



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

December 5, 2017

Ordinance 18618

Proposed No. 2017-0489.1

Sponsors Balducci, Kohl-Welles and Lambert

1 AN ORDINANCE clarifying Title 1, Title 2, Title 3, Title  
2 4 and Title 4A of the King County Code, establishing a  
3 gender neutral code and making technical corrections; and  
4 amending Ordinance 1371, Section 1, and K.C.C. 1.02.010,  
5 Ordinance 11348, Section 2, and K.C.C. 1.05.020,  
6 Ordinance 11348, Section 4, as amended, and K.C.C.  
7 1.05.040, Ordinance 13320, Section 2, as amended, and  
8 K.C.C. 1.07.020, Ordinance 13320, Section 3, as amended,  
9 and K.C.C. 1.07.030, Ordinance 13320, Section 4, and  
10 K.C.C. 1.07.040, Ordinance 13320, Section 5, as amended,  
11 and K.C.C. 1.07.050, Ordinance 13320, Section 7, and  
12 K.C.C. 1.07.070, Ordinance 13320, Section 8, and K.C.C.  
13 1.07.080, Ordinance 13320, Section 10, and K.C.C.  
14 1.07.100, Ordinance 13320, Section 12, and K.C.C.  
15 1.07.120, Ordinance 13320, Section 14, as amended, and  
16 K.C.C. 1.07.140, Ordinance 13320, Section 15, as  
17 amended, and K.C.C. 1.07.150, Ordinance 159, Section 2,  
18 as amended, and K.C.C. 1.16.020, Ordinance 159, Section  
19 8, as amended, and K.C.C. 1.16.080, Ordinance 159,

20 Section 9, and K.C.C. 1.16.090, Ordinance 11683, Section  
21 9, as amended, and K.C.C. 1.24.085, Ordinance 11683,  
22 Section 31, as amended, and K.C.C. 1.24.305, Ordinance  
23 16948, Section 2, and K.C.C. 2.10.210, Ordinance 16679,  
24 Section 22, as amended, and K.C.C. 2.12.250, Ordinance  
25 12550 Section 1, as amended, and K.C.C. 2.14.010,  
26 Ordinance 11955, Section 2, as amended, and K.C.C.  
27 2.16.020, Ordinance 11955, Section 13, as amended, and  
28 K.C.C. 2.16.110, Ordinance 3581, Section 10, as amended,  
29 and K.C.C. 2.21.090, Ordinance 11319, Section 3, and  
30 K.C.C.2.28.003, Ordinance 8389, Section 1, and K.C.C.  
31 2.32.220, Ordinance 14989, Section 3, as amended, and  
32 K.C.C. 2.35.021, Ordinance 18167, Section 22 and  
33 2.36.030, Ordinance 12901, Section 3, as amended, and  
34 K.C.C. 2.41.030, Ordinance 14482, Section 10, and K.C.C.  
35 2.49.090, Ordinance 473, Section 1, as amended, and  
36 K.C.C. 2.52.010, Ordinance 473, Section 4, as amended,  
37 and K.C.C. 2.52.040, Ordinance 473, Section 5, as  
38 amended, and K.C.C. 2.52.050, Ordinance 473, Section 8,  
39 as amended, and K.C.C. 2.52.080, Ordinance 473, Section  
40 9, as amended, and K.C.C. 2.52.090, Ordinance 473,  
41 Section 10, and K.C.C. 2.52.100, Ordinance 473, Section  
42 11, as amended, and K.C.C. 2.52.110, Ordinance 473,

