## REVISED STAFF REPORT

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| **Agenda Item:** | 5 and 6 | **Name:** | Terra Rose |
| **Proposed No**.: | 2017-0500  2017-0501 | **Date:** | December 6, 2017 |

**COMMITTEE ACTION**

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| ***Proposed Substitute Motion 2017-0500.2 rescinding Motion 11154 that requires monthly reporting on vacant budgeted positions, passed out of committee on December 6, 2017, without recommendation. The motion was amended in committee to make technical corrections and more fully describe the motion being rescinded.***  ***Proposed Substitute Ordinance 2017-0501.2, making changes to ongoing reporting requirements, passed out of committee on December 6, 2017 without recommendation. The ordinance was amended in committee to change reporting requirements for public records and project control officer in response to comments from Executive staff.*** |

**SUBJECT**

Proposed Ordinance 2017-0501 would make changes to ongoing reporting requirements transmitted to Council, as well as make technical corrections recommended by the Code Reviser and the gender neutral corrections made in Proposed Ordinance 2017-0489.

Proposed Motion 2017-0500 would rescind Motion 11154, which requires the Executive to report monthly on the vacant budgeted positions.[[1]](#footnote-1) PO 2017-0501 would codify this reporting requirement and change the frequency to quarterly.

**SUMMARY**

This year Council staff, at the direction of the Chair of Committee of the Whole, engaged in a research project to identify ongoing reporting requirements to Council that are outlined in King County Code and help evaluate if any could potentially be eliminated or streamlined through consolidation with other reports or a reduction in frequency. This committee received a briefing on this project on September 20th, 2017.

**Proposed Ordinance 2017-0501** is the culmination of this work and would eliminate 28 reporting requirements, change the frequency of eight ongoing reporting requirements, combine 12 reporting requirements, and make miscellaneous changes to seven reporting requirements (e.g., eliminating one-off reports found in code from the 1990s and early 2000s). Additionally, PO 2017-0501 would make the gender neutral corrections found in Proposed Ordinance 2017-0489, as well as technical code corrections suggested by the Code Reviser.

**Proposed Motion 2017-0500** would rescind Motion 11154, which requires the Executive to report monthly on the vacant budgeted positions. PO 2017-0501 would codify this reporting requirement and change the frequency to quarterly.

**BACKGROUND**

This year Council staff engaged in a research project reviewing the King County Code to identify required reports to Council, focusing on those that are ongoing at a regular frequency. Proviso responses and reporting requirements to other entities (e.g., reports due to the Executive) were not included in this effort.

Staff found 119 of these ongoing reporting requirements to Council and also identified the enacting legislation for each requirement, some of which date as far back as the 1970s. Reporting requirements generated by state law or interlocal agreement are not included in this number.

Council analytical staff and other legislative branch staff were consulted about whether the reports generated by the code requirements were used in analytical work or if they could potentially be eliminated or streamlined through consolidation with other reports or a reduced frequency.[[2]](#footnote-2)

For the most part, content changes were out of scope of this project.

The Committee of the Whole received a briefing on this project on September 20th, 2017.

**ANALYSIS**

**PROPOSED ORDINANCE 2017-0501**

Proposed Ordinance 2017-0501 would:

* eliminate 28 ongoing reporting requirements;
* change the frequency of eight ongoing reporting requirements;
* combine 13 reporting requirements into five ongoing reports; and
* make miscellaneous changes to seven reporting requirements.

Attachments 3 and 4 described below provide additional background on each reporting requirement and the specific changes that would be made by the proposed ordinance. In the September 20th Committee of the Whole briefing, reporting requirements were assigned an identifier consisting of a number and letter. These identifiers are used in this staff report and the supporting materials.

* **Matrix describing changes to reporting requirements in PO 2017-0501, sorted by change type (Attachment 3):** This matrix is organized by change type (e.g., eliminated in proposed ordinance, changed frequency in proposed ordinance, etc.) and includes the existing code section where it can be found, the originating legislation, the prescribed frequency, and report numbers assigned by the Clerk for any reports filed in 2015 or 2016.[[3]](#footnote-3)
* **Matrix describing changes to reporting requirements in PO 2017-0501, sorted by report number (Attachment 4):** This matrix is organized by the report number in chronological order and describes the changes to the reporting requirement that would be made by PO 2017-0501, the existing and new code sections where the reporting requirement can be found, as well as the ordinance section numbers where the change is made. This matrix includes only reporting requirements that would be changed by the proposed ordinance and thus, reporting requirements unchanged are not included.

In addition to the changes described in Attachments 3 and 4, PO 2017-0501 would make the changes to gendered pronouns and historically gendered terms in King County Code Titles 1, 2, 3, 4 and 4A to achieve gender neutrality and match the changes in Proposed Ordinance 2017-0489.[[4]](#footnote-4)

PO 2017-0501 also makes technical corrections suggested by the Code Reviser. Examples of these technical corrections and their line numbers are provided below:

* *Updating outdated names to reflect current names*
  + Example: Changing “government accountability, oversight, and financial planning committee” to “government accountability and oversight committee” (Line 248)
* *Deleting duplicative words or inserting missing words*
  + Example: Including “and” before the last item in a list (Line 712)
* *Addressing Reviser’s Notes found in Code*
  + Example: K.C.C. 2.16.025 included a Reviser’s Note that in Ord. 17929, language was added but not underlined. The language in question is underlined in PO 2017-0501 to correct the inadvertent mistake (Lines 351-355).

