital status, national origin, religion, pregnancy, gender identity or expression,~~
1066 ~~domestic violence victimization, sexual orientation, honorably discharged veteran or~~
1067 ~~military status, use of a service or assistive animal by a person with a disability, or any~~
1068 ~~other status protected by federal, state or local law)) creed, religion, national origin,
1069 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,
1070 parental status, disability or use of a service or assistive animal by an individual with a
1071 disability, military discharge status, military service, lawful source of income,
1072 professional training or education, housing status, alienage or citizenship status, caregiver
1073 status, status as a victim of domestic violence, sexual offenses or stalking or any other
1074 status protected by federal, state or local law. Additionally, King County prohibits
1075 retaliation of any kind against anyone who in good faith reports incidents of harassment,
1076 discrimination or inappropriate conduct.~~

1077 B. The executive, assessor, director of elections, sheriff, council and prosecuting

1078 attorney, shall revise their current policies or develop new policies, procedures and
1079 training to prevent and respond to discrimination and harassment, including sexual
1080 harassment, and inappropriate conduct. The policies, procedures and training shall be
1081 developed in consultation with subject matter experts and employees and are intended to
1082 promote respectful, nondiscriminatory work environments throughout the King County
1083 government. The policies, procedures and training should reflect the recommendations
1084 included in the Report of the Co-Chairs of the EEOC Select Task Force on the Study of
1085 Harassment in the Workplace. The policies and procedures shall include:

1086 1. Definitions of discrimination and harassment, including sexual harassment,
1087 and inappropriate conduct;

1088 2. A clear and easy-to-understand nondiscrimination, antiharassment and
1089 inappropriate conduct policy that includes:

1090 a. a description of prohibited conduct, including examples;

1091 b. a statement that the reporting system will provide a prompt, thorough and
1092 impartial investigation;

1093 c. a statement that the identity of an individual who submits a report, a witness
1094 who provides information regarding a report and the subject of the complaint, will be
1095 kept confidential to the extent possible;

1096 d. an assurance that King County will take prompt and proportionate corrective
1097 action if it determines that harassment or discrimination has occurred;

1098 e. an assurance that an individual who submits a report or a witness who
1099 provides information regarding a report will be protected from retaliation; and

1100 f. a statement that any employee who retaliates against any individual who

1101 submits a report or provides information regarding a report will be disciplined
1102 appropriately;

1103 3. A description of a reporting system for employees that encourages those who
1104 experience workplace discrimination and harassment, including sexual harassment, and
1105 inappropriate conduct as well as those who observe such behavior to report it. The
1106 reporting system shall provide multiple options for reporting such behavior, including
1107 county, state and federal reporting options, as well as an informal mechanism, such as the
1108 county's employee assistance program, that allows employees to make inquiries and to
1109 resolve issues informally when appropriate;

1110 4. Guidelines for how to handle a complaint. The guidelines should cover: how
1111 to handle a complaint promptly, effectively and in way that respects the vulnerability and
1112 privacy of the individual reporting the incident, the application and limitations of
1113 confidentiality; the legal duties required as an employer; and how to determine the
1114 appropriate scope of the investigation process; and

1115 5. A plan to require managers and supervisors to promote an inclusive and
1116 respectful workplace culture that is free of discrimination and harassment, including
1117 sexual harassment, and inappropriate conduct. The executive, assessor, director of
1118 elections, sheriff, council and prosecuting attorney, shall assist each manager and
1119 supervisor within their department with compliance with this subsection B.5. and
1120 evaluate their progress and performance either independently or as part of the agency's
1121 performance evaluation process.

1122 C.1. The executive, assessor, director of elections, sheriff, council and
1123 prosecuting attorney shall develop options, including cost information, to deliver training

1124 and communications on the county's policies and procedures and on recognizing and
1125 preventing discrimination and harassment, including sexual harassment, and
1126 inappropriate conduct, and educating employees on the resources and procedures
1127 available if such behavior is experienced or observed. Each option may be phased in
1128 over time and shall:

1129 a. address how the policies and procedures will be regularly communicated to
1130 all employees, as well as to all new employees. Resources for employees to understand
1131 the policy and procedures shall be easily locatable on-line;

1132 b. include training to foster an equitable, respectful and inclusive workplace;
1133 and

1134 c. include training for those handling complaints.

1135 2. At least one of the training options must be a plan for a regular, interactive
1136 training program that includes all of the following:

1137 a. in-person or interactive on-line training;

1138 b. a plan to address the specific needs of the county's workplaces, considering
1139 risk factors of harassment and discrimination, including those identified in the Report of
1140 the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the
1141 Workplace, such as those with a disproportionate number of males among its employees
1142 and youth employed in a workplace;

1143 c. supervisor and manager training that specifically addresses power dynamics
1144 and building a healthy workplace culture; and

1145 d. a plan to partner with unions representing county employees in order for
1146 unions to become aware of county policies and procedures and be encouraged to foster an

1147 environment that is free from discrimination and harassment, including sexual
1148 harassment, and inappropriate conduct.

1149 D. The policies, procedures and training developed by the executive, assessor,
1150 director of elections, sheriff, council and prosecuting attorney shall specifically address
1151 the power dynamics involving staff and elected officials and how to respond to and
1152 prevent discrimination, harassment, sexual harassment, and inappropriate conduct by
1153 their elected officials.

1154 SECTION 19. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby
1155 amended to read as follows:

1156 The executive, assessor, director of elections, sheriff, council and prosecuting
1157 attorney shall report biennially on the number of workplace discrimination and
1158 harassment complaints, including sexual harassment, and inappropriate conduct
1159 complaints and, when possible, informal inquiries, received by each department each
1160 year. The report shall indicate the basis or bases of the complaint, which may be race,
1161 color, (~~gender, age, creed, disability, marital status, national origin, religion, pregnancy,~~
1162 ~~gender identity or expression, domestic violence victimization, sexual orientation,~~
1163 ~~honorably discharged veteran or military status, use of service or assistive animal by a~~
1164 ~~person with a disability,)) religion, national origin, ancestry, age, sexual orientation,
1165 gender identity or expression, marital status, pregnancy, parental status, disability or use
1166 of a service or assistive animal by an individual with a disability, military discharge
1167 status, military service, lawful source of income, professional training or education,
1168 housing status, alienage or citizenship status, caregiver status, status as a victim of
1169 domestic violence, sexual offenses or stalking or any other status protected by federal,~~

1170 state or local law. The (~~office of~~) human and civil rights commission shall report on the
1171 number of unfair employment practice complaints filed, the basis or bases of the
1172 complaint, the number of investigations of unfair employment practices in the reporting
1173 year and the number of findings that reasonable cause exists to believe that an unfair
1174 employment practice occurred. The first report shall be transmitted to the council by
1175 December 31, 2019. All reports under this section shall be in the form of a paper original
1176 and an electronic copy filed with the clerk of the council who, who shall retain the
1177 original and provide an electronic copy to all councilmembers, the council chief of staff
1178 and the policy staff director.

1179 SECTION 20. Ordinance 16035, Section 5, as amended, and K.C.C. 3.36.045 are
1180 hereby amended to read as follows:

1181 A. A federation or nonprofit organization may participate in the annual drive if
1182 the federation or nonprofit organization submits a timely application for participation to
1183 the committee and meets all eligibility standards as established by this chapter and any
1184 rules adopted for the program. An official of the federation or nonprofit organization
1185 must certify on the annual drive application that the federation, each nonprofit
1186 organization represented by the federation, or the nonprofit organization:

1187 1. Is formally recognized by the United States Internal Revenue Service as
1188 complying with Section 501(c)(3) of the Internal Revenue Code of 1986 or is a
1189 governmental unit of the state of Washington, and for which all contributions to the
1190 nonprofit organization are eligible to be deductible for federal income tax purposes under
1191 Section 170 of the Internal Revenue Code of 1986;

1192 2. Is registered with the Washington state Secretary of State as provided by

1193 RCW 19.09.065 and is in compliance with Washington state laws governing charities to
1194 the best of the knowledge of the individual certifying the application;

1195 3.a. Does not discriminate against any person on the basis of race, color,
1196 ~~((religious affiliation, sex, age, national origin, marital status, sexual orientation,~~
1197 ~~disability, or gender identity or expression))~~ religion, national origin, ancestry, age,
1198 sexual orientation, gender identity or expression, marital status, pregnancy, parental
1199 status, disability or use of a service or assistive animal by an individual with a disability,
1200 military discharge status, military service, lawful source of income, professional training
1201 or education, housing status, alienage or citizenship status, caregiver status, status as a
1202 victim of domestic violence, sexual offenses or stalking, any other status protected by
1203 federal, state or local law or qualifies for an exemption under Title VII of the Civil Rights
1204 Act of 1964 as amended. An affirmation of a participating organization's adherence to
1205 this subsection A.3.a, or a statement of exemption from this subsection A.3.a, must be
1206 included in the organization's application. A federation must affirm in the federation's
1207 application the adherence to this subsection A.3.a, or a legal exception from this
1208 subsection A.3.a, for each nonprofit organization the federation represents.

1209 b. Nothing in this subsection A.3. denies eligibility to a federation or nonprofit
1210 organization that is otherwise eligible to participate in the annual drive merely because
1211 the federation or nonprofit organization is organized by, on behalf of or to serve persons
1212 of a particular race, color, ~~((religious affiliation, sex, national origin, age, marital status,~~
1213 ~~sexual orientation, disability, or gender identity or expression))~~ religion, national origin,
1214 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,
1215 parental status, disability or use of a service or assistive animal by an individual with a

1216 disability, military discharge status, military service, lawful source of income,
1217 professional training or education, housing status, alienage or citizenship status, caregiver
1218 status, status as a victim of domestic violence, sexual offenses or stalking or any other
1219 status protected by federal, state or local law.

1220 B. Participating organizations' responses provided under subsection A. of this
1221 section may be noted in campaign materials.

1222 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 4A.200
1223 a new section to read as follows:

1224 A. There is hereby created the human and civil rights commission fund to assure
1225 the independence of the commission.

1226 B. The fund shall be a second tier fund. It is a subfund of the general fund.

1227 C. The executive director of the human and civil rights commission shall be the
1228 manager of the fund.

1229 D. The fund shall be used to support the activities of the human and civil rights
1230 commission.

1231 SECTION 22. Ordinance 10159, Section 14, and K.C.C. 6.27A.120 are hereby
1232 amended to read as follows:

1233 A. A franchisee or applicant for a franchise shall not deny cable service, or
1234 otherwise discriminate against any subscriber, access programmer or resident on the basis
1235 of race, color, (~~religion, national origin, physical or mental disability, age, political~~
1236 ~~affiliation, marital status, sexual orientation, gender identity or expression, sex or income~~
1237 ~~of the residents of the area in which the person resides)) creed, religion, national origin,
1238 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,~~

1239 parental status, disability or use of a service or assistive animal by an individual with a
1240 disability, military discharge status, military service, lawful source of income,
1241 professional training or education, housing status, alienage or citizenship status, caregiver
1242 status, status as a victim of domestic violence, sexual offenses or stalking or any other
1243 status protected by federal, state or local law. The franchisee shall comply at all times
1244 with all other applicable federal, state and local laws, rules and regulations relating to
1245 nondiscrimination.

1246 B. A franchisee shall not refuse to employ, nor discharge from employment, nor
1247 discriminate against any individual (~~(person)~~) in compensation or in terms, conditions or
1248 privileges of employment because of race, color, (~~(religion, national origin, physical~~
1249 ~~disability, age, political affiliation, marital status, sexual orientation, gender identity or~~
1250 ~~expression, sex or income)) creed, religion, national origin, ancestry, age, sexual
1251 orientation, gender identity or expression, marital status, pregnancy, parental status,
1252 disability or use of a service or assistive animal by an individual with a disability,
1253 military discharge status, military service, lawful source of income, professional training
1254 or education, housing status, alienage or citizenship status, caregiver status, status as a
1255 victim of domestic violence, sexual offenses or stalking or any other status protected by
1256 federal, state or local law.~~

1257 C. A franchisee shall comply with all applicable federal, state and local equal
1258 employment opportunity requirements.

1259 D. The franchisee shall establish, maintain and execute an equal employment
1260 opportunity plan and a minority/women's business procurement program, which shall be
1261 consistent with the intent of the county's affirmative action and minority/women's

1262 business procurement policies. Upon request, the franchisee shall file with the cable
1263 office a copy of their equal employment opportunity report submitted annually to the
1264 FCC and shall file with King County (~~(office of)~~) human and civil rights commission and
1265 compliance an annual compliance report detailing its progress with its minority/women's
1266 business procurement program during the previous year. The franchisee must also
1267 provide the cable office, upon request, copies of all other reports and information filed
1268 with federal, state or local agencies concerning equal employment opportunity or
1269 employment discrimination laws. This subsection shall apply only to franchise
1270 agreements entered into after December 2, 1991.

1271 E. Despite the other provisions of this section, no provision of this section shall
1272 invalidate any other section of this chapter.

1273 SECTION 23. Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010 are
1274 hereby amended to read as follows:

1275 The definitions in this section apply throughout this title and K.C.C. chapter 4.57,
1276 unless the context clearly requires otherwise.

1277 A. "Advertising" means promotional activity for the financial gain of those
1278 undertaking the activity or causing the activity to be undertaken, including, but not limited
1279 to, placing signs, posters, placards or any other display device in publicly visible location
1280 within a parks and recreation facility. "Advertising" does not include posting of an
1281 announcement on a community bulletin board, consistent with any applicable rules for the
1282 use of community bulletin boards.

1283 B. "Aircraft" means any machine or device designed to travel through the air
1284 including, but not limited to, airplanes, helicopters, ultra light type planes, gliders, remote-

1285 control planes and gliders, hot air balloons, kites and balloons.

1286 C. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as
1287 alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all
1288 other intoxicating beverages, and every liquor, solid or semisolid or other substance,
1289 patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and
1290 all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid
1291 or other substance that contains more than one percent alcohol by weight shall be
1292 conclusively deemed to be intoxicating.

1293 D. "Associated marine area" means any water area within one hundred feet of any
1294 parks and recreation facility such as a dock, pier, float, buoy, log boom or other object that
1295 is part of a parks and recreation facility, only if the area does not include private property.

1296 E. "Boat" means any contrivance up to sixty-five feet in length overall, used or
1297 capable of being used as a means of transportation on water.

1298 F. "Camper" means a motorized vehicle containing either sleeping or housekeeping
1299 accommodations, or both, and shall include a pickup truck with camper, a van-type body, a
1300 converted bus, or any similar type vehicle.

1301 G. "Camping" means erecting a tent or shelter or arranging bedding or both for the
1302 purpose of, or in such a way as will permit remaining overnight, or parking a trailer,
1303 camper or other vehicle for the purpose of remaining overnight.

1304 H. "Campsite" means camping sites designated by the director.

1305 I. "Change" a fee means to alter the amount of a fee.

1306 J. "Concession" means the privilege or authority to sell goods or services within
1307 parks and recreation facilities or to operate parks and recreation facilities or a portion

1308 thereof.

1309 K. "Concession contract" or "concession agreement" means the agreement granting
1310 a person a concession with respect to a parks and recreation facility.

1311 L. "Department" means the department of natural resources and parks.

1312 M. "Director" means the director of the department of natural resources and parks
1313 or the director's designee.

1314 N. "Discrimination" means any action or failure to act, whether by single act or
1315 part of a practice, the effect of which is to adversely affect or differentiate between or
1316 among individuals or groups of individuals, because of race, color, (~~religion, national~~
1317 ~~origin, age, sex, marital status, parental status, sexual orientation, gender identity or~~
1318 ~~expression, the presence of any sensory, mental or physical handicap or the use of a service~~
1319 ~~or assistive animal~~) creed, religion, national origin, ancestry, age, sexual orientation,
1320 gender identity or expression, marital status, pregnancy, parental status, disability or use
1321 of a service or assistive animal by an individual with a disability, military discharge
1322 status, military service, lawful source of income, professional training or education,
1323 housing status, alienage or citizenship status, caregiver status, status as a victim of
1324 domestic violence, sexual offenses or stalking or any other status protected by federal,
1325 state or local law. For the purposes of this subsection, "service or assistive animal" means
1326 any dog or miniature horse, individually trained to do work or perform tasks for the benefit
1327 of an individual with a disability, including a physical, sensory, psychiatric, intellectual or
1328 other mental disability. The work or tasks performed by the service animal must be
1329 directly related to the individual's disability. For the purposes of this subsection, "work or
1330 tasks" include, but are not limited to, assisting individuals who are blind or have low vision

1331 with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
1332 presence of people or sounds, providing nonviolent protection or rescue work, pulling a
1333 wheelchair, assisting an individual during a seizure, alerting individuals to the presence of
1334 allergens, retrieving items such as medicine or a telephone, providing physical support and
1335 assistance with balance and stability to individuals with mobility disabilities and helping
1336 ~~((persons))~~ individuals with psychiatric and neurological disabilities by preventing or
1337 interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's
1338 presence and the provision of emotional support, well-being, comfort or companionship do
1339 not constitute "work or tasks."

1340 O. "Division" means the parks and recreation division of the department of natural
1341 resources and parks.

1342 P. "Eliminate" a fee means to remove a fee.

1343 Q. "Establish" a fee means to impose a fee for an activity for which a fee was not
1344 being charged.

1345 R. "Facility," "facilities," "parks and recreation facility," "parks and recreation
1346 facilities" or "park area" means any building, structure, park, open space, trail or other
1347 property owned or otherwise under the jurisdiction of the parks and recreation division of
1348 the department of natural resources and parks.

1349 S. "Facility manager" means the person designated to manage a specific parks and
1350 recreation facility.

1351 T. "High-use areas" means areas of parks and recreation facilities where people
1352 congregate. "High-use areas" include athletic fields, off-leash dog parks, parking lots,
1353 picnic shelters, playgrounds, sports courts, trailheads, and any other areas designated as

1354 high-use areas by the director.

1355 U. "Manager" means the manager of the parks and recreation division of the
1356 department of natural resources and parks.

1357 V. "Motor vehicle" means any self-propelled device capable of being moved upon
1358 a road, and in, upon or by which any persons or property may be transported or drawn, and
1359 shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps
1360 or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be
1361 legally operated upon the public highways.

1362 W. "Naming rights" means rights to name a facility after a person for a term of
1363 years in exchange for consideration.

1364 X. "Parks and recreation purposes" means any lawful purpose of the division.

1365 Y. "Person" means all natural persons, groups, entities, firms, partnerships,
1366 corporations, governmental and quasi-governmental entities, clubs and all associations or
1367 combination of persons whether acting for themselves or as an agent, servant or employee.

1368 Z. "Permit" means an authorization for the use of parks and recreation facilities that
1369 imposes conditions on the permittee in addition to those conditions imposed on the general
1370 public.

1371 AA. "Rocket" means any device containing a combustible substance that when
1372 ignited, propels the device forward.

1373 BB. "Set" a fee means to change or eliminate a fee, including determining,
1374 changing or eliminating a range for a fee. "Set" does not include selecting a fee in a
1375 previously set range for a fee.

1376 CC. "Spirits" means any beverage that contains alcohol obtained by distillation,

1377 including wines exceeding twenty-four percent of alcohol by volume.

1378 DD. "Sponsorship" means providing consideration to support specific parks and
1379 recreation facilities or activities, generally in exchange for advertising on county property,
1380 through county media, or otherwise, or other promotional consideration.

1381 EE. "Tobacco product" means cigarettes, cigars, pipe tobacco and chewing
1382 tobacco.

1383 FF. "Trail" means any path, track or right-of-way designed for use by pedestrians,
1384 bicycles, equestrians or other nonmotorized modes of transportation.

1385 GG. "Trailer" means a towed vehicle that contains sleeping or housekeeping
1386 accommodations.

1387 HH. "Trailer site" means a designated camping site that has either water or
1388 electrical facilities, or both, available for hookup.