43 Section 12, and K.C.C. 2.52.120, Ordinance 473, Section  
44 13, as amended, and K.C.C. 2.52.130, Ordinance 473,  
45 Section 14, as amended, and K.C.C. 2.52.140, Ordinance  
46 473, Section 15, as amended, and K.C.C. 2.52.150,  
47 Ordinance 473, Section 16, and K.C.C. 2.52.160,  
48 Ordinance 473, Section 18, as amended, and K.C.C.  
49 2.52.170, Ordinance 12075, Section 14, as amended, and  
50 K.C.C. 2.56.010, Ordinance 12075, Section 16, as  
51 amended, and K.C.C. 2.56.040, Ordinance 12022, Section  
52 3, as amended, and K.C.C. 2.59.100, Ordinance 14824,  
53 Section 4, and K.C.C. 2.59.140, Ordinance 8257, Section 1,  
54 and K.C.C. 2.60.010, Ordinance 383, Section 5, as  
55 amended and K.C.C. 2.60.050, Ordinance 10167, Section  
56 1, as amended, and K.C.C. 2.60.054, Ordinance 1168,  
57 Section 3, and K.C.C. 2.80.030, Ordinance 12468, Section  
58 5, as amended, and K.C.C. 2.84.020, Ordinance 12468,  
59 Section 8, as amended, and K.C.C. 2.84.050, Ordinance  
60 12468, Sections 9 and 10, as amended, and K.C.C.  
61 2.84.190, Ordinance 12075, Section 20 and K.C.C.  
62 2.92.030, Ordinance 2165, Section 6, as amended, and  
63 K.C.C. 2.98.060, Ordinance 12014, Section 2, as amended,  
64 and K.C.C. 3.04.017, Ordinance 1308, Section 3, as  
65 amended, and K.C.C. 3.04.020, Ordinance 12014, Section

66 3, as amended, and K.C.C. 3.04.030, Ordinance 6144,  
67 Section 2, as amended, and K.C.C. 3.04.035, Ordinance  
68 9704, Section 8, as amended, and K.C.C. 3.04.037,  
69 Ordinance 1308, Section 5, as amended, and K.C.C.  
70 3.04.040, Ordinance 1308, Section 6, as amended, and  
71 K.C.C. 3.04.050, Ordinance 9704, Section 9, as amended,  
72 and K.C.C. 3.04.055, Ordinance 9704, Section 10, as  
73 amended, and K.C.C. 3.04.057, Ordinance 1308, Section 7,  
74 as amended, and K.C.C. 3.04.060, Ordinance 1321, Section  
75 4, as amended, and K.C.C. 3.04.100, Ordinance 12138,  
76 Section 4, as amended, and K.C.C. 3.04.120, Ordinance  
77 9704, Section 13, as amended, and K.C.C. 3.04.130,  
78 Ordinance 543, Section 4, as amended, and K.C.C.  
79 3.08.040, Ordinance 2647, Section 5, as amended, and  
80 K.C.C. 3.10.030, Ordinance 12014, Section 5, as amended,  
81 and K.C.C. 3.12.010, Ordinance 12014, Section 9, and  
82 K.C.C. 3.12.044, Ordinance 12014, Section 11, and K.C.C.  
83 3.12.060, Ordinance 12014, Section 13, as amended, and  
84 K.C.C. 3.12.100, Ordinance 12014, Section 15, as  
85 amended, and K.C.C. 3.12.120, Ordinance 12014, Section  
86 34, and K.C.C. 3.12.123, Ordinance 12014, Section 19, as  
87 amended, and K.C.C. 3.12.190, Ordinance 12014, Section  
88 21, as amended, and K.C.C. 3.12.220, Ordinance 12014,

89 Section 22, as amended, and K.C.C. 3.12.223, Ordinance  
90 13743, Section 1, as amended, and K.C.C. 3.12.224,  
91 Ordinance 12014, Section 23, as amended, and K.C.C.  
92 3.12.230, Ordinance 12077, Section 5, as amended, and  
93 K.C.C. 3.12.240, Ordinance 12014, Section 24, and K.C.C.  
94 3.12.247, Ordinance 12014, Section 26, as amended, and  
95 K.C.C. 3.12.260, Ordinance 9967, Section 2, as amended,  
96 and K.C.C. 3.12.262, Ordinance 12014, Section 27, and  
97 K.C.C. 3.12.270, Ordinance 12943, Section 14, as  
98 amended, and K.C.C. 3.12A.020, Ordinance 12943, Section  
99 17, and K.C.C. 3.12A.050, Ordinance 16339, Section 20, as  
100 amended, and K.C.C. 3.12F.040, Ordinance 12014, Section  
101 50, as amended, and K.C.C. 3.15.020, Ordinance 9206,  
102 Section 7, as amended, and K.C.C. 3.24.070, Ordinance  
103 15648, Section 2, as amended, and K.C.C. 3.32.006,  
104 Ordinance 11687, Section 2, as amended, and K.C.C.  
105 3.42.020, Ordinance 11687, Section 4, as amended, and  
106 K.C.C. 3.42.030, Ordinance 11687, Section 5, as amended,  
107 and K.C.C. 3.42.040, Ordinance 11687, Section 6, as  
108 amended, and K.C.C. 3.42.050, Ordinance 16580, Section  
109 6, and K.C.C. 3.42.055, Ordinance 16580, Section 7, and  
110 K.C.C. 3.42.057, Ordinance 11687, Section 7, as amended,  
111 and K.C.C. 3.42.060, Ordinance 16580, Section 9, and