**Reporting Requirements Proposed for Elimination**

Proposed Ordinance 2017-0501 would eliminate 28 ongoing reporting requirements. A full list of these reporting requirements can be found on pages 1-7 of Attachment 3. Table 1 provides some common reasons for proposed elimination, along with examples.

**Table 1. Common Reasons for Elimination and Examples**

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| **Reason for Elimination** | **Existing Requirement** | **PO 2017-0501** |
| **Reporting requirements for groups no longer in existence** | Code[[5]](#footnote-5) requires the International Trade Expansion and Economic Development Initiative Oversight Board to report annually on progress addressing goals related to global trade and business development, among other things *(Report 2E)* | Would eliminate code section establishing Board and reporting requirement, as Board has been disbanded |
| **Reporting requirements for information that is accessible elsewhere** | Code[[6]](#footnote-6) requires the Prosecuting Attorney’s Office (PAO) to report all pending lawsuits alleging the County has violated RCW 42.56 concerning public records *(Report 32E)* | Would eliminate reporting requirement, as Central staff receive a quarterly report from the PAO that outlines all pending and ongoing County litigation, including those concerning public records violations |
| **Reporting requirements for which conditions have changed since the enacting legislation** | Code[[7]](#footnote-7) requires the County bargaining agent to report annually on the status and maintenance necessary to comply with the requirement of maintaining a database of information necessary to conduct effective negotiations *(Report 20E)* | Would eliminate reporting requirement because this requirement was created in 1994 prior to the implementation of PeopleSoft, which is the County’s personnel database. PeopleSoft has been operational for a number of years. |

**Reporting Requirements with Proposed Frequency Changes**

Proposed Ordinance 2017-0501 would change the frequency of eight ongoing reporting requirements. A full list of these reporting requirements and the associated change can be found on pages 8-9 of Attachment 3.

With one exception, the changes represent reduced frequencies (e.g., semi-annual to annual). The exception is related to the County’s affirmative action plan (Report 18C). Current Code[[8]](#footnote-8) requires the Executive to transmit an affirmative action plan every five years. Executive staff requested that this be changed to a four year reporting cycle to reflect a federal requirement for the County to apply for certain federal funds.

Table 2 provides a few examples of reporting requirements with reduced frequencies in PO 2017-0501.

**Table 2. Examples of Reporting Requirements with Changed Frequencies**

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| **Description of Report** | **Current Reporting Frequency** | **PO 2017-0501** |
| Code[[9]](#footnote-9) requires the Hearing Examiner to report on the length of time required for hearings in previous six months, commentary on office operation and any need for clarification of county policy or development regulations *(Report 1C)* | Semi-annual | Annual |
| Code[[10]](#footnote-10) requires the Executive to report on any waivers to the county living wage requirements from the previous year *(Report 16C)* | Annual | Only when a waiver was granted in the previous calendar year |
| Motion 11154 requires the Human Resources Division to report on vacant budgeted positions *(Report 30E)* | Monthly | Quarterly |

**Reporting Requirements Proposed for Combination**

Proposed Ordinance 2017-0501 would combine 13 reporting requirements into five ongoing reports. A full list of these reporting requirements and the associated change can be found on pages 10-12 of Attachment 3. In some cases, combining reports required a frequency change for at least one of the reports. Table 3 provides a couple of examples of reporting requirements that would be combined in PO 2017-0501.

**Table 3. Examples of Combined Reporting Requirements**

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| **Description of Report** | **Current Reporting Frequency** | **PO 2017-0501** |
| Code[[11]](#footnote-11) requires the Ombuds to report on the exercise of functions during the preceding calendar period *(Report 2C)* | Three times per year | The two Ombuds reports would be combined into one report transmitted semi-annually |
| Code[[12]](#footnote-12) requires the Ombuds to report on the status of the whistleblower program from the previous year *(Report 3C)* | Annual |
| Code requires each agency to report on performance in responding to public records requests during the previous year *(Report 4C)* | Annual | The three public records related reports would be combined into one annual report produced by the Public Records Committee |
| Code requires the Public Records Committee to report on what forms of digital communication are used in each agency, how digital records are retained/searched *(Report 5C)* | Annual |
| Public Records Committee Charter[[13]](#footnote-13) requires the Committee to report on the activities of the previous year *(Report 6C)* | Annual |

**Reporting Requirements with Proposed Miscellaneous Changes**

Proposed Ordinance 2017-0501 also would make miscellaneous changes to seven reporting requirements. These changes do not fall cleanly into the previously described categories of proposed eliminations, frequency changes, or combinations. A full list of these reporting requirements and the associated change can be found on pages 13-15 of Attachment 3.