1389 II. "User fee" means a fee charged for the use of parks and recreation facilities,
1390 activities and programs, including, but not limited to, general facilities admission, classes
1391 and workshops, sponsored leagues and tournaments, gymnasium and field usage for games
1392 and practice, field lights and other equipment, concessions, parking, camping, special event
1393 admission, rooms for meetings, conference banquets and other indoor activities, kitchen
1394 and equipment. "User fee" does not include the cost of purchasing tangible personal
1395 property sold by the division. "User fee" also does not include charges made under:

- 1396 1. An advertising, sponsorship or naming rights agreement in accordance with
1397 K.C.C. 7.08.080;
- 1398 2. A concession contract in accordance with K.C.C. chapter 4.57;
- 1399 3. A lease, rental or use agreement in accordance with K.C.C. 4.56.150; or

1400 4. A special use permit in accordance with K.C.C. 7.12.050.

1401 SECTION 24. Ordinance 11992, Section 2, as amended, and K.C.C. 12.16.010

1402 are hereby amended to read as follows:

1403 The definitions in this section apply throughout this chapter unless the context
1404 clearly requires otherwise.

1405 A. "Administrator" means the director of the finance and business operations
1406 division in the department of executive services.

1407 B. "Contract awarding authority" means any person with the power to enter into a
1408 contractual arrangement binding the county and also means the particular office, agency or
1409 division on whose behalf the contract is executed. In addition, "contract awarding
1410 authority" includes, but is not limited to, the county executive, heads of county departments
1411 or offices and, as delegated, division directors.

1412 C. "Contractor" means any person, firm, business, organization, company,
1413 partnership, corporation or other legal entity, excluding real property lessors and lessees
1414 and government agencies, contracting to do business with the county including, but not
1415 limited to, public work contractors, consultant contractors, providers of professional
1416 services, service agencies, vendors and suppliers selling or furnishing materials, equipment
1417 or goods or services.

1418 D. "Disability" means the presence of a sensory, mental or physical impairment
1419 that is medically cognizable or diagnosable; or exists as a record or history; or is perceived
1420 to exist whether or not it exists in fact. A disability exists whether it is temporary or
1421 permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the
1422 ability to work generally or work at a particular job or whether or not it limits any other

1423 activity within the scope of this chapter.

1424 E. "Disability access laws" means all laws requiring that county services, programs
1425 and activities be accessible by people with disabilities including Title II of the Americans
1426 with Disabilities Act, Title II of the Telecommunications Act of 1934, as amended, and
1427 Section 504 of the Rehabilitation Act of 1973, as amended.

1428 F. "Discriminate" means an action, other than an action taken in accordance with
1429 lawful equal employment opportunity efforts, or failure to act, whether by itself or as part
1430 of a practice, the effect of which is to adversely affect or differentiate between or among
1431 individuals or groups of individuals, by reasons of ~~((sex, race, color, marital status, national
1432 origin, religious affiliation, disability, sexual orientation, gender identity or expression or
1433 age except by minimum age and retirement provisions))~~ race, color, creed, religion,
1434 national origin, ancestry, age except by minimum age and retirement provisions, sexual
1435 orientation, gender identity or expression, marital status, pregnancy, parental status,
1436 disability or use of a service or assistive animal by an individual with a disability, military
1437 discharge status, military service, lawful source of income, professional training or
1438 education, housing status, alienage or citizenship status, caregiver status, status as a victim
1439 of domestic violence, sexual offenses or stalking or any other status protected by federal,
1440 state or local law, unless based upon a bona fide occupational qualification.

1441 G. "Discrimination" means differential treatment of or pursuit of policies or
1442 practices that have a disproportionate impact upon persons due to their ~~((sex, race, color,
1443 marital status, national origin, religious affiliation, disability, sexual orientation, gender
1444 identity or expression or age except by minimum age and retirement provisions))~~ race,
1445 color, creed, religion, national origin, ancestry, age except by minimum age and retirement

1446 provisions, sexual orientation, gender identity or expression, marital status, pregnancy,
1447 parental status, disability or use of a service or assistive animal by an individual with a
1448 disability, military discharge status, military service, lawful source of income, professional
1449 training or education, housing status, alienage or citizenship status, caregiver status, status
1450 as a victim of domestic violence, sexual offenses or stalking or any other status protected
1451 by federal, state or local law, unless based upon a bona fide occupational qualification.

1452 H. "Employment" means any and all terms and conditions and policies and
1453 practices of employment including, but not limited to, hiring, firing, upgrading, demotion,
1454 recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions
1455 of work.

1456 I. "Equal employment opportunity" means the availability of employment and
1457 advancement of all people based on merit, capability, and potential, and without regard to
1458 an individual's (~~sex, race, color, marital status, national origin, religious affiliation,~~
1459 ~~disability, sexual orientation, gender identity or expression or age except by minimum age~~
1460 ~~and retirement provisions)) race, color, creed, religion, national origin, ancestry, age except
1461 by minimum age and retirement provisions, sexual orientation, gender identity or
1462 expression, marital status, pregnancy, parental status, disability or use of a service or
1463 assistive animal by an individual with a disability, military discharge status, military
1464 service, lawful source of income, professional training or education, housing status,
1465 alienage or citizenship status, caregiver status, status as a victim of domestic violence,
1466 sexual offenses or stalking or any other status protected by federal, state or local law, unless
1467 based upon a bona fide occupational qualification. "Equal employment opportunity"
1468 includes the following components: recruitment, application processing, hiring, job~~

1469 placement, compensation, promotion, transfer, termination and work assignment.

1470 J. "Equal employment opportunity efforts" means active efforts to ensure equal
1471 opportunity in employment that is free from all forms of discrimination.

1472 K. "Equal opportunity" means a system of practices under which individuals are
1473 not excluded from any opportunity or benefits because of their (~~(sex, race, color, marital~~
1474 ~~status, national origin, religious affiliation, disability, sexual orientation, gender identity or~~
1475 ~~expression or age except by minimum age and retirement provisions)) race, color, creed,
1476 religion, national origin, ancestry, age except by minimum age and retirement provisions,
1477 sexual orientation, gender identity or expression, marital status, pregnancy, parental status,
1478 disability or use of a service or assistive animal by an individual with a disability, military
1479 discharge status, military service, lawful source of income, professional training or
1480 education, housing status, alienage or citizenship status, caregiver status, status as a victim
1481 of domestic violence, sexual offenses or stalking or any other status protected by federal,
1482 state or local law, unless based upon a bona fide occupational qualification.~~

1483 L. "Gender identity or expression" means an individual's gender-related identity,
1484 appearance or expression, whether or not associated with the individual's sex assigned at
1485 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
1486 the individual's own gender identity or expression.

1487 M. "Lessor" and "lessee" means any person, firm, business, organization,
1488 company, partnership, corporation or other legal entity, excluding government agencies,
1489 entering into any lease or license for the possession or use of real property with the county.

1490 N. "Minority" or "minorities" means a person who is a citizen of the United States
1491 and who is a member of one or more of the following historically disadvantaged racial

1492 groups:

1493 1. Black or African American: Having origins in any of the Black racial groups
1494 of Africa;

1495 2. Hispanic: Mexican, Puerto Rican, Cuban, Central American, South American
1496 or of other Spanish or Portuguese culture or origin, regardless of race;

1497 3. Asian American: Having origins in any of the original peoples of the Far East,
1498 Southeast Asia, the Indian subcontinent or the Pacific Islands; or

1499 4. American Indian or Alaskan Native: Having origins in any of the original
1500 peoples of North America.

1501 O. "Permanent workforce" means those persons employed by a bidder, proposer or
1502 contractor for at least six continuous months immediately prior to the bid or proposal
1503 opening or the award of a contract by the county, and who are currently employed by the
1504 bidder, proposer or contractor.

1505 P. "Reasonable accommodation" means steps taken to modify facilities used by
1506 employees or to modify a particular job component which enables an otherwise qualified
1507 person with a disability to perform the essential functions of the job.

1508 Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
1509 practices pertaining to the individual's own sexual orientation including, but not limited to,
1510 heterosexuality, homosexuality and bisexuality.

1511 R. "Underrepresentation" means presence in a contractor's work force of
1512 minorities, women and persons with disabilities, in a particular job category in
1513 proportionate numbers less than their representation in the county's labor market area.

1514 SECTION 25. Ordinance 11992, Section 3, as amended, and K.C.C. 12.16.020

1515 are hereby amended to read as follows:

1516 No contractor, subcontractor or union doing business with the county or a county
1517 contractor, who furnishes workers or services in connection therewith, shall discriminate
1518 against any person on the basis of (~~(sex, race, color, marital status, national origin,
1519 religious affiliation, disability, sexual orientation, gender identity or expression or age
1520 except by minimum age and retirement provisions))~~ race, color, creed, religion, national
1521 origin, ancestry, age except by minimum age and retirement provisions, sexual orientation,
1522 gender identity or expression, marital status, pregnancy, parental status, disability or use of
1523 a service or assistive animal by an individual with a disability, military discharge status,
1524 military service, lawful source of income, professional training or education, housing
1525 status, alienage or citizenship status, caregiver status, status as a victim of domestic
1526 violence, sexual offenses or stalking or any other status protected by federal, state or local
1527 law, unless based upon a bona fide occupational qualification, and no such a contractor,
1528 subcontractor or union shall violate any of the terms of chapter 49.60 RCW, Title VII of
1529 the Civil Rights Act of 1964, or any other applicable federal, state or local law or
1530 regulation regarding nondiscrimination in employment.

1531 SECTION 26. Ordinance 11992, Section 7, as amended, and K.C.C. 12.16.050
1532 are hereby amended to read as follows:

1533 A. The county's policy, as stated in this chapter, requiring nondiscrimination in
1534 contractor and subcontractor employment and equal employment opportunity shall be
1535 included in all county contracts, except real property sale and lease transactions and
1536 government agency contracts. The requirement of compliance with disability access laws
1537 shall be included in all applicable county contracts. A violation of this chapter shall be

1538 deemed a breach of a material provision of the contract between the county and the
1539 contractor. Such a breach shall be grounds for cancellation, termination or suspension, in
1540 whole or in part, of the contract by the county, or for invoking the enforcement provisions
1541 of this chapter providing for penalties, liquidated damages or other remedies, and may
1542 result in ineligibility for county contracts. The burden is on the contractor to demonstrate
1543 its compliance with this chapter.

1544 B. Invitations to bid and requests for proposals for all county contracts, except real
1545 property leases, may require the bidder or proposer to comply specifically with equal
1546 employment opportunity efforts to follow in the event a contract is awarded to the bidder or
1547 proposer. Such efforts shall ensure the contractor and its subcontractors while performing
1548 the contract for the county affords equal opportunity in employment.

1549 C. Whenever the administrator determines that a contractor's obligations under this
1550 chapter need review or updating, the administrator shall notify the contractor, who shall
1551 take such steps as are necessary to review or update its equal employment opportunity
1552 policies and practices to meet county requirements.

1553 D. A bidder may also be required, after award of a contract, to submit permanent
1554 workforce information including, but not limited to, the total number of employees for all
1555 business locations, a personnel inventory by job category and other such data as may be
1556 determined by the administrator.

1557 E. Contractors performing under construction contracts shall submit monthly
1558 employment reports on such forms and by methods, including electronic submission, as
1559 may be established by the administrator. The reports shall include information sufficient to
1560 demonstrate the extent to which the contractor has complied with this chapter.

1561 F. Neither the provisions of any collective bargaining agreement nor the failure by
1562 a union with whom the contractor has a collective bargaining agreement to shall excuse the
1563 contractor's obligation under this chapter.

1564 G. The following provisions shall be included in contracts awarded by the county,
1565 except as provided otherwise in this chapter:

1566 1. During performance of the contract, the contractor agrees that it will not
1567 discriminate against any employee or applicant for employment because of the employee or
1568 applicant's (~~(sex, race, color, marital status, national origin, religious affiliation, disability,~~
1569 ~~sexual orientation, gender identity or expression or age except by minimum age and~~
1570 ~~retirement provisions)) race, color, creed, religion, national origin, ancestry, age except by
1571 minimum age and retirement provisions, sexual orientation, gender identity or expression,
1572 marital status, pregnancy, parental status, disability or use of a service or assistive animal
1573 by an individual with a disability, military discharge status, military service, lawful source
1574 of income, professional training or education, housing status, alienage or citizenship status,
1575 caregiver status, status as a victim of domestic violence, sexual offenses or stalking or any
1576 other status protected by federal, state or local law, unless based upon a bona fide
1577 occupational qualification. The contractor will take equal employment opportunity efforts
1578 to ensure that applicants and employees are treated, without regard to their (~~(sex, race,~~
1579 ~~color, marital status, national origin, religious affiliation, disability, sexual orientation,~~
1580 ~~gender identity or expression or age)) race, color, creed, religion, national origin, ancestry,
1581 age, sexual orientation, gender identity or expression, marital status, pregnancy, parental
1582 status, disability or use of a service or assistive animal by an individual with a disability,
1583 military discharge status, military service, lawful source of income, professional training or~~~~

1584 education, housing status, alienage or citizenship status, caregiver status, status as a victim
1585 of domestic violence, sexual offenses or stalking or any other status protected by federal,
1586 state or local law. The equal employment opportunity efforts shall include, but not be
1587 limited to, the following: employment, upgrading, demotion or transfer; recruitment or
1588 recruitment advertising; layoff or termination; rates of pay or other forms of compensation;
1589 and selection for training, including apprenticeships. The contractor agrees to post in
1590 conspicuous places available to employees and applicants for employment notices setting
1591 forth this nondiscrimination clause;

1592 2. The contractor shall permit access by the administrator to the contractor's
1593 records of employment, employment advertisements, application forms, other pertinent
1594 data and records related to the contract for the purpose of monitoring, audit and
1595 investigation to determine compliance with this chapter; and

1596 3. The contractor shall implement and carry out the obligations in this chapter and
1597 the contract regarding equal employment opportunity. The county shall consider the failure
1598 to implement and carry out such obligations in good faith as a material breach of the
1599 contract and grounds for withholding payment and/or termination of the contract and
1600 dismissal of the contractor.

1601 I. All contracts and agreements with the county, under which a contractor provides
1602 a service, program or activity to the general public or under which a contractor provides a
1603 service, program or activity directly to county employees on behalf of the county as the
1604 employer shall include the following provisions:

1605 1. The contractor agrees to provide to persons with disabilities access to
1606 programs, activities and services provided under the contract or agreement, as required by

1607 the disability access laws; and

1608 2. The contractor shall not discriminate against persons with disabilities in
1609 providing the work under the contract. In any subcontracts for the programs, activities and
1610 services under their contract or agreement with the county, the contractor shall include the
1611 requirement that the subcontractor provide to persons with disabilities access to programs,
1612 activities and services provided under the contract or agreement, as required by the
1613 disability access laws, that the subcontractor shall not discriminate against persons with
1614 disabilities in providing the work under the contract and that the subcontractor shall
1615 provide that the county is a third-party beneficiary to that required provision.

1616 SECTION 27. Ordinance 11992, Section 9, as amended, and K.C.C. 12.16.070
1617 are hereby amended to read as follows:

1618 All labor unions or agencies that refer workers or employees or provide or
1619 supervise apprenticeship or other training programs from whom the contractor obtains
1620 employees must comply with this chapter, which requires the organization have no
1621 discriminatory practices or policies based on ~~((sex, race, color, marital status, national
1622 origin, religious affiliation, disability, sexual orientation, gender identity or expression or
1623 age except by minimum age and retirement provisions))~~ race, color, creed, religion,
1624 national origin, ancestry, age except by minimum age and retirement provisions, sexual
1625 orientation, gender identity or expression, marital status, pregnancy, parental status,
1626 disability or use of a service or assistive animal by an individual with a disability, military
1627 discharge status, military service, lawful source of income, professional training or
1628 education, housing status, alienage or citizenship status, caregiver status, status as a victim
1629 of domestic violence, sexual offenses or stalking or any other status protected by federal,

1630 state or local law, unless based upon a bona fide occupational qualification.

1631 SECTION 28. Ordinance 10849, Section 19, as amended, and K.C.C. 12.16.125

1632 are hereby amended to read as follows:

1633 No lessor or lessee doing business with the county shall discriminate on the basis of

1634 race, color, (~~marital status, national origin, religious affiliation, disability, sexual~~

1635 ~~orientation, gender identity or expression or age except by minimum age and retirement~~

1636 ~~provisions~~)) creed, religion, national origin, ancestry, age except by minimum age and

1637 retirement provisions, sexual orientation, gender identity or expression, marital status,

1638 pregnancy, parental status, disability or use of a service or assistive animal by an individual

1639 with a disability, military discharge status, military service, lawful source of income,

1640 professional training or education, housing status, alienage or citizenship status, caregiver

1641 status, status as a victim of domestic violence, sexual offenses or stalking or any other

1642 status protected by federal, state or local law, unless based upon a bona fide occupational

1643 qualification, in the employment or application for employment or in the administration or

1644 delivery of services or any other benefits under this chapter. The lessor or lessee shall

1645 comply fully with all applicable federal, state and local laws, ordinances, executive orders

1646 and regulations that prohibit such discrimination. These laws include, but are not limited

1647 to, chapter 49.60 RCW, and Titles VI and VII of the Civil Rights Act of 1964. The

1648 language in this section shall be included in all lease or license agreements for the

1649 possession or use of real property, except for agreements with government agencies.

1650 SECTION 29. Ordinance 13981, Section 1, as amended, and K.C.C. 12.17.002

1651 are hereby amended to read as follows:

1652 This chapter is an exercise of the police power of King County for the protection

1653 of the public welfare, health, peace and safety of the residents of King County and in
1654 fulfillment of the provisions of the constitution of this state. The King County council
1655 hereby finds and declares that practices of discrimination in contracting by business
1656 enterprises against any person on the basis of race, color, ~~((age, gender, marital status,~~
1657 ~~sexual orientation, religion, ancestry, national origin, disability or use of a service or~~
1658 ~~assistive animal by an individual with a disability))~~ creed, religion, national origin,
1659 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,
1660 parental status, disability or use of a service or assistive animal by an individual with a
1661 disability, military discharge status, military service, lawful source of income, professional
1662 training or education, housing status, alienage or citizenship status, caregiver status, status
1663 as a victim of domestic violence, sexual offenses or stalking or any other status protected
1664 by federal, state or local law constitute matters of local concern and are contrary to the
1665 public welfare, health, peace and safety of the residents of King County.

1666 SECTION 30. Ordinance 15399, Section 4, as amended, and K.C.C. 12.17.004
1667 are hereby amended to read as follows:

1668 This chapter shall be liberally construed for accomplishment of its policies and
1669 purposes. This chapter shall not be construed to endorse any specific belief, practice,
1670 behavior or orientation. Nothing in this chapter relating to gender identity or expression-
1671 based discrimination affects the ability of an employer to require an employee to adhere
1672 to reasonable workplace appearance, grooming and dress standards not precluded by
1673 other provisions of state or federal law, though an employer shall allow an employee to
1674 appear or dress consistently with the employee's gender identity or expression.

1675 SECTION 31. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are

1676 hereby amended to read as follows:

1677 The definitions in this section apply throughout this chapter unless the context
1678 clearly requires otherwise.

1679 A. "Business enterprise" means a licensed business organization located in or
1680 doing business in unincorporated King County or that is required to comply with this
1681 chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

1682 B. "Charging party" means the person aggrieved by an alleged unfair contracting
1683 practice or the person making a complaint on another person's behalf, or the ~~((office of))~~
1684 human and civil rights commission when the ~~((office of))~~ human and civil rights
1685 commission files a complaint.

1686 C. "Commercially significant contract" means a contract for the provision of
1687 services, including, but not limited to, construction services, consulting services or bonding
1688 or other financial services, or the sale of goods that exceeds five thousand dollars.

1689 D. "Contract" means an agreement to perform a service or provide goods that
1690 entails a legally binding obligation and that is performed or intended to be wholly or partly
1691 performed within unincorporated King County or that includes King County as a party.

1692 "Contract" does not include the following: a contract for the purchase and sale of
1693 residential real estate; a contract for employment; and a collective bargaining agreement.

1694 E. "Contracting agency" means a person who for compensation engages in
1695 recruiting, procuring, referral or placement of contracts with a contractor, and that is doing
1696 business in King County.