112 K.C.C. 3.42.070, Ordinance 12413, Section 5, and K.C.C.  
113 3.46.050, Ordinance 12413, Section 8, and K.C.C.  
114 3.46.080, Ordinance 7112, Section 6, as amended, and  
115 K.C.C. 4.10.060, Ordinance 7112, Section 9, as amended,  
116 and K.C.C. 4.10.090, Ordinance 12076, Section 37, as  
117 amended, and K.C.C. 4.10.120, Ordinance 12045, Section  
118 20, as amended, and K.C.C. 4.56.035, Ordinance 12045,  
119 Section 16, as amended, and K.C.C. 4.56.170, Ordinance  
120 17293, Section 45, and K.C.C. 4A.10.235, Ordinance  
121 17929, Section 20, as amended, and K.C.C. 4A.100.070,  
122 Ordinance 12076, Section 4, as amended, and K.C.C.  
123 4A.110.010 and Ordinance 18203, Section 1 and K.C.C.  
124 4A.200.148.

125 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

126 SECTION 1. Ordinance 1371, Section 1, and K.C.C. 1.02.010 are each hereby  
127 amended to read as follows:

128 A rule of construction for ordinances shall be that words signifying the singular  
129 number may also be applied to the plural of persons and things; words signifying the  
130 plural may be applied to the singular; and words referring to ~~((the masculine))~~ a specific  
131 gender may be extended to ~~((the feminine))~~ any other gender.

132 SECTION 2. Ordinance 11348, Section 2, and K.C.C. 1.05.020 are each hereby  
133 amended to read as follows:

134 For purposes of this chapter the following definitions shall apply:

135           A. "Candidate" means any individual who seeks election to a public office set out  
136 in K.C.C. 1.05.030 whether or not successfully. An individual shall be deemed to be  
137 seeking election when ~~((he or she))~~ the individual first: receives contributions or makes  
138 expenditures or reserves space or facilities with intent to promote ~~((his or her))~~ the  
139 individual's candidacy for office, announces publicly or files for office, whichever occurs  
140 first.

141           B. "Contribution" means a loan, loan guarantee, gift, deposit, subscription,  
142 forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds  
143 between political committees, or transfer of anything of value, including personal and  
144 professional services, for less than full consideration. "Contribution" does not include  
145 interest on moneys deposited in a political committee's account, ordinary home  
146 hospitality, volunteer in-kind labor or incidental expenses not in excess of twenty-five  
147 dollars personally paid for by a volunteer campaign worker. For the purposes of this  
148 chapter, contributions other than money or its equivalents shall be deemed to have a  
149 money value equivalent to the fair market value of the "contribution."~~((-))~~ Sums paid for  
150 tickets to fundraising events such as dinners and parties are contributions; however, the  
151 amount of any such contribution may be reduced for the purpose of complying with the  
152 reporting requirements of this chapter by the actual cost of consumables furnished in  
153 connection with the purchase of such tickets, and only the excess over actual cost of such  
154 consumables shall be deemed a contribution.

155           C. "Election cycle" means the combination of the general or special election and  
156 the primary election for the office in question and begins on the date an individual  
157 becomes a candidate for such office and ends on the date that candidate files ~~((his or her))~~

158 the candidate's final report pursuant to RCW 42.17.080(2).