Four of the changes concern “one-off” reporting requirements that were mistakenly codified. In general, ordinances that are of a “general and permanent” nature are codified and ordinances that are temporary, or that relate to specific circumstances, are not codified but kept in the Clerk’s office for reference.[[14]](#footnote-14) Three of these “one-off” reporting requirements are more than a decade old and Council staff have raised no issues with eliminating these one-off requirements. The fourth is more recent and concerns the Best Starts for Kids Youth and Family Homeless Prevention Initiative Implementation Plan which has already been adopted by the Council.[[15]](#footnote-15) Table 4 provides a few examples of the miscellaneous changes.

**Table 4. Examples of Reporting Requirements with Miscellaneous Changes**

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| **Description of Report** | **Frequency and Deadline** | **PO 2017-0501** |
| Code[[16]](#footnote-16) requires the Executive to review the scope, purposes, and structure of each of the Boards, Commissions, and Committees advising the Department of Natural Resources and prepare a report with recommendations *(Report 2M)* | One-time – due by Dec. 31, 1997 | Would eliminate the one-time reporting requirement |
| Code[[17]](#footnote-17) requires the Children Youth Advisory Board to work in collaboration with the Executive to develop an implementation plan relating to the Best Starts for Kids Youth and Family Homelessness Prevention Initiative *(Report 3M)* | One-time – due by Mar. 1, 2016 | Would eliminate reporting requirement as plan has been adopted by the Council (Ord. 18285) |
| Code[[18]](#footnote-18) requires 4Culture to report on its financial position, significant accomplishments, projected operating budget, and the summary of programs for current year, as well as present to COW twice per year *(Report 17C)* | Report is annual;  One COW presentation is to occur in the first half of the year and concerns 4Culture’s annual report and a second presentation is to occur in the second half of the year to discuss the plans and proposed expenditures for the following year | Would make no changes to the annual report, but would remove the deadlines for COW meetings in order to provide greater scheduling flexibility |

**Reporting Requirements Kept As-Is**

A list of reporting requirements left unchanged in the proposed ordinance can be found on pages 16-30 of Attachment 3.

Additionally, a small number of reporting requirements have been flagged as potentially in need of further updates, but that require additional research and consultation. These items were placed on a list to be considered for a future work plan and are unchanged in the proposed ordinance. These items can be found on pages 28-30 of Attachment 3.

**PROPOSED MOTION 2017-0500**

Reporting requirement 30E as identified in Attachments 3 and 4, which requires the Executive to report monthly on vacant budgeted positions, was required by Motion 11154. In order to change the frequency from monthly to quarterly, PM 2017-0500 would rescind Motion 11154. Proposed Ordinance 2017-0501 would codify this reporting requirement given that it is of a “general and permanent” nature, as well as change the reporting frequency to quarterly.

1. Report Requirement 30E in Attachments 3 and 4 [↑](#footnote-ref-1)
2. As part of this effort, analysts were encouraged to think about if the reports were used in their analytical work, if the information was easily available elsewhere or by request, if circumstances have changed relative to when the report requirement was created, and if a reduced frequency would still give sufficient information for their analytical work. [↑](#footnote-ref-2)
3. Staff looked at reports filed with the Clerk in 2015 and 2016 as a way to gauge what ongoing reports had been recently transmitted to Council. Many reports included the associated Code section of the requirement in the title of the report or first few pages, which allowed staff to match reporting requirements in Code to filed reports. Where this was the case, the report identification numbers assigned by the Clerk are provided. Items with “No standalone” in this column means that staff wasn’t able to find a report filed with the Clerk in 2015-2016. However, this does not definitively mean that a report was not transmitted, as it could have been combined with another report, included with the budget transmittal, or that the report did not clearly indicate the code section that triggered the transmittal. [↑](#footnote-ref-3)
4. PO 2017-0489 is the first in a series of four ordinances that would make changes to the King County Code to remove gendered pronouns and historically gendered terms, and pertains to Titles 1 through 4A of the Code. [↑](#footnote-ref-4)
5. K.C.C. 2.84.190 [↑](#footnote-ref-5)
6. K.C.C. 2.12.300 [↑](#footnote-ref-6)
7. K.C.C. 3.16.055 [↑](#footnote-ref-7)
8. K.C.C. 3.12.180 [↑](#footnote-ref-8)
9. K.C.C. 20.22.310 [↑](#footnote-ref-9)
10. K.C.C. 3.18.080 [↑](#footnote-ref-10)
11. K.C.C. 2.52.150 [↑](#footnote-ref-11)
12. K.C.C. 3.42.070 [↑](#footnote-ref-12)
13. Adopted by Motion 12511 [↑](#footnote-ref-13)
14. Drafting Guide for King County Legislation [↑](#footnote-ref-14)
15. Ord. 18285 [↑](#footnote-ref-15)
16. K.C.C. 2.29.010 [↑](#footnote-ref-16)
17. K.C.C. 2A.300.510 [↑](#footnote-ref-17)
18. K.C.C. 2.49.160 [↑](#footnote-ref-18)