1697 F. "Contractor" means a business enterprise, including, but not limited to, a
1698 company, partnership, corporation or other legal entity, excluding real property lessors and

1699 lessees, contracting to do business within the county. "Contractor" includes, but is not
1700 limited to, a public works contractor, a consultant contractor, a provider of professional
1701 services, a service agency, a vendor, and a supplier selling or furnishing materials,
1702 equipment, goods or services, but does not include a governmental agency other than King
1703 County.

1704 G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other
1705 than an action taken in accordance with a lawful affirmative action program, or failure to
1706 act, whether by itself or as part of a practice, the effect of which is to adversely affect or
1707 differentiate between or among individuals or groups of individuals, by reasons of race,
1708 color, ~~((age, gender, marital status, sexual orientation, gender identity or expression,~~
1709 ~~religion, ancestry, national origin, disability or use of a service or assistive animal by an~~
1710 ~~individual with a disability)) creed, religion, national origin, ancestry, age, sexual
1711 orientation, gender identity or expression, marital status, pregnancy, parental status,
1712 disability or use of a service or assistive animal by an individual with a disability, military
1713 discharge status, military service, lawful source of income, professional training or
1714 education, housing status, alienage or citizenship status, caregiver status, status as a victim
1715 of domestic violence, sexual offenses or stalking or any other status protected by federal,
1716 state or local law, unless based upon a bona fide contractual qualification.~~

1717 H. "Gender identity or expression" means an individual's gender-related identity,
1718 appearance or expression, whether or not associated with the individual's sex assigned at
1719 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
1720 the individual's own gender identity or expression.

1721 I. "Marital status" means the presence or absence of a marital relationship and

1722 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1723 ~~((I))~~ J. "Party" includes the person making a complaint alleging an unfair
1724 contracting practice and the person alleged to have committed an unfair contracting
1725 practice.

1726 ~~((J))~~ K. "Person" includes one or more individuals, partnerships, business
1727 enterprises, associations, organizations, corporations, cooperatives, legal representatives,
1728 trustees, trustees in bankruptcy, receivers or group of persons and includes King County.

1729 ~~((K))~~ L. "Respondent" means a person who has been alleged or found to have
1730 committed an unfair contracting practice prohibited by this chapter.

1731 ~~((L))~~ M. "Retaliate" means to take action against any person because that person
1732 has:

- 1733 1. Opposed any practice forbidden by this chapter;
- 1734 2. Complied or proposed to comply with this chapter or any order issued under
1735 this chapter; or
- 1736 3. Filed a complaint, testified or assisted in any manner in any investigation,
1737 proceeding or hearing initiated under this chapter.

1738 ~~((M))~~ N. "Service or assistive animal" means any dog or miniature horse,
1739 individually trained to do work or perform tasks for the benefit of an individual with a
1740 disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
1741 The work or tasks performed by the service animal must be directly related to the
1742 individual's disability. For the purposes of this subsection, "work or tasks" include, but are
1743 not limited to, assisting individuals who are blind or have low vision with navigation and
1744 other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or

1745 sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an
1746 individual during a seizure, alerting individuals to the presence of allergens, retrieving
1747 items such as medicine or a telephone, providing physical support and assistance with
1748 balance and stability to individuals with mobility disabilities and helping persons with
1749 psychiatric and neurological disabilities by preventing or interrupting impulsive or
1750 destructive behaviors. The crime deterrent effects of an animal's presence and the
1751 provision of emotional support, well-being, comfort or companionship do not constitute
1752 "work or tasks."

1753 ~~((N:))~~ O. "Sexual orientation" means an individual's attitudes, preferences, beliefs
1754 and practices pertaining to the individual's own sexual orientation including, but not limited
1755 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1756 ~~((Q:))~~ P. "Trade association" means an association of businesses organizations
1757 engaged in similar fields of business that is formed for mutual protection, the interchange
1758 of ideas, information and statistics or the maintenance of standards within their industry.

1759 SECTION 32. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030 are
1760 hereby amended to read as follows:

1761 A. An individual complaint alleging an unfair contracting practice in connection
1762 with a commercially significant contract may be filed with the ~~((office of))~~ human and civil
1763 rights commission by or on behalf of any person who claims to be aggrieved by that unfair
1764 contracting practice.

1765 B. A complaint alleging that a group is being subjected to an unfair contracting
1766 practice in connection with a commercially significant contract may be filed by:

1767 1. Any member of the group;

1768 2. The ~~((office of))~~ human and civil rights commission;

1769 3. A state or federal agency concerned with discrimination in contracting
1770 whenever the agency has reason to believe that an unfair contracting practice has been or is
1771 being committed; or

1772 4. A trade association that has reason to believe that an unfair contracting practice
1773 has been or is being committed against any of its members.

1774 C. A complaint alleging an unfair contracting practice shall be in writing on a form
1775 or in a format determined by the ~~((office of))~~ human and civil rights commission, shall be
1776 signed by the charging party, shall describe with particularity the unfair contracting
1777 practice complained of and shall include a statement of the dates, places and circumstances
1778 and the persons responsible for the acts and practices. The complaint must be filed within
1779 one hundred eighty days of the time of the alleged unfair contracting practice or within one
1780 hundred eighty days of when the charging party, through exercise of due diligence, should
1781 have had notice or been aware of the occurrence. However, the ~~((office of))~~ human and
1782 civil rights commission shall not reject a complaint as insufficient because of failure to
1783 include all required information, if the ~~((office of))~~ human and civil rights commission
1784 determines that the complaint substantially meets the informational requirements necessary
1785 for processing.

1786 D. If a complaint has been filed in accordance with this chapter, the ~~((office of))~~
1787 human and civil rights commission shall initiate an investigation under this chapter. If the
1788 ~~((office of))~~ human and civil rights commission determines that a violation of this chapter
1789 or a rule or regulation adopted under this chapter has occurred, the ~~((office))~~ commission
1790 shall issue an order in accordance with this chapter. With respect to violations of this

1791 chapter, the notice, service and hearings provisions in this chapter control over K.C.C. Title
1792 23.

1793 E. The charging party or the ((office of)) human and civil rights commission may
1794 amend a complaint: to cure technical defects or omissions; to clarify and amplify
1795 allegations made in the complaint; or to add allegations related to or arising out of the
1796 subject matter set forth, or attempted to be set forth, in the original complaint. For
1797 jurisdictional purposes, the amendments shall relate back to the date the original complaint
1798 was first filed. Either the charging party or the ((office of)) human and civil rights
1799 commission, or both, may amend a complaint for these reasons as a matter of right before
1800 service of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and
1801 thereafter may amend a complaint only with permission of the hearing examiner, which
1802 permission shall be granted if justice will be served by the permission. All parties must be
1803 allowed time to prepare their cases with respect to additional or expanded allegations that
1804 the parties did not and could not have reasonably foreseen would be an issue at the hearing.

1805 F. The charging party may also amend a complaint to include allegations of
1806 additional unrelated unfair contracting practices that arose after filing of the original
1807 complaint. The amendment must be filed within one hundred eighty days after the
1808 occurrence of the additional alleged unfair contracting practices and before the issuance of
1809 findings of fact and a determination with respect to the original complaint by the ((office
1810 of)) human and civil rights commission. The amendments may be made at any time during
1811 the investigation of the original complaint if the ((office of)) human and civil rights
1812 commission will have adequate time to investigate the additional allegations and the parties
1813 will have adequate time to present the ((office of)) human and civil rights commission with

1814 evidence concerning the allegations before the issuance of findings of fact and a
1815 determination.

1816 G. Upon the receipt of a complaint, the ((office of)) human and civil rights
1817 commission shall serve notice upon the charging party acknowledging the filing.

1818 SECTION 33. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are
1819 hereby amended to read as follows:

1820 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the
1821 ((office of)) human and civil rights commission shall, within twenty days, cause to be
1822 served or mailed to the respondent by certified mail, return receipt requested, a copy of the
1823 complaint along with a notice advising of procedural rights and obligations of respondents
1824 under this ordinance, and shall promptly make an investigation of the complaint. Each
1825 respondent may file an answer to the complaint, not later than twenty days after receipt of
1826 notice from the ((office of)) human and civil rights commission. If the respondent is unable
1827 to file a response within twenty days, the respondent may request an extension of time from
1828 the ((office of)) human and civil rights commission. The extension may be granted if good
1829 cause is shown.

1830 B. The investigation shall be commenced promptly. It shall be directed to
1831 ascertain the facts concerning the discriminatory practice alleged in the complaint and shall
1832 be conducted in an objective and impartial manner.

1833 C. During the investigation, the ((office of)) human and civil rights commission
1834 shall consider any statement of position or evidence with respect to the allegations of the
1835 complaint which the charging party or the respondent wishes to submit. A person who is
1836 not named as a respondent in a complaint, but who is identified as a respondent in the

1837 course of the investigation, may be joined as an additional or substitute respondent upon
1838 written notice to the person from the ((office of)) human and civil rights commission. The
1839 notice, in addition to meeting the requirements of subsection A. of this section, shall
1840 explain the basis for the belief of the ((office of)) human and civil rights commission that
1841 the person to whom the notice is addressed is properly joined as a respondent.

1842 D. During the period beginning with the filing of the complaint and ending with
1843 the issuance of the findings of fact, the ((office of)) human and civil rights commission
1844 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.
1845 Nothing said or done in the course of the settlement discussions may be used as evidence in
1846 a subsequent proceeding under this ordinance without the written consent of the persons
1847 concerned. A prefinding settlement agreement arising out of the settlement discussions
1848 shall be an agreement between the respondent and the charging party, and is subject to
1849 approval by the ((office of)) human and civil rights commission. Failure to comply with
1850 the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

1851 E. The ((office of)) human and civil rights commission shall seek the voluntary
1852 cooperation of all persons: to obtain access to premises, records, documents, individuals
1853 and other possible sources of information; to examine, record and copy necessary
1854 materials; and to take and record testimony or statements of persons reasonably necessary
1855 for the furtherance of the investigation. The ((office of)) human and civil rights
1856 commission may conduct discovery in aid of the investigation by the following methods or
1857 others: deposition upon oral examination or written questions; written interrogatories;
1858 requests for the production of documents or evidence; inspection and physical and mental
1859 examinations; and requests for admissions. The ((office of)) human and civil rights

1860 commission may sign and issue subpoenas requiring the attendance and testimony of
1861 witnesses, the production of evidence including, but not limited to, books, records,
1862 correspondence, e-mail or documents in the possession or under the control of the person
1863 subpoenaed, access to evidence for the purpose of examination and copying as are
1864 necessary for the investigation. The (~~office of~~) human and civil rights commission shall
1865 consult with the prosecuting attorney before issuing any subpoena under this section.

1866 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1867 testify when requested concerning any matter under investigation, the (~~office of~~) human
1868 and civil rights commission may invoke the aid of the King County prosecuting attorney
1869 who may petition the King County superior court for an order or other appropriate action
1870 necessary to secure enforcement of the subpoena. The petition shall:

- 1871 1. Be accompanied by a copy of the subpoena and proof of service;
- 1872 2. Set forth in what specific manner the subpoena has not been complied with;

1873 and

- 1874 3. Ask an order of the court to compel the witness to appear and testify or
1875 cooperate in the investigation of the unfair contracting practice.

1876 G. If the (~~office of~~) human and civil rights commission concludes after the filing
1877 of a complaint that prompt judicial action is necessary to carry out the purposes of this
1878 chapter, the (~~office of~~) human and civil rights commission may invoke the aid of the
1879 prosecuting attorney who may file a civil action for appropriate temporary, injunctive or
1880 preliminary relief pending final disposition of the complaint.

1881 H. The results of the investigation shall be reduced to written findings of fact and a
1882 finding shall be made that there either is or is not reasonable cause for believing that an

1883 unfair contracting practice has been or is being committed.

1884 I. If a finding is made that there is no reasonable cause, the finding shall be served
1885 on the charging party and respondent. Within thirty days after service of the negative
1886 finding, the charging party may file a written request with the ~~((office of))~~ human and civil
1887 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and
1888 civil rights commission shall furnish the charging party with information regarding how to
1889 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond
1890 in writing within a reasonable time by granting or denying the request.

1891 SECTION 34. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are
1892 hereby amended to read as follows:

1893 A.1. If the finding is made initially or on request for reconsideration that
1894 reasonable cause exists to believe that an unfair contracting practice occurred, the ~~((office~~
1895 ~~of))~~ human and civil rights commission shall endeavor to eliminate the unfair practice by
1896 conference, conciliation and persuasion, which may include as a condition of settlement:

- 1897 a. elimination of the unfair contracting practice;
- 1898 b. payment of actual damages including payment of lost profits not in excess of
1899 the amount of monetary damage actually incurred;
- 1900 c. payment of damages caused by emotional distress, humiliation and
1901 embarrassment;
- 1902 d. payment of attorneys' fees and costs; and
- 1903 e. such other requirements as may be agreed upon by the parties and the ~~((office~~
1904 ~~of))~~ human and civil rights commission.

1905 2. A settlement agreement shall be reduced to writing and signed by the

1906 respondent and the charging party and shall be approved by the ((office of)) human and
1907 civil rights commission. An order shall then be entered by the ((office of)) human and civil
1908 rights commission setting forth the terms of the agreement. Copies of the order shall be
1909 delivered to all affected parties and the original of the order filed with the records and
1910 licensing services division. Failure to comply with the postfinding settlement agreement or
1911 order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement is
1912 a public record.

1913 B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights
1914 commission shall make a finding to that effect, incorporate the findings in the order and
1915 furnish a copy of the order to all affected parties. The order shall also include:

- 1916 a. a finding that an unfair contracting practice has occurred;
- 1917 b. the basis for the finding; and
- 1918 c. an order requiring the respondent to cease and desist from the unfair practice
1919 and to take appropriate affirmative measures, which may include:

1920 (1) payment of actual damages including payment of lost profits not in excess
1921 of the amount of monetary damages actually incurred;

1922 (2) payment of damages caused by emotional distress, humiliation and
1923 embarrassment;

1924 (3) payment of attorneys' fees and costs; and

1925 (4) such other action as in the judgment of the ((office of)) human and civil
1926 rights commission will effectuate the purposes of this chapter, which may include the
1927 requirement for a report on the matter of compliance.

1928 2. If the ((office of)) human and civil rights commission finds the respondent

1929 willfully or knowingly committed any unfair contracting practice, the ~~((office of))~~ human
1930 and civil rights commission may further order the respondent to pay a civil penalty of up to
1931 one thousand dollars per violation, which penalty shall be paid to the King County treasury
1932 for deposit in the county general fund.

1933 C. If there is a failure to reach an agreement for the elimination of any unfair
1934 contracting practice where the respondent is an executive department, division or office of
1935 the county, the ~~((office of))~~ human and civil rights commission may compel compliance by
1936 the executive department, division or office with any settlement agreement agreed to
1937 between the complainant and the ~~((office of))~~ human and civil rights commission.

1938 SECTION 35. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are
1939 hereby amended to read as follows:

1940 A. A party aggrieved by an order of the ~~((office of))~~ human and civil rights
1941 commission may appeal in accordance with K.C.C. 20.22.080.

1942 B. If the order of the ~~((office of))~~ human and civil rights commission is appealed,
1943 the ~~((office of the))~~ hearing examiner shall conduct a hearing for the purpose of affirming,
1944 denying or modifying the order. There shall be a verbatim record kept of the hearing and
1945 the hearing examiner shall have such rule-making and other power necessary for the
1946 conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ~~((office~~
1947 ~~of))~~ human and civil rights commission shall not be presumed correct. The hearing
1948 examiner's decision shall be based upon a preponderance of the evidence. The hearing
1949 shall be conducted within a reasonable time after receipt of the request for appeal. Written
1950 notice of the time and place of the hearing shall be given at least ten days before the date of
1951 the hearing to each affected party and to the ~~((office of))~~ human and civil rights

1952 commission.

1953 C. Each party has the following rights, among others:

1954 1. To call and examine witnesses on any matter relevant to the issues of the
1955 complaint;

1956 2. To introduce documentary and physical evidence;

1957 3. To cross-examine opposing witnesses on any matter relevant to the issues of
1958 the complaint;

1959 4. To impeach any witness regardless of which party first called the witness to
1960 testify;

1961 5. To rebut evidence against the party; and

1962 6. To self-represent or to be represented by anyone of the party's choice who is
1963 lawfully permitted to do so.

1964 D. Following review of the evidence submitted, the hearing examiner presiding at
1965 the hearing shall enter written findings and conclusions and shall affirm or modify the order
1966 previously issued if the hearing examiner finds that a violation has occurred. The hearing
1967 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.

1968 The hearing examiner may grant any relief that the ~~((office of))~~ human and civil rights
1969 commission could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's
1970 decision shall be delivered to all affected parties. The order of the hearing examiner is final
1971 unless reviewed by a court under K.C.C. 20.22.270.B.

1972 SECTION 36. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070 are
1973 hereby amended to read as follows:

1974 A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to

1975 believe that a respondent has breached a prefinding or postfinding settlement agreement
1976 executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the ((~~office of~~)
1977 human and civil rights commission issued under K.C.C. 12.17.050 or an order of the
1978 hearing examiner issued under K.C.C. 12.17.060, the ((~~office of~~) human and civil rights
1979 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
1980 under subsection B. of this section for the enforcement of the agreement.

1981 B. The prosecuting attorney may commence a civil action in King County superior
1982 court for appropriate relief with respect to a breach of a prefinding or postfinding
1983 settlement agreement or violation of an order of the ((~~office of~~) human and civil rights
1984 commission issued under K.C.C. 12.17.050 or an order of the hearing examiner issued
1985 under K.C.C. 12.17.060. The action may be commenced no later than ninety days after the
1986 referral of the alleged break underlying the referral under subsection A. of this section.

1987 SECTION 37. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080 are
1988 hereby amended to read as follows:

1989 A. An aggrieved person may commence a civil action in King County superior
1990 court not later than one year after the occurrence or the termination of an alleged unfair
1991 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the
1992 unfair contracting practice.

1993 B. The computation of the one-year period does not include time during which an
1994 administrative proceeding under this chapter was pending with respect to a complaint or
1995 charge under this chapter based upon the discriminatory contracting practices.

1996 C. An aggrieved person may commence a civil action under this section whether or
1997 not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of

1998 any such a complaint, except as provided in subsection D₂ of this section, but if a settlement
1999 or conciliation agreement has been reached with the consent of an aggrieved person, an
2000 action may not be filed under this subsection by the aggrieved person with respect to the
2001 alleged unfair contracting practice that forms the basis for the complaint except for the
2002 purpose of enforcing the terms of the agreement.

2003 D. An aggrieved person may not commence a civil action under this section with
2004 respect to an alleged unfair contracting practice which forms the basis of a complaint if a
2005 hearing on the complaint has been convened by the office of the King County hearing
2006 examiner.

2007 E. In a civil action under this section, if the court finds that an unfair contracting
2008 practice has occurred or is about to occur, the court may grant as relief any relief that the
2009 ~~((office of))~~ human and civil rights commission could grant under K.C.C. 12.17.050.B.

2010 F. Relief granted under this section does not affect any contract, sale, encumbrance
2011 or lease consummated before the granting of the relief and involving a bona fide purchaser,
2012 encumbrances or tenant, without actual notice of the filing of a complaint with the ~~((office~~
2013 ~~of))~~ human and civil rights commission or civil action under this title.

2014 G. Upon timely application, the prosecuting attorney may intervene in the civil
2015 action if the prosecuting attorney determines that the case is of general public importance.

2016 H. This section is intended to provide private judicial remedies for violations of
2017 this chapter that are expansive as the powers granted by the Constitution and laws of the
2018 state of Washington.

2019 SECTION 38. Ordinance 13981, Section 11, and K.C.C. 12.17.090 are hereby
2020 amended to read as follows:

2021 The (~~office of~~) human and civil rights commission may implement such forms,
2022 administrative processes and operational procedures as are necessary to implement this
2023 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
2024 chapter 2.98. The (~~office of~~) human and civil rights commission shall further assist other
2025 county agencies and departments upon request in effectuating and promoting the purposes
2026 of this chapter.