159 D. "Expenditure" means a payment, contribution, subscription, distribution, loan  
160 advance, deposit, or gift of money or anything of value, and includes a contract, promise,  
161 or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure"  
162 also includes a promise to pay; and a payment or transfer of anything of value in  
163 exchange for goods, services, property, facilities, or anything of value for the purpose of  
164 assisting, benefiting or honoring any public official or candidate, or assisting in furthering  
165 or opposing any election campaign. For purposes of this chapter, expenditures other than  
166 money or its equivalent shall be deemed to have a monetary value equal to the fair market  
167 value of the expenditure. "Expenditure" shall not include:

- 168 1. The partial or complete repayment by a candidate or political committee of  
169 the principal of a loan, the receipt of which loan has been properly reported; or  
170 2. The value of in-kind labor; or  
171 3. Fines paid as a result of any penalties imposed on a candidate for violating  
172 this chapter.

173 E. "Fair advertising" means any publication, literature or media advertising,  
174 which bears the clear and conspicuous identification of the sponsoring candidate's name.

175 F. "In-kind labor" means services provided by a person who volunteers all or a  
176 portion of (~~his/her~~) the person's time to a candidate's election campaign, and who is not  
177 paid by any person for such services.

178 G. "Independent expenditure" means an expenditure on behalf of, or opposing the  
179 election of, any candidate, when such expenditure is made independently of the  
180 candidate, (~~his/her~~) the candidate's political committee(~~s~~) or the candidate's agent, and

181 when such expenditure is made without the prior consent, or the collusion, or the  
182 cooperation, of the candidate or ((his/her)) the candidate's agent or political committee.

183 H. "Own resources" means a candidate's personal funds or property; provided,  
184 however, that it shall not include:

185 1. A candidate's surplus campaign funds as defined in RCW 42.17.020 from a  
186 prior campaign for an elected position, except for such surplus funds as have been  
187 transferred to a candidate's personal account pursuant to RCW 42.17.095(2).

188 2. Excess campaign funds as defined in 2 U.S.C., Section 439(a) and 11 CFR,  
189 Section 113.2, or

190 3. Contributions received for a campaign for any other office.

191 I. "Person" means any individual, association, corporation, candidate, committee,  
192 political committee, political party, partnership or other entity.

193 J. "Political committee" means any person (except a candidate or an individual  
194 dealing with ((his)) the candidate or individual's own funds or property) having the  
195 expectation of receiving contributions or making expenditures in support of, or in  
196 opposition to, any candidate and ((which)) who has also filed as a political committee  
197 pursuant to ((RCW)) chapter 42.17 RCW.

198 K. "Political party" shall mean a major political party or a new or minor party  
199 which is established pursuant to ((RCW)) chapter 29.42 RCW.

200 L. "Resident" means an individual natural person whose domicile is within the  
201 boundaries of King County.

202 SECTION 3. Ordinance 11348, Section 4, as amended, and K.C.C. 1.05.040 are  
203 each hereby amended to read as follows:

204           A. No person other than a political committee shall make contributions during the  
205 election cycle totaling more than one thousand two hundred dollars in the aggregate to  
206 any candidate for executive, county council, sheriff, or assessor, nor shall any political  
207 committee make contributions during the election cycle totaling more than one thousand  
208 two hundred dollars in the aggregate to any candidate for executive, county council,  
209 sheriff, or assessor.

210           B. No candidate for executive, county council, sheriff, or assessor shall accept or  
211 receive during the election cycle campaign contributions totaling more than one thousand  
212 two hundred dollars in the aggregate from any person other than a political committee,  
213 nor shall any such candidate accept or receive during the election cycle campaign  
214 contributions totaling more than one thousand two hundred dollars in the aggregate from  
215 any political committee.

216           C. The limitations in this section shall not apply to:

217           1. A candidate's contributions of (~~his or her~~) the candidate's own resources to  
218 (~~his or her~~) the candidate's own campaign; the limitations imposed by this section shall  
219 apply to the contributions of all others; and

220           2. Independent expenditures as defined by this chapter; and

221           3. The value of in-kind labor; and

222           4. Contributions to or expenditures from public office funds made consistent  
223 with the provisions of RCW 42.17.243.

224           D. Surplus campaign funds, as defined in RCW 42.17.030, from a candidate's  
225 prior campaign and contributions received by a candidate in connection with a campaign  
226 for another office may be used by that candidate for the candidate's current campaign

227 only to the extent that such funds are derived from contributions that were within the  
228 dollar limitations imposed by this chapter. If such funds are from a campaign not  
229 governed by this chapter, a candidate may use only so much of each contribution  
230 previously received as would have been allowable as a contribution under this chapter if  
231 it had applied to that campaign. The source of a candidate's surplus campaign funds shall  
232 be determined to be derived from the most recent contributions received by such  
233 candidate or that candidate's political committee which in total equal the amount of the  
234 surplus campaign funds. A candidate must file a statement with the elections division  
235 and the Public Disclosure Commission which identifies any funds used pursuant to this  
236 section. The statement shall include the following information for each amount  
237 transferred: The original contributor, original date of contribution, amount originally  
238 contributed, and the portion of each contribution transferred to the current campaign.

239 SECTION 4. Ordinance 13320, Section 2, as amended, and K.C.C. 1.07.020 are  
240 each hereby amended to read as follows:

241 For the purposes of this chapter, certain terms are defined as follows:

242 A. "Compensation" means anything of economic value, however designated,  
243 which is paid, granted or transferred, or is to be paid, granted or transferred for, or in  
244 consideration of, personal services to any person, except that minor incidental personal  
245 expenses, such as mileage, parking, meals, photocopying, telephone and facsimiles for  
246 persons not employed or retained as lobbyists are not included in "compensation."

247 B. "Council staff" means any person employed in the legislative branch of King  
248 County government.

249 C. "County employee" means any individual who is appointed as an employee by

250 the appointing authority of a county department, agency or office. The term "county  
251 employee" also includes any person elected at a general or special election to any county  
252 elected office and any person appointed to fill a vacancy in any such office. The term  
253 "county employee" also includes members of county boards, commissions, committees or  
254 other multimember county bodies established by ordinance or motion.

255 D. "Department" means the department of executive services.

256 E. "Expenditure" includes a payment, contribution, subscription, distribution,  
257 loan, advance, deposit, gift, contract, promise or agreement to make an expenditure. The  
258 term "expenditure" also includes a promise to pay, a payment or a transfer of anything of  
259 value in exchange for goods, services, property, facilities or anything of value. For the  
260 purposes of this chapter, agreements to make expenditures, contracts and promises to pay  
261 may be reported as estimated obligations until actual payment is made.

262 F. "Gift" means the same as the definition of "gift" in the employee code of  
263 ethics, K.C.C. 3.04.017G.

264 G. "Legislation" means any ordinance or motion that is proposed to be or is  
265 introduced before the council under the provisions of Sections 230 and 240 of the county  
266 charter or any other matter that may be the subject of action by the council or any of its  
267 committees and any ordinance or motion that, having been adopted by the council, is  
268 required to be presented for approval or veto by the executive provided that the following  
269 shall not be considered legislation for the purposes of this chapter:

- 270 1. Ordinances introduced on matters considered to be quasi-judicial under state  
271 law;
- 272 2. Motions introduced to confirm or reject appointments by the executive; and

273           3. Motions introduced to exercise the council's power of appointment or  
274 removal.

275           H. "Lobby" and "lobbying" each mean attempting to influence, by  
276 communicating with councilmembers or council staff, the metropolitan King County  
277 council to develop, adopt, modify or reject legislation, or attempting to influence, by  
278 communicating with the executive or executive staff, the King County executive to  
279 approve or veto adopted legislation, or part thereof, presented to ~~((him or her))~~ the  
280 executive.