2027 SECTION 39. Ordinance 7430, Section 1, as amended, and K.C.C. 12.18.010 are
2028 hereby amended to read as follows:

2029 This chapter is an exercise of the police power of King County for the protection of
2030 the public welfare, health, peace and safety of the residents of King County and in
2031 fulfillment of the state Constitution. The King County council hereby finds and declares
2032 that practices of employment discrimination against any person on the basis of race, color,
2033 (~~age, gender, marital status, sexual orientation, gender identity or expression, religion,~~
2034 ~~ancestry, national origin, disability or use of a service or assistive animal by an individual~~
2035 ~~with a disability)) creed, religion, national origin, ancestry, age, sexual orientation, gender
2036 identity or expression, marital status, pregnancy, parental status, disability or use of a
2037 service or assistive animal by an individual with a disability, military discharge status,
2038 military service, lawful source of income, professional training or education, housing
2039 status, alienage or citizenship status, caregiver status, status as a victim of domestic
2040 violence, sexual offenses or stalking or any other status protected by federal, state or local
2041 law constitute matters of local concern and are contrary to the public welfare, health, peace
2042 and safety of the residents of King County.~~

2043 SECTION 40. Ordinance 15399, Section 20, and K.C.C. 12.18.014 are hereby

2044 amended to read as follows:

2045 This chapter shall be liberally construed for accomplishment of this chapter's
2046 policies and purposes. This chapter shall not be construed to endorse any specific belief,
2047 practice, behavior, or orientation. Nothing in this chapter relating to gender-based
2048 discrimination affects the ability of an employer to require an employee to adhere to
2049 reasonable workplace appearance, grooming and dress standards not precluded by other
2050 provisions of state or federal law, though an employer shall allow an employee to appear
2051 or dress consistently with the employee's gender identity or expression.

2052 SECTION 41. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are
2053 hereby amended to read as follows:

2054 The definitions in this section apply throughout this chapter unless the context
2055 clearly requires otherwise.

2056 A. "Age" means being eighteen years old or older.

2057 B. "Aggrieved person" includes any person who claims to have been injured by an
2058 act of discrimination in a place of public accommodation;

2059 C. "Charging party" means any person alleging an act of discrimination in a place
2060 of public accommodation under this chapter by filing a complaint with the ~~((office of))~~
2061 human and civil rights commission.

2062 D.1. "Disability" means:

2063 a. a physical or mental impairment that substantially limits one or more of a
2064 person's major life activities, either temporarily or permanently;

2065 b. a person has a record of having such an impairment;

2066 c. a person is regarded as having such an impairment; or

2067 d. a person has any other condition that is a disability under the Washington state
2068 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

2069 2. "Disability" does not include current, illegal use of a controlled substance, as
2070 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

2071 E. "Discrimination" or "discriminatory practice or act" means any action or failure
2072 to act, whether by a single act or part of a practice, the effect of which is to adversely affect
2073 or differentiate between or among individuals, by reasons of race, color, (~~age, gender,~~
2074 ~~marital status, sexual orientation, gender identity or expression, religion, ancestry, national~~
2075 ~~origin, disability or use of a service or assistive animal by an individual with a disability~~)
2076 creed, religion, national origin, ancestry, age, sexual orientation, gender identity or
2077 expression, marital status, pregnancy, parental status, disability or use of a service or
2078 assistive animal by an individual with a disability, military discharge status, military
2079 service, lawful source of income, professional training or education, housing status,
2080 alienage or citizenship status, caregiver status, status as a victim of domestic violence,
2081 sexual offenses or stalking or any other status protected by federal, state or local law,
2082 unless based upon a bona fide occupational qualification.

2083 F. "Employee" means any person who works for another in return for financial or
2084 other compensation, and does not include any individual employed by the individual's
2085 parents, spouse or child, or in the domestic service of any person.

2086 G. "Employer" means King County or any person acting in the interest of an
2087 employer, directly or indirectly, who employs eight or more persons in unincorporated
2088 King County, and includes neither any religious or sectarian organization not organized
2089 for private profit nor any governmental body other than King County.

2090 H. "Employment agency" means any person who for compensation engages in
2091 recruiting, procuring, referral or placement of employees with an employer.

2092 I. "Gender identity or expression" means an individual's gender-related identity,
2093 appearance, or expression, whether or not associated with the individual's sex assigned at
2094 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining
2095 to the individual's own gender identity or expression.

2096 J. "Labor organization" means any organization existing for the purpose of:

2097 1. Dealing with employers concerning grievances, terms or conditions of
2098 employment; or

2099 2. Providing other mutual aid or protection in connection with employment.

2100 ~~((J.))~~ K. "Marital status" means the presence or absence of a marital relationship
2101 and includes the status of married, separated, divorced, engaged, widowed, single or
2102 cohabiting.

2103 ~~((K.))~~ L. "Party" includes the person making a complaint or upon whose behalf a
2104 complaint is made alleging an unfair employment practice, the person alleged or found to
2105 have committed an unfair employment practice and the ~~((office of))~~ human and civil
2106 rights commission.

2107 ~~((L.))~~ M. "Person" includes one or more individuals, partnerships, associations,
2108 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
2109 bankruptcy, receivers or groups of persons and includes King County.

2110 ~~((M.))~~ N. "Respondent" means any person who is alleged to or found to have
2111 committed an unfair employment practice prohibited by this chapter.

2112 ~~((N.))~~ O. "Service or assistive animal" means any dog or miniature horse,

2113 individually trained to do work or perform tasks for the benefit of an individual with a
2114 disability, including a physical, sensory, psychiatric, intellectual or other mental
2115 disability. The work or tasks performed by the service animal must be directly related to
2116 the individual's disability. For the purposes of this subsection, "work or tasks" include,
2117 but are not limited to, assisting individuals who are blind or have low vision with
2118 navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
2119 presence of people or sounds, providing nonviolent protection or rescue work, pulling a
2120 wheelchair, assisting an individual during a seizure, alerting individuals to the presence
2121 of allergens, retrieving items such as medicine or a telephone, providing physical support
2122 and assistance with balance and stability to individuals with mobility disabilities and
2123 helping persons with psychiatric and neurological disabilities by preventing or
2124 interrupting impulsive or destructive behaviors. The crime deterrent effects of an
2125 animal's presence and the provision of emotional support, well-being, comfort or
2126 companionship do not constitute "work or tasks."

2127 ~~((O:))~~ P. "Settlement discussions" or "conference, conciliation and persuasion"
2128 means the attempted resolution of issues raised by a complaint, or by the investigation of
2129 a complaint, through informal negotiations involving the charging party, the respondent
2130 and the ~~((office of))~~ human and civil rights commission.

2131 ~~((P:))~~ Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs
2132 and practices pertaining to the individual's own sexual orientation including, but not
2133 limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

2134 SECTION 42. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are
2135 hereby amended to read as follows:

2136 A. A complaint alleging an unfair employment practice may be filed by:

2137 1. Any aggrieved person;

2138 2. A state, local or federal agency concerned with discrimination in employment,
2139 including the ~~((office of))~~ human and civil rights commission, if the agency has reason to
2140 believe that an unfair employment practice has been or is being committed; or

2141 3. Any labor organization that has reason to believe that an unfair employment
2142 practice has been or is being committed.

2143 B. A complaint alleging an unfair employment practice shall be in writing and
2144 signed by the charging party, and shall describe with particularity the unfair employment
2145 practice complained of, the location of the practice and the person alleged to have
2146 committed the unfair employment practice. The complaint must be filed with the ~~((office
2147 of))~~ human and civil rights commission within eighteen months of the time of the alleged
2148 unfair employment practice or within eighteen months of when the charging party, through
2149 exercise of due diligence, should have had notice or been aware of the occurrence.

2150 However, the ~~((office of))~~ human and civil rights commission shall not reject a complaint
2151 as insufficient because of failure to include all required information, if the ~~((office of))~~
2152 human and civil rights commission determines that the complaint substantially meets the
2153 informational requirements necessary for processing.

2154 C. Upon the receipt of a complaint, the ~~((office of))~~ human and civil rights
2155 commission shall serve upon the charging party notice acknowledging the filing.

2156 D. The charging party or the ~~((office of))~~ human and civil rights commission may
2157 amend a complaint: to cure technical defects or omissions; to clarify and amplify
2158 allegations made in the complaint; or to add allegations related to or arising out of the

2159 subject matter set forth, or attempted to be set forth, in the original complaint. For
2160 jurisdictional purposes, the amendments relate back to the date the original complaint was
2161 first filed. Either the charging party or the ((office of)) human and civil rights commission,
2162 or both, may amend a complaint for these reasons as a matter of right before service of
2163 notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may
2164 amend a complaint only with permission of the hearing examiner, which permission shall
2165 be granted if justice will be served by the permission. All parties must be allowed time to
2166 prepare their cases with respect to additional or expanded allegations that the parties did not
2167 and could not have reasonably foreseen would be an issue at the hearing.

2168 E. The charging party may also amend a complaint to include allegations of
2169 additional unrelated unfair employment practices that arose after filing of the original
2170 complaint. The charging party must file any amendments adding the allegations within
2171 eighteen months of the time of the additional unfair employment practice or within
2172 eighteen months of when the charging party, through exercise of due diligence, should have
2173 had notice or been aware of the additional discriminatory act, and before the issuance of
2174 findings of fact and a determination with respect to the original complaint by the ((office
2175 of)) human and civil rights commission. The amendments may be made at any time during
2176 the investigation of the original complaint if the ((office of)) human and civil rights
2177 commission will have adequate time to investigate the additional allegations and the parties
2178 will have adequate time to present the ((office of)) human and civil rights commission with
2179 evidence concerning the allegations before the issuance of findings of fact and a
2180 determination.

2181 SECTION 43. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are

2182 hereby amended to read as follows:

2183 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C.,
2184 the ~~((office of))~~ human and civil rights commission shall cause to be served or mailed, by
2185 certified mail, return receipt requested, a copy of the complaint to the respondent within
2186 twenty days after the filing of the complaint and shall promptly make an investigation of
2187 the complaint. Each respondent may file an answer to the complaint not later than twenty
2188 days after receipt of notice from the ~~((office of))~~ human and civil rights commission. If a
2189 respondent is unable to file a response within twenty days, the respondent may request an
2190 extension of time from the ~~((office of))~~ human and civil rights commission. The ~~((office~~
2191 ~~of))~~ human and civil rights commission may grant the extension if good cause is shown.

2192 B. The ~~((office of))~~ human and civil rights commission shall direct the
2193 investigation to ascertain the facts concerning the unfair employment practice alleged in the
2194 complaint and shall conduct the investigation in an objective and impartial manner.

2195 C. During the investigation, the ~~((office of))~~ human and civil rights commission
2196 shall consider any statement of position or evidence with respect to the allegations of the
2197 complaint which the charging party or the respondent wishes to submit. A person who is
2198 not named as a respondent in a complaint, but who is identified as a respondent in the
2199 course of investigation, may be joined as an additional or substitute respondent upon
2200 written notice, under subsection A. of this section, to the person from the ~~((office of))~~
2201 human and civil rights commission. The notice, in addition to meeting the requirements of
2202 subsection A. of this section, must explain the basis for the ~~((office of))~~ human and civil
2203 rights commission' belief that the person to whom the notice is addressed is properly joined
2204 as a respondent.

2205 D. During the period beginning with the filing of the complaint and ending with
2206 the issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission
2207 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.
2208 Anything said or done in the course of the settlement discussions may not be made public
2209 or used as evidence in a subsequent proceeding under this chapter without the written
2210 consent of the persons concerned. A prefinding settlement agreement arising out of the
2211 settlement discussions must be an agreement between the respondent and the charging
2212 party and is subject to approval by the ~~((office of))~~ human and civil rights commission.
2213 Each prefinding settlement agreement is a public record. Failure to comply with the
2214 prefinding settlement agreement may be enforced under K.C.C. 12.18.080.

2215 E. The ~~((office of))~~ human and civil rights commission shall seek the voluntary
2216 cooperation of all persons: to obtain access to premises, records, documents, individuals
2217 and other possible sources of information; to examine, record and copy necessary
2218 materials; and to take and record testimony or statements of persons reasonably necessary
2219 for the furtherance of the investigation. The ~~((office of))~~ human and civil rights
2220 commission may conduct discovery in aid of the investigation by the following methods or
2221 others: deposition upon oral examination or written questions; written interrogatories;
2222 requests for the production of documents or other evidence, for inspection and other
2223 purposes; physical and mental examinations; and requests for admissions. The ~~((office of))~~
2224 human and civil rights commission may sign and issue subpoenas requiring the attendance
2225 and testimony of witnesses and the production of or access to evidence including books,
2226 records, correspondence, e-mail or documents in the possession or under the control of the
2227 person subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil

2228 rights commission shall consult with the prosecuting attorney before issuing a subpoena
2229 under this section.

2230 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
2231 testify if requested concerning any matter under investigation, the ~~((office of))~~ human and
2232 civil rights commission may invoke the aid of the prosecuting attorney, who may petition
2233 to the superior court for an order or other appropriate action necessary to secure
2234 enforcement of the subpoena. The petition shall:

- 2235 1. Be accompanied by a copy of the subpoena and proof of service;
- 2236 2. Set forth in what specific manner the subpoena has not been complied with;
- 2237 and
- 2238 3. Ask for an order of the court to compel the witness to appear and testify or
2239 cooperate in the investigation of the unfair employment practice.

2240 G. If the ~~((office of))~~ human and civil rights commission concludes at any time
2241 after the filing of a complaint that prompt judicial action is necessary to carry out the
2242 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke
2243 the aid of the prosecuting attorney, who may file a civil action for appropriate temporary,
2244 injunctive or preliminary relief pending final disposition of the case.

2245 H. The ~~((office of))~~ human and civil rights commission shall reduce the results of
2246 the investigation to written findings of fact and make a finding that there either is or is not
2247 reasonable cause for believing that an unfair employment practice has been or is being
2248 committed.

2249 I. If a finding is made that there is no reasonable cause, the finding shall be served
2250 on the charging party and respondent. Within thirty days after service of such a negative

2251 finding, the charging party may file a written request with the ~~((office of))~~ human and civil
2252 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and
2253 civil rights commission shall furnish the charging party with information regarding how to
2254 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond
2255 in writing within a reasonable time by granting or denying the request.

2256 SECTION 44. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are
2257 hereby amended to read as follows:

2258 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding
2259 initially or on request for reconsideration that reasonable cause exists to believe that an
2260 unfair employment practice occurred, the ~~((office of))~~ human and civil rights commission
2261 shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion
2262 which may include as a condition of settlement:

- 2263 a. elimination of the unfair employment practice;
- 2264 b. payment of back pay not in excess of the amount of monetary damage
2265 actually incurred;
- 2266 c. payment of other actual damages, including damages caused by emotional
2267 distress, humiliation and embarrassment;
- 2268 d. reinstatement;
- 2269 e. payment of attorneys' fees and costs;
- 2270 f. participation in training on fair employment laws; and
- 2271 g. such other requirements as may lawfully be agreed upon by the parties and the
2272 ~~((office of))~~ human and civil rights commission.

2273 2. Any postfinding settlement agreement shall be reduced to writing and signed

2274 by all parties, with the approval of the ((office of)) human and civil rights commission.

2275 The ((office of)) human and civil rights commission shall then enter an order setting forth
2276 the agreement and furnish copies of the order to all affected parties. Each postfinding
2277 settlement agreement is a public record. Failure to comply with the postfinding agreement
2278 or order may be enforced under K.C.C. 12.18.080.

2279 B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights
2280 commission shall make a finding to that effect, incorporate the finding in the order and
2281 furnish a copy of the order to all affected parties. The order shall also include:

- 2282 a. a finding that an unfair employment practice occurred;
2283 b. the basis for the finding; and
2284 c. an order requiring the respondent to cease and desist from the unfair practice
2285 and to take appropriate affirmative measures, which may include:

- 2286 (1) payment of back pay not in excess of the amount of monetary damage
2287 actually incurred;
2288 (2) payment of other actual damages, including damages caused by emotional
2289 distress, humiliation and embarrassment;
2290 (3) reinstatement;
2291 (4) payment of attorneys' fees and costs;
2292 (5) participation in training on fair employment laws; and
2293 (6) such other action as in the judgment of the ((office of)) human and civil

2294 rights commission will effectuate the purposes of this chapter, which may include the
2295 requirement for a report on the matter of compliance.

2296 2. If the ((office of)) human and civil rights commission finds the respondent

2297 willfully or knowingly committed any unfair employment practice, the ~~((office of))~~ human
2298 and civil rights commission may further order the respondent to pay a civil penalty of up to
2299 s one thousand dollars per violation, which penalty shall be paid to the King County
2300 treasury for deposit in the county general fund.

2301 C. If the parties fail to reach an agreement for the elimination of any unfair
2302 employment practice in which the respondent is an executive department, division or ~~office~~
2303 ~~of~~ the county, the King County executive may compel compliance by the executive
2304 department, division or office with any settlement agreement agreed to between any
2305 charging party and the ~~((office of))~~ human and civil rights commission.

2306 SECTION 45. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are
2307 hereby amended to read as follows:

2308 A. Any respondent or charging party, after by an order of the ~~((office of))~~ human
2309 and civil rights commission is made in accordance with K.C.C. 12.18.060.B., may appeal
2310 that order in accordance with K.C.C. 20.22.080.

2311 B. If the order of the ~~((office of))~~ human and civil rights commission is appealed,
2312 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or
2313 modifying the order. There shall be a verbatim record kept of the hearing. The hearing
2314 examiner has such rule-making and other powers necessary for the conduct of the hearing
2315 as are specified by K.C.C. chapter 20.22. The order of the ~~((office of))~~ human and civil
2316 rights commission shall not be presumed correct. The hearing examiner's decision shall be
2317 based upon a preponderance of the evidence. The hearing shall be conducted within a
2318 reasonable time after receipt of the request for appeal. Written notice of the time and place
2319 of the hearing shall be given at least ten days before the date of the hearing to each affected

2320 party and to the (~~office of~~) human and civil rights commission.

2321 C. Each party may, among exercising other rights:

2322 1. Call and examine witnesses on any matter relevant to the issues of the
2323 complaint;

2324 2. Introduce documentary and physical evidence;

2325 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
2326 complaint;

2327 4. Impeach any witness regardless of which party first called the witness to
2328 testify;

2329 5. Rebut evidence against the party; and

2330 6. Self-represent or be represented by anyone of the party's choice who is lawfully
2331 permitted to do so.

2332 D. Following review of the evidence submitted, the hearing examiner presiding at
2333 the hearing shall enter written findings and conclusions and shall affirm or modify the order
2334 previously issued if the hearing examiner finds that a violation occurred. The hearing
2335 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.

2336 The hearing examiner may grant as relief any relief that the (~~office of~~) human and civil
2337 rights commission could grant under K.C.C. 12.18.060.B. A copy of the hearing
2338 examiner's decision shall be delivered to all affected parties. The order of the hearing
2339 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

2340 SECTION 46. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are
2341 hereby amended to read as follows:

2342 A. If the (~~office of~~) human and civil rights commission has reasonable cause to

2343 believe that a respondent breached a prefinding or postfinding settlement agreement
2344 executed under K.C.C. 12.18.050 or 12.18.060, or violated an order of the ((office of))
2345 human and civil rights commission issued under K.C.C. 12.18.060 or an order of the
2346 hearing examiner issued in accordance with K.C.C. 12.18.070, the ((office of)) human and
2347 civil rights commission shall refer the matter to the prosecuting attorney for the filing of a
2348 civil action under subsection B. of this section for the enforcement of the agreement.

2349 B. The prosecuting attorney may commence a civil action in superior court for
2350 appropriate relief with respect to a breach of a prefinding or postfinding settlement
2351 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the
2352 ((office of)) human and civil rights commission issued under K.C.C. 12.18.060 or an order
2353 of the hearing examiner issued under K.C.C. 12.18.070. This action may be commenced
2354 no later than ninety days after the referral of the alleged breach under subsection A. of this
2355 section.