281           For purposes of this chapter the terms "lobby" and "lobbying" do not include any  
282 of the following:

283           1. The act of communicating with the members of an association or organization  
284 by that same association or organization;

285           2. Communications or other actions made by a person related to a quasi-judicial  
286 proceeding before the council;

287           3. Communications or actions made by a person related to proposed motions to  
288 confirm or reject appointments by the executive;

289           4. Communications or actions made by a person related to proposed motions to  
290 exercise the council's power of appointment or removal;

291           5. Communications or other actions related to proposed employment actions  
292 concerning legislative branch employees;

293           6. Communications or other actions by any county employee acting within the  
294 scope of ~~((his or her))~~ the employee's employment with the county;

295           7. Communications or other actions by representatives of labor organizations

296 related to existing or proposed collective bargaining agreement(s) with the county or  
297 other legislation which could affect specific existing or proposed collective bargaining  
298 agreements; or

299 8. Communications or other actions by a person with the executive or executive  
300 staff regarding legislation at any time prior to its adoption by the council.

301 I. "Lobbyist" means any person who lobbies for compensation.

302 J. "Lobbyist's employer" means the person or persons by whom a lobbyist is  
303 employed or otherwise compensated for acting as a lobbyist. For purposes of this  
304 chapter, the term "lobbyist's employer" includes, but is not limited to:

305 1. Every person who engages or utilizes the services of any other person to  
306 lobby, upon an agreement express or implied, for compensation or for other  
307 consideration; and

308 2. The officers and employees of such person and/or any third party who is  
309 engaged, employed or utilized by such person to lobby.

310 K. "Month" ((is)) means a calendar month.

311 L. "Person" includes an individual, partnership, joint venture, public or private  
312 corporation, association, federal, state or local governmental entity or agency however  
313 constituted, candidate, committee, political committee, political party, executive  
314 committee thereof, or any other organization or group of persons, however organized.

315 M. "Polling" means contacting individuals or groups to determine or change their  
316 positions using telephone interviews, face to face interviews or focus groups.

317 N. "Public relations" means any activity, and research to support such activity,  
318 that is intended to inform, educate, persuade or reinforce public opinion including, but

319 not limited to, advertising, press conferences, editorial boards and speakers bureaus.

320 O. "Quarter" is a calendar quarter, i.e., January through March, April through  
321 June, July through September, and October through December.

322 P. "Representatives of labor organizations" means any employee or designated  
323 spokesperson of a bargaining representative that represents county employees.

324 SECTION 5. Ordinance 13320, Section 3, as amended, and K.C.C. 1.07.030 are  
325 each hereby amended to read as follows:

326 A. A lobbyist shall file a lobbyist registration statement for each of ~~((his or her))~~  
327 the lobbyist's employers. The lobbyist registration statement shall be filed with the  
328 department of executive services within seven days after being employed or otherwise  
329 retained as a lobbyist. The lobbyist registration statement shall show, in such detail as  
330 shall be prescribed by rule:

331 1. ~~((His or her))~~ The lobbyist's name, permanent business address and, if the  
332 permanent business address is not in King County, any temporary address in King  
333 County;

334 2. The name, address and occupation or business of the lobbyist's employer;

335 3. The duration of ~~((his or her))~~ the lobbyist's employment;

336 4. ~~((His or her))~~ The lobbyist's compensation for lobbying, how much ~~((he or~~  
337 ~~she))~~ the lobbyist is to be paid for expenses and what expenses are to be reimbursed;

338 5. Whether the person from whom ~~((he or she))~~ the lobbyist receives that  
339 compensation employs ~~((him or her))~~ the lobbyist solely as a lobbyist or whether ~~((he or~~  
340 ~~she))~~ the lobbyist is a regular employee performing services for ~~((his or her))~~ the  
341 lobbyist's employer ~~((which))~~ that include, but are not limited to, lobbying;

- 342           6. The general subject or subjects of ~~((his or her))~~ the lobbying interest;
- 343           7. A written authorization from each of the lobbyist's employers confirming
- 344 such employment;
- 345           8. The name and address of the person who will have custody of the accounts,
- 346 bills, receipts, books, papers and documents required to be kept by K.C.C. 1.07.080; and
- 347           9. If the lobbyist's employer is an entity, including, but not limited to, a business
- 348 or trade association whose members include businesses, groups, associations, or
- 349 organizations or which as a representative entity undertakes lobbying activities for
- 350 businesses, groups, associations, or organizations, the name and address of each member
- 351 of such entity, or person represented by such entity, whose fees, dues, payments or other
- 352 consideration paid to such entity during either of the prior two years have exceeded five
- 353 hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other
- 354 consideration exceeding five hundred dollars to such entity during the current year.