2356 SECTION 47. Ordinance 15399, Section 17, and K.C.C. 12.18.085 are hereby
2357 amended to read as follows:

2358 A. An aggrieved person may commence a civil action in superior court not later
2359 than three years after the occurrence or termination of an alleged unfair employment
2360 practice or ninety days after a determination of reasonable cause is issued by the ((office
2361 of)) human and civil rights commission, whichever occurs last, to obtain appropriate
2362 relief with respect to the unfair employment practice.

2363 B. A civil action may be filed under this section whether or not an administrative
2364 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such
2365 a complaint. However, if the ((office of)) human and civil rights commission obtained a

2366 prefinding or postfinding settlement or conciliation agreement with the consent of the
2367 aggrieved person, an action may not be filed under this section by the aggrieved person
2368 with respect to the alleged unfair employment practice that forms the basis for the
2369 complaint except for the purpose of enforcing the agreement. To preclude such a filing,
2370 the prefinding or postfinding settlement or conciliation agreement must include language
2371 that the aggrieved person knowingly waives any right to file a civil action based on the
2372 same alleged unfair employment practice.

2373 C. Subject to subsection D. of this section, after the filing of a civil action
2374 involving the same claim or arising from the same facts and circumstances, whether
2375 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may
2376 administratively close a complaint of an unfair employment practice.

2377 D. If a court dismisses a private cause of action without reaching the merits and
2378 on grounds that would not preclude pursuit of a complaint under this chapter, the
2379 charging party may request, within ninety days of the entry of the court's order of
2380 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously
2381 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may
2382 reopen a case that was administratively closed upon the filing of a civil action. If the
2383 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable
2384 cause" finding, the case shall not be reopened except as provided through reconsideration
2385 under K.C.C. 12.18.050.

2386 E. A charging party or aggrieved person may not secure relief from more than
2387 one governmental agency, instrumentality or tribunal for the same harm or injury.

2388 F. An aggrieved person may not commence a civil action under this section with

2389 respect to an alleged unfair employment practice that forms the basis of a complaint if a
2390 hearing on the complaint has been convened under K.C.C. 12.18.070.

2391 G. In a civil action under this section, if the court finds that a unfair practice
2392 occurred, the court may grant such relief as is available for violations of the Washington
2393 state Law Against Discrimination, chapter 49.60 RCW.

2394 H. Upon timely application, the prosecuting attorney may intervene in the civil
2395 action if the prosecuting attorney determines that the case is of general public importance.

2396 I. This section is intended to provide private judicial remedies for violations of
2397 this chapter that are as expansive as the powers granted by the Constitution and laws of
2398 the state of Washington.

2399 SECTION 48. Ordinance 7439, Section 9, as amended, and K.C.C. 12.18.090 are
2400 hereby amended to read as follows:

2401 The (~~office of~~) human and civil rights commission may implement such forms,
2402 administrative processes and operational procedures as are necessary to comply with this
2403 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
2404 chapter 2.98.

2405 SECTION 49. Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097
2406 are hereby amended to read as follows:

2407 A. If a complaint filed under this chapter, (~~office of~~) human and civil rights
2408 commission shall initiate an investigation under this chapter.

2409 B. If the (~~office of~~) human and civil rights commission determines that a
2410 violation of this chapter or any rules and regulations adopted under this chapter occurred,
2411 the (~~office of~~) human and civil rights commission shall issue an order in accordance

2412 with this chapter. For the enforcement of this chapter, if a conflict exists between this
2413 chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

2414 SECTION 50. Ordinance 5280, Section 1, as amended, K.C.C. 12.20.010 are
2415 hereby amended to read as follows:

2416 This chapter is an exercise of the police power of King County for the protection of
2417 the public welfare, health, peace and safety of the residents of King County and in
2418 fulfillment of the state Constitution. The King County council finds and declares that
2419 practices of housing discrimination against any persons on the basis of race, color,
2420 ~~((religion, national origin, ancestry, age, gender, marital status, parental status, participation~~
2421 ~~in the Section 8 program or other housing subsidy program, alternative source of income,~~
2422 ~~sexual orientation, gender identity or expression, disability or use of a service or assistive~~
2423 ~~animal by an individual with a disability)) creed, religion, national origin, ancestry, age,
2424 sexual orientation, gender identity or expression, marital status, pregnancy, parental status,
2425 disability or use of a service or assistive animal by an individual with a disability, military
2426 discharge status, military service, lawful source of income, professional training or
2427 education, housing status including participation in the Section 8 program or other housing
2428 subsidy program, alienage or citizenship status, caregiver status, status as a victim of
2429 domestic violence, sexual offenses or stalking or any other status protected by federal, state
2430 or local law constitute matters of local concern and are contrary to the public welfare,
2431 health, peace and safety of the residents of King County.~~

2432 SECTION 51. Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020 are
2433 hereby amended to read as follows:

2434 The definitions in this section apply throughout this chapter unless the context

2435 clearly requires otherwise.

2436 A. "Aggrieved person" includes any person who claims to have been injured by an
2437 act of discrimination in a place of public accommodation;

2438 B. "Alternative source of income" means lawful, verifiable income derived from
2439 sources other than wages, salaries, or other compensation for employment. It includes but
2440 is not limited to moneys derived from Social Security benefits, other retirement
2441 programs, supplemental security income, unemployment benefits, child support, the state
2442 Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance and
2443 any other federal, state, local government, private or nonprofit-administered cash benefit
2444 program.

2445 C. "Charging party" means any person alleging an act of discrimination in a place
2446 of public accommodation under this chapter by filing a complaint with the ~~((office of))~~
2447 human and civil rights commission.

2448 D.1. "Disability" means:

2449 a. a physical or mental impairment that substantially limits one or more of a
2450 person's major life activities, either temporarily or permanently;

2451 b. a person has a record of having such an impairment;

2452 c. a person is regarded as having such an impairment; or

2453 d. a person has any other condition that is a disability under the Washington state
2454 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

2455 2. "Disability" does not include current, illegal use of a controlled substance, as
2456 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

2457 E. "Discrimination" or "discriminatory practice or act" means any action or failure

2458 to act, whether by a single act or part of a practice, the effect of which is to adversely affect
2459 or differentiate between or among individuals, because of race, color, ((~~religion, national~~
2460 ~~origin, ancestry, age, gender, marital status, parental status, participation in the Section 8~~
2461 ~~program, sexual orientation, gender identity or expression, disability or use of a service or~~
2462 ~~assistive animal by an individual with a disability~~)) creed, religion, national origin,
2463 ancestry, age, sexual orientation, gender identity or expression, marital status, pregnancy,
2464 parental status, disability or use of a service or assistive animal by an individual with a
2465 disability, military discharge status, military service, lawful source of income, professional
2466 training or education, housing status including participation in the Section 8 program or
2467 other housing subsidy program, alienage or citizenship status, caregiver status, status as a
2468 victim of domestic violence, sexual offenses or stalking or any other status protected by
2469 federal, state or local law.

2470 F. "Dwelling" or "dwelling unit" mean any building, structure or portion of a
2471 building or structure that is occupied as, or designed or intended for occupancy as, a
2472 residence by one or more families or individuals, and any vacant land that is offered for
2473 sale or lease for the construction or location thereon of any such a building, structure or
2474 portion of a building or structure.

2475 G. "Gender identity or expression" means an individual's gender-related identity,
2476 appearance, or expression, whether or not associated with the individual's sex assigned at
2477 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining
2478 to the individual's own gender identity or expression.

2479 H. "Housing accommodations" means any dwelling or dwelling unit, rooming
2480 unit, rooming house, lot or parcel of land in unincorporated King County that is used,

2481 intended to be used or arranged or designed to be used as, or improved with, a residential
2482 structure for one or more human beings.

2483 ~~((H.))~~ I. "Marital status" means the presence or absence of a marital relationship
2484 and includes the status of married, separated, divorced, engaged, widowed, single or
2485 cohabiting.

2486 ~~((F.))~~ J.1. "Parental status" means one or more individuals, who have not attained
2487 the age of eighteen years, being domiciled with:

2488 a. a parent or another person having legal custody of the individual or
2489 individuals; or

2490 b. the designee of such a parent or other person having the custody, with the
2491 written permission of the parent or other person.

2492 2. The protections afforded against discrimination on the basis of familial status
2493 apply to a person who is pregnant or is in the process of securing legal custody of an
2494 individual who has not attained the age of eighteen years.

2495 ~~((J.))~~ K. "Participation in the Section 8 program" means participating in a federal,
2496 state or local government program in which a tenant's rent is paid partially by the
2497 government, through a direct contract between the government program and the owner or
2498 lessor of the real property, and partially by the tenant.

2499 ~~((K.))~~ L. "Party" includes the person charging or making a complaint or upon
2500 whose behalf a complaint is made alleging an unfair practice, the person alleged or found
2501 to have committed an unfair practice and the ~~((office of))~~ human and civil rights
2502 commission.

2503 ~~((L.))~~ M. "Person" means one or more individuals, partnerships, associations,

2504 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
2505 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
2506 employee whether one or more natural persons. "Person" also includes any political or
2507 civil subdivisions of the state and any agency or instrumentality of the state or of any
2508 political or civil subdivision of the state.

2509 ~~((M.))~~ N. "Real estate transaction" includes, but is not limited to, the sale,
2510 conveyance, exchange, purchase, rental, lease or sublease of real property.

2511 ~~((N.))~~ O. "Real estate-related transaction" means any of the following:

2512 1. The making or purchasing of loans or providing other financial assistance:

2513 a. for purchasing, constructing, improving, repairing or maintaining real
2514 property; or

2515 b. secured by real property; or

2516 2. The selling, brokering or appraising of real property.

2517 ~~((O.))~~ P. "Real property" includes, but is not limited to, buildings, structures, real
2518 estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,
2519 and hereditaments, corporeal and incorporeal, or any interest therein.

2520 ~~((P.))~~ Q. "Respondent" means any person who is alleged or found to have
2521 committed an unfair practice prohibited by this chapter.

2522 ~~((Q.))~~ R. "Senior citizens" means persons who are sixty-two years of age or
2523 older.

2524 ~~((R.))~~ S. "Service or assistive animal" means any dog or miniature horse,
2525 individually trained to do work or perform tasks for the benefit of an individual with a
2526 disability, including a physical, sensory, psychiatric, intellectual or other mental

2527 disability. The work or tasks performed by the service animal must be directly related to
2528 the individual's disability. For the purposes of this subsection, "work or tasks" include,
2529 but are not limited to, assisting individuals who are blind or have low vision with
2530 navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
2531 presence of people or sounds, providing nonviolent protection or rescue work, pulling a
2532 wheelchair, assisting an individual during a seizure, alerting individuals to the presence
2533 of allergens, retrieving items such as medicine or a telephone, providing physical support
2534 and assistance with balance and stability to individuals with mobility disabilities and
2535 helping persons with psychiatric and neurological disabilities by preventing or
2536 interrupting impulsive or destructive behaviors. The crime deterrent effects of an
2537 animal's presence and the provision of emotional support, well-being, comfort or
2538 companionship do not constitute "work or tasks."

2539 ~~((S-))~~ T. "Settlement discussions" and "conference, conciliation and persuasion"
2540 mean the attempted resolution of issues raised by a complaint, or by the investigation of a
2541 complaint, through informal negotiations involving the charging party, the respondent
2542 and the ~~((office of))~~ human and civil rights commission.

2543 ~~((F-))~~ U. "Sexual orientation" means an individual's attitudes, preferences, belief
2544 and practices pertaining to the individual's own sexual orientation including, but not
2545 limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

2546 ~~((U-))~~ V. "Verifiable" means the source of income can be confirmed as to its
2547 amount or receipt.

2548 SECTION 52. Ordinance 5280, Section 3.A., as amended, K.C.C. 12.20.040 are
2549 hereby amended to read as follows:

2550 A. It is a discriminatory practice and unlawful for any person, whether acting on
2551 the person's own behalf or another, because of race, color, ~~((religion, national origin,~~
2552 ~~ancestry, age, gender, marital status, parental status, participation in the Section 8 program~~
2553 ~~or other housing subsidy program, alternative source of income, sexual orientation, gender~~
2554 ~~identity or expression, disability or use of a service or assistive animal by an individual~~
2555 ~~with a disability))~~ creed, religion, national origin, ancestry, age, sexual orientation, gender
2556 identity or expression, marital status, pregnancy, parental status, disability or use of a
2557 service or assistive animal by an individual with a disability, military discharge status,
2558 military service, lawful source of income, professional training or education, housing status
2559 including participation in the Section 8 program or other housing subsidy program,
2560 alienage or citizenship status, caregiver status, status as a victim of domestic violence,
2561 sexual offenses or stalking or any other status protected by federal, state or local law:

2562 1. Except as otherwise provided in subsection A.12. of this section, to refuse to
2563 engage in a real estate transaction with a person or to otherwise make unavailable or deny a
2564 dwelling to any person;

2565 2. To discriminate against a person in the terms, conditions or privileges of a real
2566 estate transaction, including financial terms and conditions such as the setting of rents or
2567 damage deposits, or in the furnishing of facilities or services in connection with any real
2568 estate transaction; however, rents and damage deposits may be adjusted to recognize the
2569 number of persons utilizing the property except insofar as such adjustment might
2570 discriminate based on race, color, ~~((religion, national origin, ancestry, age, gender, marital~~
2571 ~~status, parental status, participation in the Section 8 program or other housing subsidy~~
2572 ~~program, alternative source of income, sexual orientation, gender identity or expression,~~

2573 ~~disability or use of a service or assistive animal by an individual with a disability))~~ creed,
2574 religion, national origin, ancestry, age, sexual orientation, gender identity or expression,
2575 marital status, pregnancy, parental status, disability or use of a service or assistive animal
2576 by an individual with a disability, military discharge status, military service, lawful source
2577 of income, professional training or education, housing status including participation in the
2578 Section 8 program or other housing subsidy program, alienage or citizenship status,
2579 caregiver status, status as a victim of domestic violence, sexual offenses or stalking or any
2580 other status protected by federal, state or local law;

2581 3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real
2582 estate transaction from a person;

2583 4. To refuse to negotiate for a real estate transaction with a person;

2584 5. To represent to a person that real property is not available for inspection, sale,
2585 rental or lease when in fact it is so available, to fail to bring a property listing to the
2586 person's attention or to refuse to permit the person to inspect real property;

2587 6. To make, print, circulate, publish, post or mail or cause to be made, printed,
2588 circulated, published, posted or mailed a statement, notice, advertisement or sign,
2589 pertaining to a real estate transaction or a real estate related transaction that indicates,
2590 directly or indirectly, an intent to make a limitation, preference or discrimination with
2591 respect to the transaction;

2592 7. To use a form of application or to make a record of inquiry regarding a real
2593 estate transaction or a real estate related transaction that indicates, directly or indirectly, an
2594 intent to make a limitation, preference or discrimination with respect to the transaction;

2595 8. To offer, solicit, accept, use or retain a listing of real property with the

2596 understanding that a person might be discriminated against in a real estate transaction or in
2597 the furnishing of facilities or services in connection with the transaction;

2598 9. To expel a person from occupancy of real property;

2599 10. To discriminate against in the course of negotiating or executing a real estate
2600 transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien
2601 or other security in real property or in negotiating or executing any item or service related
2602 thereto including issuance of title insurance, mortgage insurance, loan guarantee or other
2603 aspect of the transaction;

2604 11. To deny any person access to or membership or participation in any multiple-
2605 listing service, real estate brokers' organization, or other service, organization, or facility
2606 relating to the business of selling or renting dwellings, or to discriminate against any person
2607 in the terms or conditions of such access, membership or participation; or

2608 12.a. To refuse to lease or rent any real property to any person based on the
2609 person's reliance on the Section 8 program or other housing subsidy programs to make
2610 rental payments unless:

2611 (1) the person's reliance on the Section 8 program or other housing subsidy
2612 programs is conditioned on the real property passing inspection;

2613 (2) the written estimate of the cost of improvements necessary to pass
2614 inspection is more than one thousand five hundred dollars; and

2615 (3) the landlord has not received moneys from the state's landlord mitigation
2616 program, as set forth in chapter 43.31 RCW, to make the improvements.

2617 b. This subsection A.12. shall apply beginning September 30, 2018.

2618 B. It is a discriminatory practice and unlawful for any person, whether acting on

2619 the person's own behalf or for another, to coerce, intimidate, threaten or interfere with any
2620 other person in the exercise or enjoyment of, on account of the other person having
2621 exercised or enjoyed, or on account of the other person having aided or encouraged any
2622 person in the exercise or enjoyment of, any right granted or protected by this chapter.

2623 C. It is a discriminatory practice and unlawful for any person, whether acting on
2624 the person's own behalf or for another, to discriminate against in the sale or rental of, or to
2625 otherwise make unavailable or deny, a dwelling to any buyer or renter because of a
2626 disability of any one or more of:

- 2627 1. That buyer or renter;
- 2628 2. A person residing in or intending to reside in that dwelling after it is so sold,
2629 rented or made available; or
- 2630 3. Any person associated with that buyer or renter.

2631 D. It is a discriminatory practice and unlawful for any person, whether acting on
2632 the person's own behalf or another, to discriminate against any person in the terms,
2633 conditions or privileges of sale or rental of a dwelling, or in the provision of services or
2634 facilities in connection with a dwelling, because of a disability of any one or more of:

- 2635 1. That person;
- 2636 2. A person residing in or intending to reside in that dwelling after it is so sold,
2637 rented or made available; or
- 2638 3. Any person associated with that person.

2639 E. For the purposes of this chapter, discriminatory practices based either on
2640 disability or use of a service or assistive animal by an individual with a disability are
2641 unlawful and include:

2642 1. Refusal to permit, at the expense of an individual with a disability, reasonable
2643 modifications of existing premises occupied or to be occupied by the person if the
2644 modifications might be necessary to afford the person full enjoyment of the premises.
2645 However, for a rental, the landlord may, if it is reasonable to do so, condition permission
2646 for a modification on the renter agreeing to restore the interior of the premises to the
2647 condition that existed before the modification, reasonable wear and tear excepted;

2648 2. Refusal to make reasonable accommodations in rules, policies, practices or
2649 services, if the accommodations might be necessary to afford an individual or individuals
2650 with disabilities equal opportunity to use and enjoy a dwelling; or

2651 3. Failure to design, construct and alter dwellings in conformance with 42 U.S.C.
2652 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations (chapter
2653 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations adopted under
2654 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other applicable laws
2655 pertaining to access to individuals with disabilities. If the requirements of applicable laws
2656 differ, the requirements that require greater accessibility to individuals with disabilities
2657 govern.

2658 F. It is discriminatory practice and unlawful for any person, whether acting on the
2659 person's own behalf or for another, to retaliate by taking action against another person
2660 because the other person:

2661 1. Opposed any practice forbidden by this chapter;

2662 2. Complied or proposed to comply with this chapter or any order issued under
2663 this chapter; or

2664 3. Filed a complaint, testified or assisted in any manner in any investigation,

2665 proceeding or hearing initiated under this chapter.

2666 SECTION 53. Ordinance 5280, Section 3.B., as amended, K.C.C. 12.20.050 are
2667 hereby amended to read as follows:

2668 It is a discriminatory practice and unlawful for any person acting for monetary gain,
2669 whether acting on the person's own behalf or for another in connection with any real estate-
2670 related transaction, whose business includes engaging in real estate-related transactions to
2671 discriminate against any person in making available such a transaction, or in the terms or
2672 conditions of such a transaction, because of race, color, ~~((religion, national origin, ancestry,~~
2673 ~~age, gender, marital status, parental status, participation in Section 8 program or other~~
2674 ~~housing subsidy program, alternative source of income, sexual orientation, gender identity~~
2675 ~~or expression, disability or use of a service or assistive animal by an individual with a~~
2676 ~~disability))~~ creed, religion, national origin, ancestry, age, sexual orientation, gender identity
2677 or expression, marital status, pregnancy, parental status, disability or use of a service or
2678 assistive animal by an individual with a disability, military discharge status, military
2679 service, lawful source of income, professional training or education, housing status
2680 including participation in the Section 8 program or other housing subsidy program,
2681 alienage or citizenship status, caregiver status, status as a victim of domestic violence,
2682 sexual offenses or stalking or any other status protected by federal, state or local law.

2683 SECTION 54. Ordinance 5280, Section 3.C, as amended, K.C.C. 12.20.060 are
2684 hereby amended to read as follows:

2685 It is a discriminatory practice and unlawful for any person acting for monetary gain,
2686 whether acting on the person's own behalf or others, directly or indirectly, to engage in the
2687 practices of blockbusting or steering, including the commission of any one or more of the

2688 following acts:

2689 A. Inducing or attempting to induce any person to sell or rent any real property by
2690 representation regarding the entry or prospective entry into the neighborhood or area of a
2691 person or persons of a particular race, color, (~~religion, national origin, ancestry, age,~~
2692 ~~gender, marital status, participation in the Section 8 program or other housing subsidy~~
2693 ~~program, alternative source of income, sexual orientation, gender identity or expression,~~
2694 ~~parental status, disability or use of a service or assistive animal by an individual with a~~
2695 ~~disability)) creed, religion, national origin, ancestry, age, sexual orientation, gender identity
2696 or expression, marital status, pregnancy, parental status, disability or use of a service or
2697 assistive animal by an individual with a disability, military discharge status, military
2698 service, lawful source of income, professional training or education, housing status
2699 including participation in the Section 8 program or other housing subsidy program,
2700 alienage or citizenship status, caregiver status, status as a victim of domestic violence,
2701 sexual offenses or stalking or any other status protected by federal, state or local law; or~~

2702 B. Showing or otherwise taking any action, the intention or effect of which is to
2703 steer a person or persons to any section of the county or to particular real property in a
2704 manner tending to segregate or maintain segregation on the basis of race, color, religion,
2705 national origin, ancestry, age, gender, marital status, sexual orientation, parental status,
2706 participation in Section 8 program or other housing subsidy program, alternative source of
2707 income, disability or use of a service or assistive animal by a an individual with a disability.

2708 SECTION 55. Ordinance 5280, Section 4, as amended, K.C.C. 12.20.070 are
2709 hereby amended to read as follows:

2710 A. A complaint alleging an unfair housing practice may be filed by:

2711 1. Any aggrieved person; or
2712 2. Any state, local or federal agency concerned with discrimination in housing,
2713 including the ~~((office of))~~ human and civil rights commission has reason to believe that an
2714 unfair housing practice has been or is being committed.

2715 B. A complaint alleging an unfair housing practice shall be in writing and signed
2716 by the charging party. The complaint must be filed by the charging party with the ~~((office~~
2717 ~~of))~~ human and civil rights commission within three hundred sixty-five days after the
2718 occurrence or termination of the alleged unfair housing practice. The complaint must
2719 describe with particularity the practice complained of and the location of the practice and
2720 must identify the person being charged with committing an unfair housing practice.
2721 However, the ~~((office of))~~ human and civil rights commission shall not reject a complaint
2722 as insufficient because of failure to include all required information, if the ~~((office of))~~
2723 human and civil rights commission determines that the complaint substantially meets the
2724 informational requirements necessary for processing.

2725 C. Upon the receipt of a complaint alleging an unfair housing practice, the ~~((office~~
2726 ~~of))~~ human and civil rights commission shall serve notice upon the charging party
2727 acknowledging the filing and advising the charging party of the time limits provided under
2728 this chapter and of the choice of forums provided by this chapter.

2729 D. The charging party or the ~~((office of))~~ human and civil rights commission may
2730 amend a complaint: to cure technical defects or omissions; to clarify and amplify
2731 allegations made in the complaint; or to add allegations related to or arising out of the
2732 subject matter set forth, or attempted to be set for, in the original complaint. For
2733 jurisdictional purposes, the amendments relate back to the date the original complaint was

2734 first filed. Either the charging party or the ((office of)) human and civil rights commission,
2735 or both, may amend a complaint for these reasons as a matter of right before service of
2736 notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may
2737 amend a complaint only with permission of the hearing examiner, which permission shall
2738 be granted if justice will be served by the permission, and all parties shall be allowed time
2739 to prepare their case with respect to additional or expanded allegations they did not and
2740 could not have reasonably foreseen would be an issue at the hearing.

2741 E. The charging party may also amend a complaint to include allegations of
2742 additional unrelated discriminatory practices that arose after the filing of the original
2743 complaint. The charging party must file any amendments adding the allegations within
2744 three hundred sixty-five days after the occurrence or termination of the additional
2745 discriminatory practices and before the issuance of findings of fact and a determination
2746 with respect to the original complaint by the ((office of)) human and civil rights
2747 commission. The amendments may be made at any time during the investigation of the
2748 original complaint if the ((office of)) human and civil rights commission will have
2749 adequate time to investigate the additional allegations and the parties will have adequate
2750 time to present the ((office of)) human and civil rights commission with evidence
2751 concerning the allegations before the issuance of findings of fact and a determination.

2752 SECTION 56. Ordinance 5280, Section 5, as amended, K.C.C. 12.20.080 are
2753 hereby amended to read as follows:

2754 A. After the filing of a complaint, the ((office of)) human and civil rights
2755 commission shall cause to be served on or mailed to the respondent, by certified mail,
2756 return receipt requested, a copy of the complaint, along with a notice advising of procedural

2757 rights and obligations of respondents under this chapter promptly and in no case longer
2758 than twenty days after the filing the complaint. Each respondent may file an answer to the
2759 complaint, not later than ten days after receipt of notice from the ((office of)) human and
2760 civil rights commission. If the respondent is unable to file a response within ten days, the
2761 respondent may request an extension of time from the ((office of)) human and civil rights
2762 commission, not to exceed five days. The ((office of)) human and civil rights commission
2763 may grant the extension if good cause is shown.

2764 B. The investigation shall be commenced promptly and in no event later than thirty
2765 days after receipt of the complaint. It shall be directed to ascertain the facts concerning the
2766 unfair practice alleged in the complaint and shall be conducted in an objective and impartial
2767 manner. The investigation shall be completed within one hundred days after the filing of
2768 the complaint, unless it is impracticable to do so. If the ((office of)) human and civil rights
2769 commission is unable to complete the investigation within the one hundred days, the
2770 ((office of)) human and civil rights commission shall notify the charging party and
2771 respondent, in writing, of the reasons for not doing so. The ((office of)) human and civil
2772 rights commission shall make final administrative disposition of a complaint within one
2773 year of the date of receipt of the complaint, unless it is impracticable to do so. If the
2774 ((office of)) human and civil rights commission is unable to do so, the ((office of)) human
2775 and civil rights commission shall notify the charging party and respondent, in writing, of
2776 the reasons for not doing so.

2777 C. During the investigation, the ((office of)) human and civil rights commission
2778 shall consider any statement of position or evidence with respect to the allegations of the
2779 complaint that the charging party or the respondent wishes to submit.

2780 D. A person who is not named as a respondent in a complaint, but who is identified
2781 as a respondent in the course of investigation, may be joined as an additional or substitute
2782 respondent upon written notice, under subsection A. of this section, to the person from the
2783 ~~((office of))~~ human and civil rights commission. The notice, in addition to meeting the
2784 requirements of subsection A. of this section, shall explain the basis for the belief of the
2785 ~~((office of))~~ human and civil rights commission that the person to whom the notice is
2786 addressed is properly joined as a respondent.

2787 E. During the period beginning with the filing of the complaint and ending with the
2788 issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to
2789 the extent feasible, engage in settlement discussions with respect to the complaint. Nothing
2790 said or done in the course of the settlement discussions may be made public or used as
2791 evidence in a subsequent proceeding under this chapter without the written consent of the
2792 persons concerned. A prefinding settlement agreement arising out of the settlement
2793 discussions shall be an agreement between the respondent and the charging party, and is
2794 subject to approval by the ~~((office of))~~ human and civil rights commission. Each
2795 prefinding settlement agreement is a public record. Failure to comply with the prefinding
2796 settlement agreement may be enforced under K.C.C. 12.20.120.

2797 F. The ~~((office of))~~ human and civil rights commission shall seek the voluntary
2798 cooperation of all persons to: obtain access to premises, records, documents, individuals
2799 and other possible sources of information; examine, record and copy necessary materials;
2800 and take and record testimony or statements of persons reasonably necessary for the
2801 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may
2802 conduct discovery in aid of the investigation by the following methods or others:

2803 deposition upon oral examination or written questions; written interrogatories; requests for
2804 the production of documents or evidence, for inspection and other purposes; physical and
2805 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights
2806 commission may sign and issue subpoenas requiring the attendance and testimony of
2807 witnesses, the production of evidence including books, records, correspondence, e-mail or
2808 documents in the possession or under the control of the person subpoenaed and access to
2809 evidence for the purpose of examination and copying as are necessary for the investigation.
2810 The ~~((office of))~~ human and civil rights commission shall consult with the prosecuting
2811 attorney before issuing any subpoena under this section.

2812 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
2813 testify when requested concerning any matter under investigation, the ~~((office of))~~ human
2814 and civil rights commission may invoke the aid of the prosecuting attorney, who shall
2815 petition to the superior court for an order or other appropriate action necessary to secure
2816 enforcement of the subpoena. The petition shall:

- 2817 1. Be accompanied by a copy of the subpoena and proof of service;
- 2818 2. Set forth in what specific manner the subpoena has not been complied with;
- 2819 and
- 2820 3. Ask for an order of the court to compel the witness to appear and testify or
2821 cooperate in the investigation of the unfair housing practice.

2822 H. If the ~~((office of))~~ human and civil rights commission concludes at any time
2823 after the filing of a complaint that prompt judicial action is necessary to carry out the
2824 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke
2825 the aid of the prosecuting attorney, who shall file a civil action for appropriate temporary,

2826 injunctive or preliminary relief pending final disposition of the case.

2827 I. The ~~((office of))~~ human and civil rights commission shall reduce the results of
2828 the investigation to written findings of fact and make a finding that there either is or is not
2829 reasonable cause for believing that an unfair housing practice has been or is being
2830 committed.

2831 J. If a finding is made that there is no reasonable cause, the finding shall be served
2832 on the charging party and respondent. Within thirty days after service of such a negative
2833 finding, the charging party may file a written request with the ~~((office of))~~ human and civil
2834 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and
2835 civil rights commission shall furnish the charging party with information regarding how to
2836 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond
2837 in writing within a reasonable time by granting or denying the request.

2838 SECTION 57. Ordinance 5280, Section 6, as amended, K.C.C. 12.20.090 are
2839 hereby amended to read as follows:

2840 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding
2841 initially or on request for reconsideration that reasonable cause exists to believe that an
2842 unfair housing practice occurred or is about to occur, the ~~((office of))~~ human and civil
2843 rights commission shall endeavor to eliminate the unfair practice by conference,
2844 conciliation and persuasion, which may include as a condition of settlement the:

- 2845 a. elimination of the unfair housing practice;
- 2846 b. payment of actual damages, including damages caused by emotional distress,
2847 humiliation and embarrassment;
- 2848 c. reinstatement to tenancy;

- 2849 d. payment of attorneys' fees and costs;
- 2850 e. payment of a civil penalty to vindicate the public interest up to the limits in 42
- 2851 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006,
- 2852 which penalty shall be paid to King County for deposit in the county general fund;
- 2853 f. participation in training on fair housing laws; and
- 2854 g. such other requirements as may lawfully be agreed upon by the parties and the
- 2855 ~~((office of))~~ human and civil rights commission.

2856 2. Any postfinding settlement agreement shall be reduced to writing and signed

2857 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.

2858 The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth

2859 the agreement and furnish copies of the order to all affected parties. Failure to comply with

2860 the postfinding agreement or order may be enforced under K.C.C. 12.20.120. Each

2861 postfinding settlement agreement is a public record.

2862 B.1. If the parties cannot reach agreement, the ~~((office of))~~ human and civil rights

2863 commission shall make a finding to that effect, incorporate the finding in an order, and

2864 furnish a copy of the order to all affected parties. The order shall also include:

- 2865 a. a finding that an unfair housing practice is about to occur or has occurred;
- 2866 b. the basis for the finding; and
- 2867 c. an order requiring the respondent to cease and desist from such unfair practice
- 2868 and to take appropriate affirmative action, including:

- 2869 (1) payment of actual damages, including damages caused by emotional
- 2870 distress, humiliation and embarrassment;
- 2871 (2) reinstatement to tenancy;

2872 (3) payment of attorneys' fees and costs;
2873 (4) participation in training on fair housing laws; and
2874 (5) such other action as in the judgment of the ~~((office of))~~ human and civil
2875 rights commission will effectuate the purposes of this chapter, which may include the
2876 requirement for report on the matter of compliance, injunctive relief and the payment of a
2877 civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec.
2878 3612(g)(3) as it exists on April 16, 2006.

2879 SECTION 58. Ordinance 10469, Section 11, as amended, K.C.C. 12.20.095 are
2880 hereby amended to read as follows:

2881 In the case of an order with respect to a discriminatory housing practice that
2882 occurred in the course of a business subject to a licensing or regulation by a governmental
2883 agency, the ~~((office of))~~ human and civil rights commission shall, not later than thirty days
2884 after the date of the issuance of the order or, if the order is appealed pursuant to K.C.C.
2885 12.20.100, thirty days after the order is in substance affirmed upon the review:

2886 A. Send copies of the findings of fact, conclusions of law and the order, to that
2887 governmental agency; and

2888 B. Recommend to that governmental agency appropriate disciplinary action
2889 including, if appropriate, the suspension or revocation of the license of the respondent.

2890 SECTION 59. Ordinance 5280, Section 7, as amended, K.C.C. 12.20.100 are
2891 hereby amended to read as follows:

2892 A.1. Any charging party, respondent or aggrieved person on whose behalf the
2893 finding was made, after an order of the ~~((office of))~~ human and civil rights commission is
2894 made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the

2895 claims on which reasonable cause was found decided in a civil action under K.C.C.
2896 12.20.124 or in a hearing before the hearing examiner. The ~~((office of))~~ human and civil
2897 rights commission shall provide the charging party, respondent and aggrieved person on
2898 whose behalf the finding was made with information regarding how to make the election.
2899 This election must be made not later than thirty days after the receipt by the electing person
2900 of service of the order. The person making the election shall give notice of the election
2901 stating which forum is elected to the ~~((office of))~~ human and civil rights commission and to
2902 all other charging parties and respondents to whom the complaint relates. The notice of
2903 election should identify clearly and specifically:

- 2904 a. the errors that the appellant believes were made in the action or decision that
2905 is being appealed, or the procedural irregularities associated with that action or decision;
- 2906 b. specific reasons by the county's action should be reversed or modified; and
- 2907 c. the desired outcome of the appeal.

2908 2. Any order issued by the ~~((office of))~~ human and civil rights commission under
2909 K.C.C. 12.20.090.B. becomes final thirty days after service of the order unless a written
2910 notice of election is filed with the ~~((office of))~~ human and civil rights commission within
2911 the thirty-day period. If the order becomes final, parties violating the order are subject to
2912 the enforcement provisions of K.C.C. 12.20.120.

2913 B. If no election of civil action is made, and an election for hearing is made, the
2914 complaint, any and all findings made and either affirmative action measures or civil
2915 penalties, or both, required shall be certified by the ~~((office of))~~ human and civil rights
2916 commission to the ~~((office of the))~~ hearing examiner for hearing.

2917 C. A hearing shall be conducted by the ~~((office of the))~~ hearing examiner for the

2918 purpose of affirming, denying or modifying the order. There shall be a verbatim record
2919 kept of the hearing. The hearing examiner shall have such rule-making and other powers
2920 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The ~~((office~~
2921 ~~of))~~ human and civil rights commission shall maintain the action and the order of the
2922 ~~((office of))~~ human and civil rights commission shall not be presumed correct. The hearing
2923 examiner's decision shall be based upon a preponderance of the evidence. The hearing
2924 shall be conducted within a reasonable time after receipt of the certification. Written notice
2925 of the time and place of the hearing shall be given at least ten days before the date of the
2926 hearing to each affected party and to the ~~((office of))~~ human and civil rights commission.

2927 D. Each party may, among exercising other rights:

- 2928 1. Call and examine witnesses on any matter relevant to the issues of the
2929 complaint;
- 2930 2. Introduce documentary and physical evidence;
- 2931 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
2932 complaint;
- 2933 4. Impeach any witness regardless of which party first called the witness to
2934 testify;
- 2935 5. Rebut evidence against the party; and
- 2936 6. Self-represent or be represented by anyone of the party's choice who is lawfully
2937 permitted to do so.

2938 E. Following review of the evidence submitted, the hearing examiner presiding at
2939 the hearing shall enter written findings and conclusions and shall affirm or modify the order
2940 previously issued if the hearing examiner finds that a violation is about to occur or

2941 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a
2942 violation is not about to occur or did not occur. The hearing examiner may grant as relief
2943 any relief that the ~~((office of))~~ human and civil rights commission could grant under K.C.C.
2944 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be
2945 served on all affected parties. The order of the hearing examiner is final unless reviewed
2946 by a court under K.C.C. 20.22.270.B.

2947 SECTION 60. Ordinance 5280, Section 9, as amended, K.C.C. 12.20.120 are
2948 hereby amended to read as follows:

2949 A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to
2950 believe that a respondent breached a prefinding or postfinding settlement agreement
2951 executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the ~~((office of))~~
2952 human and civil rights commission issued under K.C.C. 12.20.090 or an order of the
2953 hearing examiner issued under K.C.C. 12.20.100, the ~~((office of))~~ human and civil rights
2954 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
2955 under subsection B. of this section for the enforcement of the agreement.

2956 B. The prosecuting attorney may commence a civil action in superior court for
2957 appropriate relief with respect to breach of a prefinding or postfinding settlement
2958 agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the
2959 ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.20.090 or an order
2960 of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced
2961 no later than ninety days after the referral of the alleged breach under subsection A. of this
2962 section.

2963 SECTION 61. Ordinance 10469, Section 13, as amended, K.C.C. 12.20.122 are

2964 hereby amended to read as follows:

2965 A. An aggrieved person may commence a civil action in superior court not later
2966 than one year after the occurrence or the termination of an alleged discriminatory housing
2967 practice, whichever occurs last, to obtain appropriate relief with respect to such
2968 discriminatory housing practice.

2969 B. The computation of the one-year period shall not include any time during which
2970 an administrative proceeding under this chapter was pending with respect to a complaint or
2971 charge under this chapter based upon the discriminatory housing practices.

2972 C. An aggrieved person may commence a civil action under this section whether or
2973 not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of
2974 any such complaint. However, if the (~~office of~~) human and civil rights commission or the
2975 United States Department of Housing and Urban Development has obtained a prefinding or
2976 postfinding settlement or conciliation agreement with the consent of an aggrieved person,
2977 an action may not be filed under this section by the aggrieved person with respect to the
2978 alleged discriminatory housing practice that forms the basis for the complaint except for the
2979 purpose of enforcing the agreement. To preclude such a filing, the prefinding or
2980 postfinding settlement or conciliation agreement must include language that the charging
2981 party knowingly waives any right to file a civil action based on the same alleged unfair
2982 housing practice.

2983 D. Subject to subsection E. of this section, after the filing of a civil action
2984 involving the same claim or arising from the same facts and circumstances, whether
2985 under this chapter or similar law, the (~~office of~~) human and civil rights commission may
2986 administratively close a complaint of an unfair housing practice.

2987 E. If a court dismisses a private cause of action without reaching the merits and
2988 on grounds that would not preclude pursuit of a complaint under this chapter, the
2989 charging party may request, within ninety days of the entry of the court's order of
2990 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously
2991 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may
2992 reopen a case that was administratively closed upon the filing of a civil action. If the
2993 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable
2994 cause" finding, the case shall not be reopened except as provided through reconsideration
2995 under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief
2996 from more than one governmental agency, instrumentality or tribunal for the same harm
2997 or injury.

2998 F. An aggrieved person may not commence a civil action under this section with
2999 respect to an alleged discriminatory housing practice that forms the basis of a complaint if a
3000 hearing on the complaint has been convened by the office of the hearing examiner.

3001 G. In a civil action under subsection A., of this section, if the court finds that a
3002 discriminatory practice occurred or is about to occur, the court may order remedies as
3003 allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as
3004 provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this
3005 section, may grant as relief, as the court deems appropriate, any permanent or temporary
3006 injunction, temporary restraining order or other order, including an order enjoining the
3007 defendant from engaging in the practice or ordering such affirmative action as might be
3008 appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing
3009 party.

3010 H. Relief granted under this section shall not affect any contract, sale, encumbrance
3011 or lease consummated before the granting of the relief and involving a bona fide purchaser,
3012 encumbrances or tenant, without actual notice of the filing of a complaint with the ((office
3013 of)) human and civil rights commission or civil action under this chapter.

3014 I. Upon timely application, the prosecuting attorney may intervene in the civil
3015 action if the prosecuting attorney determines that the case is of general public importance.

3016 J. This section is intended to provide private judicial remedies for violations of this
3017 chapter that are as expansive as the powers granted by the Constitution of laws of the state
3018 of Washington.

3019 SECTION 62. Ordinance 10469, Section 14, as amended, K.C.C. 12.20.124 are
3020 hereby amended to read as follows:

3021 A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a
3022 civil action, the ((office of)) human and civil rights commission shall authorize and, not
3023 later than thirty days after the election is made, shall commence, on behalf of the charging
3024 party, a civil action in superior court to affirm or modify the order of the ((office of))
3025 human and civil rights commission issued under K.C.C. 12.20.090.

3026 B. Any aggrieved person with respect to the issues to be determined in a civil
3027 action under this section may intervene as of right in that civil action.

3028 C. In a civil action under this section, if the court finds that a discriminatory
3029 housing practice has occurred, or is about to occur, the court may grant as relief any relief
3030 which a court could grant with respect to such discriminatory housing practice in a civil
3031 action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved
3032 person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also

3033 accrues to that aggrieved person in a civil action under this section. If monetary relief is
3034 sought for the benefit of an aggrieved person who does not intervene in that civil action, the
3035 court shall not award the monetary relief if that aggrieved person has not complied with
3036 discovery orders entered by the court.

3037 SECTION 63. Ordinance 5280, Section 10, as amended, K.C.C. 12.20.130 are
3038 hereby amended to read as follows:

3039 A. Nothing in this chapter:

3040 1. Prohibits treating any person or persons meeting the definition of parental
3041 status or any individual with a disability or individuals with disabilities more favorably
3042 than others if the favorable treatment does not discriminate against persons on the basis
3043 of race, color, (~~religion, national origin, ancestry, age, gender, marital status, parental~~
3044 ~~status, participation in the Section 8 program or other housing subsidy program,~~
3045 ~~alternative source of income, sexual orientation, gender identity or expression, disability~~
3046 ~~or use of a service or assistive animal by an individual with a disability)) creed, religion,
3047 national origin, ancestry, age, sexual orientation, gender identity or expression, marital
3048 status, pregnancy, parental status, disability or use of a service or assistive animal by an
3049 individual with a disability, military discharge status, military service, lawful source of
3050 income, professional training or education, housing status including participation in the
3051 Section 8 program or other housing subsidy program, alienage or citizenship status,
3052 caregiver status, status as a victim of domestic violence, sexual offenses or stalking or any
3053 other status protected by federal, state or local law;~~

3054 2. Prohibits a religious organization, association or society, or any nonprofit
3055 institution or organization operated, supervised or controlled by or in conjunction with a

3056 religious organization, association or society, from limiting the sale, rental or occupancy
3057 of dwellings that it owns or operates for other than a commercial purpose, to persons of
3058 the same religion, or from giving preference to persons of the same religion, but only if:

3059 a. membership in the religion is not restricted on account of race, color,
3060 ancestry or national origin; and

3061 b. the limitation or preference is reasonably in the furtherance of a religious
3062 purpose or activity;

3063 3. Prohibits any person from limiting the rental or occupancy of housing
3064 accommodations in any collegiate Greek system residence, school dormitory or similar
3065 residential facility to persons of one gender if considerations of personal privacy exist;

3066 4. Prohibits any person from limiting, on the basis of age or parental status, the
3067 sale, rental or occupancy of housing accommodations that fully qualify as housing for
3068 older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16,
3069 2006;

3070 5. Prohibits any person from limiting the sale, rental or occupancy of housing
3071 accommodations to:

3072 a. individuals with disabilities in any housing facility operated for individuals
3073 with disabilities;

3074 b. senior citizens in any housing facility operated exclusively for senior
3075 citizens; or

3076 c. elderly persons in any housing provided under any state or federal program
3077 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16,
3078 2006;

- 3079 6. Requires any person to rent or lease a housing accommodation to a minor;
- 3080 7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;
- 3081 8. May be interpreted to prohibit any person from making a choice among
- 3082 prospective purchasers or tenants of real property on the basis of factors other than race,
- 3083 color, (~~religion, ancestry, national origin, age, gender, marital status, parental status,~~
- 3084 ~~sexual orientation, gender identity or expression, participation in the Section 8 program~~
- 3085 ~~or other housing subsidy program, alternative source of income, disability or use of a~~
- 3086 ~~service or assistive animal by an individual with a disability)) creed, religion, national~~
- 3087 origin, ancestry, age, sexual orientation, gender identity or expression, marital status,
- 3088 pregnancy, parental status, disability or use of a service or assistive animal by an individual
- 3089 with a disability, military discharge status, military service, lawful source of income,
- 3090 professional training or education, housing status including participation in the Section 8
- 3091 program or other housing subsidy program, alienage or citizenship status, caregiver status,
- 3092 status as a victim of domestic violence, sexual offenses or stalking or any other status
- 3093 protected by federal, state or local law; or
- 3094 9. Prohibits any person from placing limitations on the maximum number of
- 3095 tenants permitted per unit on account of reasonable space limitations or requirements of
- 3096 law.
- 3097 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7.,
- 3098 12.20.040.A.8., 12.20.040.B. and 12.20.050, applies to the renting, subrenting, leasing or
- 3099 subleasing of a single-family or duplex dwelling unit in which the owner normally
- 3100 maintains a permanent residence, home or abode.
- 3101 C. Nothing in this chapter prohibits any party to a real estate transaction or real

3102 estate-related transaction from considering the capacity to pay and credit history of any
3103 individual applicant.

3104 D. Nothing in this chapter prohibits any party to a real estate transaction or real
3105 estate related transaction from considering or taking reasonable action based on the
3106 application of community property law to an individual case.

3107 SECTION 64. Ordinance 10469, Section 16, as amended, K.C.C. 12.20.133 are
3108 hereby amended to read as follows:

3109 The (~~office of~~) human and civil rights commission may implement such forms,
3110 administrative processes and operational procedures as are necessary to comply with this
3111 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
3112 chapter 2.98.

3113 SECTION 65. Ordinance 13263, Section 53, as amended, K.C.C. 12.20.150 are
3114 hereby amended to read as follows:

3115 A. If a complaint has been filed under this chapter, the (~~office of~~) human and civil
3116 rights commission shall initiate an investigation under this chapter.

3117 B. If the (~~office of~~) human and civil rights commission determines that a
3118 violation of this chapter or any rules and regulations adopted under this chapter is about to
3119 occur or has occurred the (~~office of~~) human and civil rights commission shall issue an
3120 order in accordance with this chapter. For enforcement of this chapter, if a conflict exists
3121 between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

3122 SECTION 66. Ordinance 8625, Section 1, as amended, K.C.C. 12.22.010 are
3123 hereby amended to read as follows:

3124 This chapter is an exercise of the police power of King County for the protection of

3125 the public welfare, health, peace and safety of the residents of King County and in
3126 fulfillment of the state Constitution. The King County council hereby finds and declares
3127 that the practice of discrimination against any person on the basis of race, color, (~~gender,~~
3128 ~~marital status, parental status, sexual orientation, gender identity or expression, religion,~~
3129 ~~ancestry, age, national origin, disability or use of a service or assistive animal by an~~
3130 ~~individual with a disability~~) creed, religion, national origin, ancestry, age, sexual
3131 orientation, gender identity or expression, marital status, pregnancy, parental status,
3132 disability or use of a service or assistive animal by an individual with a disability, military
3133 discharge status, military service, lawful source of income, professional training or
3134 education, housing status, alienage or citizenship status, caregiver status, status as a victim
3135 of domestic violence, sexual offenses or stalking or any other status protected by federal,
3136 state or local law in places of public accommodation constitute matters of local concern
3137 and are contrary to the public welfare, health, peace and safety of the residents of King
3138 County.

3139 SECTION 67. Ordinance 15399, Section 62, K.C.C. 12.22.014 are hereby
3140 amended to read as follows:

3141 This chapter shall be liberally construed for accomplishment of its policies and
3142 purposes. This chapter shall not be construed to endorse any specific belief, practice,
3143 behavior or orientation. Nothing in this chapter relating to gender-based discrimination
3144 affects the ability of an employer to require an employee to adhere to reasonable
3145 workplace appearance, grooming and dress standards not precluded by other provisions
3146 of state or federal law, though an employer shall allow an employee to appear or dress
3147 consistently with the employee's gender identity or expression.

3148 SECTION 68. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are
3149 hereby amended to read as follows:

3150 The definitions in this section apply throughout this chapter unless the context
3151 clearly requires otherwise.

3152 A. "Aggrieved person" includes any person who claims to have been injured by an
3153 act of discrimination in a place of public accommodation;

3154 B. "Charging party" means any person alleging an act of discrimination in a place
3155 of public accommodation under this chapter by filing a complaint with the ~~((office of))~~
3156 human and civil rights commission.

3157 C.1. "Disability" means:

3158 a. a physical or mental impairment that substantially limits one or more of a
3159 person's major life activities, either temporarily or permanently;

3160 b. a person has a record of having such an impairment;

3161 c. a person is regarded as having such an impairment; or

3162 d. a person has any other condition that is a disability under the Washington state
3163 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

3164 2. "Disability" does not include current, illegal use of a controlled substance, as
3165 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

3166 D. "Discrimination" or "discriminatory practice or act" means any action or failure
3167 to act, whether by a single act or part of a practice, the effect of which is to adversely affect
3168 or differentiate between or among individuals, because of race, color, ~~((religion, national~~
3169 ~~origin, ancestry, age, gender, marital status, parental status, sexual orientation, gender~~
3170 ~~identity or expression, disability or use of a service or assistive animal by an individual~~

3171 ~~with a disability~~) creed, religion, national origin, ancestry, age, sexual orientation, gender
3172 identity or expression, marital status, pregnancy, parental status, disability or use of a
3173 service or assistive animal by an individual with a disability, military discharge status,
3174 military service, lawful source of income, professional training or education, housing
3175 status, alienage or citizenship status, caregiver status, status as a victim of domestic
3176 violence, sexual offenses or stalking or any other status protected by federal, state or local
3177 law.

3178 E. "Gender identity or expression" means an individual's gender-related identity,
3179 appearance, or expression, whether or not associated with the individual's sex assigned at
3180 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
3181 the individual's own gender identity or expression.

3182 F. "Marital status" means the presence or absence of a marital relationship and
3183 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

3184 ~~(F.)~~ G. "Owner" includes a person who owns, leases, subleases, rents, operates,
3185 manages, has charge of, controls or has the right of ownership, possession, management,
3186 charge or control of real property on the person's own behalf or on behalf of another.

3187 ~~(G.)~~ H. "Parental status" means being a parent, step-parent, adoptive parent,
3188 guardian, foster parent or custodian of a minor child or children.

3189 ~~(H.)~~ I. "Party" includes a person making a complaint or upon whose behalf a
3190 complaint is made alleging an unfair public accommodations practice, a person alleged or
3191 found to have committed an unfair public accommodations practice and the ~~(office of)~~
3192 human and civil rights commission.

3193 ~~(I.)~~ J. "Person" means one or more individuals, partnerships, associations,

3194 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
3195 bankruptcy, receivers or any group of persons, and includes King County but no
3196 governmental body other than King County. "Person" also includes any owner, lessee,
3197 proprietor, manager, agent or employee whether one or more natural persons.

3198 ~~((J))~~ K. "Place of public accommodation" means any place, store or other
3199 establishment, either licensed or unlicensed, that supplies goods or services to the general
3200 public. "Place of public accommodation" includes, but is not limited to, the following
3201 types of services or facilities: hotels, or other establishments provide lodging to transient
3202 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities
3203 principally engaged in selling or offering for sale food for consumption upon the premises;
3204 motion picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or
3205 other places of exhibition or entertainment; bowling alleys and amusement parks; retail
3206 establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other
3207 facilities engaged in selling or offering for sale alcoholic beverages for consumption upon
3208 the premises; food banks, senior citizens centers and other social service organizations and
3209 establishments; places of public accommodation operated by King County; and public
3210 burial facilities if the facilities are owned and operated by any cemetery corporation or
3211 burial association.

3212 ~~((K))~~ L. "Respondent" means a person who is alleged or found to have
3213 discriminated in a place of public accommodation.

3214 ~~((L))~~ M. "Senior citizen" means an individual as old or older than an age set for a
3215 senior category. The minimum age for the senior category is fifty-five years.

3216 ~~((M))~~ N. "Service or assistive animal" means any dog or miniature horse,

3217 individually trained to do work or perform tasks for the benefit of an individual with a
3218 disability, including a physical, sensory, psychiatric, intellectual or other mental
3219 disability. The work or tasks performed by the service animal must be directly related to
3220 the individual's disability. For the purposes of this subsection, "work or tasks" include,
3221 but are not limited to, assisting individuals who are blind or have low vision with
3222 navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
3223 presence of people or sounds, providing nonviolent protection or rescue work, pulling a
3224 wheelchair, assisting an individual during a seizure, alerting individuals to the presence
3225 of allergens, retrieving items such as medicine or a telephone, providing physical support
3226 and assistance with balance and stability to individuals with mobility disabilities and
3227 helping persons with psychiatric and neurological disabilities by preventing or
3228 interrupting impulsive or destructive behaviors. The crime deterrent effects of an
3229 animal's presence and the provision of emotional support, well-being, comfort or
3230 companionship do not constitute "work or tasks."

3231 ~~((N:))~~ O. "Settlement discussions" or "conference, conciliation and persuasion"
3232 means the attempted resolution of issues raised by a complaint, or by the investigation of a
3233 complaint, through informal negotiations involving the charging party, the respondent and
3234 the ~~((office of))~~ human and civil rights commission.

3235 ~~((O:))~~ P. "Sexual orientation" means an individual's attitudes, preferences, beliefs
3236 and practices pertaining to the individual's own sexual orientation including, but not
3237 limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

3238 SECTION 69. Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030 are
3239 hereby amended to read as follows:

3240 A. It is unlawful for any person to engage in, or cause or allow another to engage
3241 in, any of the acts listed in this section, which are hereby designated as discrimination, in
3242 places of public accommodation located in unincorporated King County or operated by
3243 King County wherever located.

3244 ~~((A.))~~ B. It is a discriminatory practice for any person, whether acting on the
3245 person's own behalf or another, because of race, color, ~~((religion, national origin, ancestry,~~
3246 ~~age, gender, marital status, parental status, sexual orientation, gender identity or expression,~~
3247 ~~disability or use of a service or assistive animal by an individual with a disability))~~ creed,
3248 religion, national origin, ancestry, age, sexual orientation, gender identity or expression,
3249 marital status, pregnancy, parental status, disability or use of a service or assistive animal
3250 by an individual with a disability, military discharge status, military service, lawful source
3251 of income, professional training or education, housing status, alienage or citizenship status,
3252 caregiver status, status as a victim of domestic violence, sexual offenses or stalking or any
3253 other status protected by federal, state or local law:

3254 1. As owner, custodial agent or employee of a place of public accommodation, to
3255 discriminate in denying, refusing, rejecting or granting any privilege, service, goods,
3256 merchandise, commodity or accommodation;

3257 2. As owner, custodial agent or employee of a place of public accommodation, to
3258 discriminate by segregating or requiring the placing of any person in any separate section
3259 or area of the premises or facilities of the place of public accommodation; or

3260 3. To place, post, maintain or display any written or printed advertisement,
3261 notice or sign to the effect that any of the accommodations, advantages, facilities,
3262 privileges, goods or merchandise of any place of public accommodation, will or might be

3263 refused, withheld from or denied to any person.

3264 (~~(B.)~~) C. It is a discriminatory practice and unlawful for any person , whether
3265 acting on the person's own behalf or for another, to retaliate by taking action against
3266 another person because the other person:

- 3267 1. Opposed any practice forbidden by this chapter;
- 3268 2. Complied or proposed to comply with this chapter or any order issued under
3269 this chapter; or
- 3270 3. Filed a complaint, testified or assisted in any manner in any investigation,
3271 proceeding or hearing initiated under this chapter.

3272 (~~(C.)~~) D. Nothing in this section:

- 3273 1. Applies to any non-commercial facility operated or maintained by a bona fide
3274 religious institution;
- 3275 2. May be construed to prohibit treating individuals with disabilities more
3276 favorably than individuals without disabilities or to prohibit treating senior citizens more
3277 favorably than nonsenior citizens; or
- 3278 3. May be construed to prohibit offering discounts, special prices or other special
3279 arrangements to children or families or imposing age limits for individuals up to twenty-
3280 one years old.

3281 SECTION 70. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are
3282 hereby amended to read as follows:

3283 A. A complaint alleging discrimination in a place of public accommodation may be
3284 filed by:

- 3285 1. Any aggrieved person; or

3286 2. Any state, local or federal agency concerned with discrimination in places of
3287 public accommodation, including the ~~((office of))~~ human and civil rights commission, if
3288 the agency has reason to believe that a discriminatory act or practice has been or is being
3289 committed.

3290 B. A complaint alleging discrimination in a place of public accommodation shall
3291 be in writing and signed by the charging party. The complaint must be filed with the
3292 ~~((office of))~~ human and civil rights commission within one hundred eighty days of the
3293 occurrence of the alleged discrimination or within one hundred eighty days of when the
3294 charging party, through exercise of due diligence, should have had notice or been aware of
3295 the occurrence. The complaint must describe with particularity the practice complained of
3296 and the location of the practice and must identify the person being charged with
3297 committing the discrimination. However, the ~~((office of))~~ human and civil rights
3298 commission shall not reject a complaint as insufficient because of failure to include all
3299 required information, if the ~~((office of))~~ human and civil rights commission determines that
3300 the complaint substantially meets the informational requirements necessary for processing.

3301 C. Upon the receipt of a complaint, the ~~((office of))~~ human and civil rights
3302 commission shall serve notice upon the charging party acknowledging the filing.

3303 D. The charging party or the ~~((office of))~~ human and civil rights commission may
3304 amend a complaint: to cure technical defects or omissions; to clarify and amplify
3305 allegations made in the complaint; or to add allegations related to or arising out of the
3306 subject matter set forth, or attempted to be set forth, in the original complaint. For
3307 jurisdictional purposes, the amendments relate back to the date the original complaint was
3308 first filed. Either the charging party or the ~~((office of))~~ human and civil rights commission,

3309 or both, may amend a complaint for these reasons as a matter of right before service of
3310 notice of hearing on the matter as provided under K.C.C. 12.22.070, and thereafter may
3311 amend a complaint only with the permission of the hearing examiner, which permission
3312 shall be granted if justice will be served by the permission, and all parties shall be allowed
3313 time to prepare their cases with respect to additional or expanded allegations that the parties
3314 did not and could not have reasonably foreseen would be an issue at the hearing.

3315 E. The charging party may also amend a complaint to include allegations of
3316 additional unrelated discriminatory acts that arose after filing of the original complaint.
3317 The charging party must file any amendments adding the allegations within one hundred
3318 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
3319 days of when the charging party, through exercise of due diligence, should have had notice
3320 or been aware of the additional discriminatory act, and before the issuance of findings of
3321 fact and a determination with respect to the original complaint by the ~~((office of))~~ human
3322 and civil rights commission. The amendments may be made at any time during the
3323 investigation of the original complaint if the ~~((office of))~~ human and civil rights
3324 commission will have adequate time to investigate the additional allegations and the
3325 parties will have adequate time to present the ~~((office of))~~ human and civil rights
3326 commission with evidence concerning the allegations before the issuance of findings of
3327 fact and a determination.

3328 SECTION 71. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are
3329 hereby amended to read as follows:

3330 A. After the filing of a complaint, the ~~((office of))~~ human and civil rights
3331 commission shall serve notice of the complaint and a copy of the complaint on the

3332 respondent within twenty days after the filing of the complaint. Each respondent may file
3333 an answer to the complaint not later than twenty days after receipt of notice from the
3334 ~~((office of))~~ human and civil rights commission. If a respondent is unable to file a
3335 response within twenty days, the respondent may request an extension of time from the
3336 ~~((office of))~~ human and civil rights commission. The extension may be granted by the
3337 ~~((office of))~~ human and civil rights commission if good cause is shown. The ~~((office of))~~
3338 human and civil rights commission shall commence the investigation of the complaint
3339 promptly.

3340 B. The ~~((office of))~~ human and civil rights commission shall direct the
3341 investigation to ascertain the facts concerning the discrimination in public
3342 accommodations alleged in the complaint and shall conduct the investigation in an
3343 objective and impartial manner. During the investigation, the ~~((office of))~~ human and
3344 civil rights commission shall consider any statement of position or evidence with respect
3345 to the allegations of the complaint that the charging party or the respondent wishes to
3346 submit. A person who is not named as a respondent in a complaint, but who is identified as
3347 a respondent in the course of the investigation, may be joined as an additional or substitute
3348 respondent upon written notice, as provided under subsection A. of this section, to the
3349 person from the ~~((office of))~~ human and civil rights commission. The notice, in addition to
3350 meeting the requirements of subsection A. of this section, must explain the basis for the
3351 belief of the ~~((office of))~~ human and civil rights commission that the person to whom the
3352 notice is addressed is properly joined as a respondent.

3353 C. During the period beginning with the filing of the complaint and ending with the
3354 issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to

3355 the extent feasible, engage in settlement discussions with respect to the complaint.
3356 Anything said or done in the course of the settlement discussions may not be made public
3357 or used as evidence in a subsequent proceeding under this chapter without the written
3358 consent of the persons concerned. A prefinding settlement agreement arising out of the
3359 settlement discussions must be an agreement between the respondent and the charging
3360 party, and is subject to approval by the ~~((office of))~~ human and civil rights commission.

3361 Each prefinding settlement agreement is a public record. Failure to comply with the
3362 prefinding settlement agreement may be enforced under K.C.C. 12.22.080.

3363 D. The ~~((office of))~~ human and civil rights commission shall seek the voluntary
3364 cooperation of all persons to obtain access to premises, records, documents, individuals and
3365 other possible sources of information; to examine, record and copy necessary materials;
3366 and to take and record testimony or statements of persons reasonably necessary for the
3367 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may
3368 conduct discovery in aid of the investigation by the following methods or others:

3369 deposition upon oral examination or written questions; written interrogatories; requests for
3370 the production of documents or other evidence, inspection and other purposes; physical and
3371 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights
3372 commission may sign and issue subpoenas requiring the attendance and testimony of
3373 witnesses and the production of or access to evidence including books, records,
3374 correspondence, e-mail or documents in the possession or under the control of the person
3375 subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil rights
3376 commission shall consult with the prosecuting attorney before issuing a subpoena under
3377 this section.

3378 E. If an individual fails to obey a subpoena issued under this section, or obeys the
3379 subpoena but refuses to testify if requested concerning a matter under investigation under
3380 this section, the ~~((office of))~~ human and civil rights commission may invoke the aid of the
3381 prosecuting attorney who may petition to the superior court for an order or other
3382 appropriate action necessary to secure enforcement of the subpoena. The petition shall:

- 3383 1. Be accompanied by a copy of the subpoena and proof of service;
- 3384 2. Set forth in what specific manner the subpoena has not been complied with;
- 3385 and
- 3386 3. Ask for an order of the court to compel the witness to appear and testify or
3387 cooperate in the investigation of the discrimination in public accommodations.

3388 F. If the ~~((office of))~~ human and civil rights commission concludes at any time
3389 after the filing of a complaint that prompt judicial action is necessary to carry out the
3390 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke
3391 the aid of the prosecuting attorney who may file a civil action for appropriate temporary,
3392 injunctive or preliminary relief pending final disposition of the case.

3393 G. The ~~((office of))~~ human and civil rights commission shall reduce the results of
3394 the investigation to written findings of fact make and a finding that there either is or is not
3395 reasonable cause for believing that an act of discrimination in a place of public
3396 accommodations has been or is being committed.

3397 H. If a finding is made that there is no reasonable cause, the finding shall be
3398 served on the charging party and respondent. Within thirty days after service of such a
3399 negative finding, the charging party may file a written request with the ~~((office of))~~
3400 human and civil rights commission asking for reconsideration of the finding. The ~~((office~~

3401 ~~of~~) human and civil rights commission shall furnish the charging party with information
3402 regarding how to request reconsideration. The ~~((office of))~~ human and civil rights
3403 commission shall respond in writing within a reasonable time by granting or denying the
3404 request.

3405 SECTION 72. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are
3406 hereby amended to read as follows:

3407 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding
3408 initially or on request for reconsideration that reasonable cause exists to believe that
3409 discrimination in a place of public accommodation occurred, the ~~((office of))~~ human and
3410 civil rights commission shall endeavor to eliminate the discriminatory practice by
3411 conference, conciliation and persuasion, which may include as a condition of settlement:

- 3412 a. elimination of the discriminatory practice;
- 3413 b. payment of refunds or credits not in excess of the amount of monetary
3414 damage actually incurred;
- 3415 c. payment of other actual damages, including damages caused by emotional
3416 distress, humiliation and embarrassment;
- 3417 d. payment of attorneys' fees and costs;
- 3418 e. participation in training on public accommodations laws; and
- 3419 f. such other requirements as may lawfully be agreed upon by the parties and the
3420 ~~((office of))~~ human and civil rights commission.

3421 2. Any postfinding settlement agreement shall be reduced to writing and signed
3422 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.

3423 The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth

3424 the agreement and furnish copies of the order to all affected parties. Each postfinding
3425 settlement agreement is a public record. Failure to comply with the postfinding settlement
3426 agreement or order may be enforced under K.C.C. 12.22.080.

3427 B.1. If the parties cannot reach agreement, the ~~((office of))~~ human and civil rights
3428 commission shall make a finding to that effect, incorporate the finding in the order and
3429 furnish a copy of the order to all affected parties. The order shall also include:

3430 a. a finding that discrimination in a place of public accommodation occurred;
3431 b. the basis for the finding;
3432 c. an order requiring the respondent to cease and desist from such discriminatory
3433 practice and to take appropriate affirmative measures, which may include:

3434 (1) payment of refunds or credit or other damages not to exceed monetary
3435 damage actually incurred;

3436 (2) payment of other actual damages, including damages caused by emotional
3437 distress, humiliation and embarrassment;

3438 (3) payment of attorneys' fees and costs;

3439 (4) participation in training in public accommodations laws; or

3440 (5) such other action as in the judgment of the ~~((office of))~~ human and civil
3441 rights commission will effectuate the purposes of this chapter, which may include the
3442 requirement for a report on the matter of compliance.

3443 2. If the ~~((office of))~~ human and civil rights commission finds the respondent
3444 willfully or knowingly committed any discrimination in a place of public accommodation,
3445 the ~~((office of))~~ human and civil rights commission may further order the respondent to pay
3446 a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to

3447 the King County treasury for deposit in the county general fund.

3448 SECTION 73. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are
3449 hereby amended to read as follows:

3450 A.1. Any respondent or charging party, after an order of the ~~((office of))~~ human
3451 and civil rights commission is made in accordance with K.C.C. 12.22.060.B., may request
3452 an appeal hearing before the hearing examiner by filing a written request for hearing within
3453 thirty days of the service of the order. The request for hearing shall be filed with the
3454 ~~((office of))~~ human and civil rights commission. The request for hearing must identify
3455 clearly and specifically:

- 3456 a. the errors that the appellant believes were made in the action or decision that
3457 is being appealed, or the procedural irregularities associated with that action or decision;
- 3458 b. specific reasons why the county's action should be reversed or modified; and
- 3459 c. the desired outcome of the appeal.

3460 2. Unless the hearing examiner authorizes an amendment to the statement of
3461 appeal, the identification of errors and the statement of reasons for reversal or modification
3462 defines and limits the issues that the examiner may consider.

3463 B. Any order issued by the ~~((office of))~~ human and civil rights commission in
3464 accordance with procedures in this chapter becomes final thirty days after service of the
3465 order unless a written request for hearing is filed with the ~~((office of))~~ human and civil
3466 rights commission within the thirty-day period.

3467 C. If the order of the ~~((office of))~~ human and civil rights commission is appealed,
3468 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or
3469 modifying the order. There shall be a verbatim record kept of the hearing. The hearing

3470 examiner has such rule-making and other powers necessary for the conduct of the hearing
3471 as are specified by K.C.C. chapter 20.22. The order of the (~~office of~~) human and civil
3472 rights commission shall not be presumed correct. The hearing examiner's decision shall be
3473 based upon a preponderance of the evidence. The hearing shall be conducted within a
3474 reasonable time after receipt of the request for appeal. Written notice of the time and place
3475 of the hearing shall be given at least ten days before the date of the hearing to each affected
3476 party and to the (~~office of~~) human and civil rights commission.

3477 D. Each party may, among exercising other rights:

- 3478 1. Call and examine witnesses on any matter relevant to the issues of the
3479 complaint;
- 3480 2. Introduce documentary and physical evidence;
- 3481 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
3482 complaint;
- 3483 4. Impeach any witness regardless of which party first called the witness to
3484 testify;
- 3485 5. Rebut evidence against the party; and
- 3486 6. Self-represent or be represented by anyone of the party's choice who is lawfully
3487 permitted to do so.

3488 E. Following review of the evidence submitted, the hearing examiner presiding at
3489 the hearing shall enter written findings and conclusions and shall affirm or modify the order
3490 previously issued if the hearing examiner finds that a violation occurred. The hearing
3491 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.
3492 The hearing examiner may grant as relief any relief that the (~~office of~~) human and civil

3493 rights commission could grant under K.C.C. 12.22.060.B. A copy of the hearing
3494 examiner's decision shall be delivered to all affected parties. The order of the hearing
3495 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

3496 SECTION 74. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are
3497 hereby amended to read as follows:

3498 A. If the ((~~office of~~)) human and civil rights commission has reasonable cause to
3499 believe that a respondent breached a prefinding or postfinding settlement agreement
3500 executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the ((~~office of~~))
3501 human and civil rights commission issued under K.C.C. 12.22.060 or an order of the
3502 hearing examiner issued under K.C.C. 12.22.070, the ((~~office of~~)) human and civil rights
3503 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
3504 under subsection B. of this section for the enforcement of the agreement.

3505 B. The prosecuting attorney may commence a civil action in superior court for
3506 appropriate relief with respect to a breach of a prefinding or postfinding settlement
3507 agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the
3508 ((~~office of~~)) human and civil rights commission issued under K.C.C. 12.22.060 or an order
3509 of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no
3510 later than ninety days after the referral of the alleged breach underlying the referral under
3511 subsection A. of this section.

3512 SECTION 75. Ordinance 15399, Section 59, and K.C.C. 12.22.085 are hereby
3513 amended to read as follows:

3514 A. An aggrieved person may commence a civil action in superior court not later
3515 than one year after the occurrence or termination of alleged discrimination in a place of

3516 public accommodation or ninety days after a determination of reasonable cause is issued
3517 by the ((office of)) human and civil rights commission, whichever occurs last, to obtain
3518 appropriate relief with respect to the discrimination in public accommodations.

3519 B. A civil action may be filed under this section whether or not an administrative
3520 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the
3521 complaint. However, if the ((office of)) human and civil rights commission obtained a
3522 prefinding or postfinding settlement or conciliation agreement with the consent of the
3523 aggrieved person, an action may not be filed by the aggrieved person with respect to the
3524 alleged discrimination in public accommodations that forms the basis for the complaint
3525 except for the purpose of enforcing the agreement. To preclude such a filing, the
3526 prefinding or postfinding settlement or conciliation agreement must include language that
3527 the aggrieved person knowingly waives any right to file a civil action under this section
3528 based on the same alleged discrimination in public accommodations.

3529 C. Subject to subsection D. of this section, after the filing of a civil action
3530 involving the same claim or arising from the same facts and circumstances, whether
3531 under this chapter or similar law, the ((office of)) human and civil rights commission may
3532 administratively close a complaint of discrimination in public accommodations.

3533 D. If a court dismisses a private cause of action without reaching the merits and
3534 on grounds that would not preclude pursuit of a complaint under this chapter, the
3535 charging party may request, within ninety days of the entry of the court's order of
3536 dismissal, that the ((office of)) human and civil rights commission reopen a previously
3537 filed case. Upon such a request, the ((office of)) human and civil rights commission may
3538 reopen a case that was administratively closed upon the filing of a civil action. If the

3539 ((office of)) human and civil rights commission closes a case based on a "no reasonable
3540 cause" finding, the case may not be reopened except as provided through reconsideration
3541 under K.C.C. 12.22.050.

3542 E. A charging party or aggrieved person may not secure relief from more than
3543 one governmental agency, instrumentality or tribunal for the same harm or injury.

3544 F. An aggrieved person may not commence a civil action under this section with
3545 respect to an alleged discrimination in public accommodations practice that forms the
3546 basis of a complaint if a hearing on the complaint has been convened under K.C.C.
3547 12.22.070.

3548 G. In a civil action under this section, if the court finds that discrimination in
3549 public accommodations occurred, the court may grant such relief as is available for
3550 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

3551 H. Upon timely application, the prosecuting attorney may intervene in the civil
3552 action, if the prosecuting attorney determines that the case is of general public
3553 importance.

3554 I. This section is intended to provide private judicial remedies for violations of
3555 this chapter that are as expansive as the powers granted by the Constitution and laws of
3556 the state of Washington.

3557 SECTION 76. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are
3558 hereby amended to read as follows:

3559 The ((office of)) human and civil rights commission may implement such forms,
3560 administrative processes and operational procedures as are necessary to comply with this
3561 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.

3562 chapter 2.98.

3563 SECTION 77. Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095

3564 are hereby amended to read as follows:

3565 A. If a complaint has been filed under this chapter, the ~~((office of))~~ human and
3566 civil rights commission shall initiate an investigation under the provisions of this chapter.

3567 B. If the ~~((office of))~~ human and civil rights commission determines that a
3568 violation of this chapter or any rules and regulations adopted under this chapter occurred,
3569 the ~~((office))~~ commission shall issue an order under this chapter. For violations of this
3570 chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls
3571 over K.C.C. Title 23.

3572 SECTION 78. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are

3573 hereby amended to read as follows:

3574 The examiner shall issue final decisions in the following cases:

3575 A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.
3576 chapter 1.07;

3577 B. Appeals of sanctions of the finance and business operations division in the
3578 department of executive services imposed under K.C.C. chapter 2.97;

3579 C. Appeals of career service review committee conversion decisions for part-time
3580 and temporary employees under K.C.C. chapter 3.12A;

3581 D. Appeals of electric vehicle recharging station penalties of the Metro transit
3582 department under K.C.C. 4A.700.700;

3583 E. Appeals of notice and orders of the manager of records and licensing services or
3584 the department of local services permitting division manager under K.C.C. chapter 6.01;

3585 F. Appeals of adult entertainment license denials, suspensions and revocations
3586 under K.C.C. chapter 6.09;

3587 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
3588 chapter 6.26;

3589 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
3590 and orders under K.C.C. 6.27A.240;

3591 I. Appeals of notices and orders of the department of natural resources and parks
3592 under K.C.C. chapter 7.09;

3593 J. Appeals of decisions of the director of the department of natural resources and
3594 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

3595 K. Appeals of decisions of the director of the department of natural resources and
3596 parks on requests for rate adjustments to surface and storm water management rates and
3597 charges under K.C.C. chapter 9.08;

3598 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

3599 M. Appeals of notices and orders of the manager of animal control under K.C.C.
3600 chapter 11.04;

3601 N. Certifications by the finance and business operations division of the department
3602 of executive services involving K.C.C. chapter 12.16;

3603 O. Appeals of orders of the (~~office of~~) human and civil rights commission under
3604 K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter
3605 12.22;

3606 P. Appeals of noise-related orders and citations of the department of local services,
3607 permitting division, under K.C.C. chapter 12.86;

3608 Q. Appeals of utilities technical review committee determinations on water service
3609 availability under K.C.C. 13.24.090;

3610 R. Appeals of decisions regarding mitigation payment system, commute trip
3611 reduction and intersection standards under K.C.C. Title 14;

3612 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
3613 the board of plumbing appeals under K.C.C. chapter 16.32;

3614 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception
3615 of appeals of shoreline permits, including shoreline substantial development permits,
3616 shoreline variances and shoreline conditional uses, which are appealable to the state
3617 Shoreline Hearings Board;

3618 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
3619 adopted under K.C.C. 20.44.075;

3620 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

3621 W. Appeals of decisions of the interagency review committee created under K.C.C.
3622 21A.37.070 regarding sending site applications for certification under K.C.C. chapter
3623 21A.37;

3624 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
3625 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the
3626 King County board of health;

3627 Y. Appeals of notices and certifications of junk vehicles to be removed as a public
3628 nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

3629 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
3630 23.36.010.A.2;

3631 AA. Appeals of fee waiver decisions by the department of local services,
3632 permitting division, as provided in K.C.C. 27.02.040;

3633 BB. Appeals from decisions of the department of natural resources and parks
3634 related to permits, discharge authorizations, violations and penalties under K.C.C.
3635 28.84.050 and 28.84.060;

3636 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

3637 DD. Appeals of department of public safety seizures and intended forfeitures,
3638 when properly designated by the chief law enforcement officer of the department of public
3639 safety as provided in RCW 69.50.505; and

3640 EE. Other applications or appeals that are prescribed by ordinance.

3641 SECTION 79. Ordinance 8034, Section 3, as amended, and K.C.C. 22.16.030 are
3642 hereby amended to read as follows:

3643 The Stadium Advisory Board shall consist of nine (~~((9))~~) members. Appointments
3644 and terms shall be as follows:

3645 A. Five (~~((5))~~) members shall be appointed at-large by the King County
3646 executive(~~((:))~~);

3647 B. Four (~~((4))~~) members shall be appointed by the King County executive from a
3648 list of candidates compiled by the King County council(~~((:))~~);

3649 C. Appointments shall be for three year terms except original appointments which
3650 shall be staggered in accordance with K.C.C. chapter 2.28. All appointments shall be
3651 subject to confirmation by a majority of the King County council. All terms shall expire on
3652 September 30(~~((th))~~) of the last year of the respective term(~~((:))~~);

3653 D. Appointments shall be representative of the county population(~~((s))~~) or

3654 populations and have interest, experience and a demonstrated commitment in the area of
3655 sporting and entertainment events. Appointment shall be made without regard to
3656 discrimination based on ~~((color, race, religion, gender, sexual preference and/or disability))~~
3657 race, color, creed, religion, national origin, ancestry, age, sexual orientation, gender
3658 identity or expression, marital status, pregnancy, parental status, disability or use of a
3659 service or assistive animal by an individual with a disability, military discharge status,
3660 military service, lawful source of income, professional training or education, housing
3661 status, alienage or citizenship status, caregiver status, status as a victim of domestic
3662 violence, sexual offenses or stalking or any other status protected by federal, state or local
3663 law((-));

3664 E. There shall be no fee required for membership, nor shall any member receive
3665 any financial remuneration for their services((-));

3666 F. Members shall be eligible for reappointment to one additional term, for a period

3667 not to exceed a total of six years((-)); and

3668 G. Vacancies shall be filled by appointment of the King County executive.

3669

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None