355           B. Whenever a termination or significant modification of the lobbyist's

356 employment occurs, the lobbyist shall furnish full information regarding the same within

357 seven calendar days of such termination or modification by filing with the department an

358 amended registration statement.

359           SECTION 6. Ordinance 13320, Section 4, and K.C.C. 1.07.040 are each hereby

360 amended to read as follows:

361           Persons who lobby without compensation or with compensation or other

362 consideration limited to reimbursement for minor incidental personal expenses, such as

363 mileage, parking, meals, photocopying, telephone~~((;))~~ and facsimiles, ~~((for acting as a~~

364 ~~lobbyist))~~ shall be considered citizen lobbyists and shall be exempt from registration.

365 The exemption contained in this section is intended to permit and encourage citizens of  
366 the county to lobby any councilmember or the executive without incurring any  
367 registration or reporting obligation. Any person exempt under this section may at ((his or  
368 her)) the person's option register and report under this chapter.

369 SECTION 7. Ordinance 13320, Section 5, as amended, and K.C.C. 1.07.050 are  
370 each hereby amended to read as follows:

371 A. It is understood that businesses may employ a specific person or persons as  
372 lobbyists. In addition, other employees of a business, or contracted experts, may have  
373 occasion to meet on an irregular basis with councilmembers or the executive or appear  
374 before public sessions of the council or its committees to provide information or expert  
375 testimony. Such other employees or contracted experts shall not be required to register or  
376 report under this chapter only if:

377 1. They restrict their activities as defined in this section to no more than six days  
378 or parts thereof during any quarter. Appearing before public sessions of the council and  
379 committees of the council are not counted towards the six days; and

380 2. They are not registered as a lobbyist with the Washington State Public  
381 Disclosure Commission as a representative of the same client or organization for which  
382 they are an employee or contracted technical expert.

383 B. Any person exempt under this section may at ((his or her)) the person's option  
384 register and report under this chapter.

385 SECTION 8. Ordinance 13320, Section 7, and K.C.C. 1.07.070 are each hereby  
386 amended to read as follows:

387 News or feature reporting activities and editorial comment by working members

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388 of the press, radio or television and the publication or dissemination thereof by a  
389 newspaper, book publisher, regularly published periodical, radio station or television  
390 station shall be exempt from registration and reporting under this chapter. Any person  
391 exempt under this section may at ~~((his or her))~~ the person's option register and report  
392 under this chapter.

393 SECTION 9. Ordinance 13320, Section 8, and K.C.C. 1.07.080 are each hereby  
394 amended to read as follows:

395 A. Each lobbyist shall file a report with the department of ~~((his or her))~~ the  
396 lobbyist's activities for each employer. Such reports must be signed by the lobbyist. The  
397 reports shall be made in the form and manner prescribed by the department. The  
398 department shall design the reporting forms to match as closely as reasonably possible  
399 the forms required for lobbyist reporting to the Washington state Public Disclosure  
400 Commission. The reports shall be filed within fifteen calendar days after the last day of  
401 the calendar quarter. The due dates for such reports are January 15, April 15, July 15 and  
402 October 15. The January report shall cover the preceding calendar year; the April, July  
403 and October reports shall each cover the preceding calendar quarter.

404 B. Each periodic report shall contain:

405 1. The totals of all expenditures for lobbying activities made or incurred by such  
406 lobbyist. The totals of all expenditures for lobbying activities made or incurred on behalf  
407 of such lobbyist by the lobbyist's employer or any other person with the lobbyist's  
408 knowledge. Such total expenditures for lobbying activities shall include the following:  
409 food and refreshments, entertainment and other expenses or services. The report shall  
410 specify the amount of the expenditure, the person to whom the amount was paid and a

411 brief description of the activity. Notwithstanding the preceding, lobbyists are not  
412 required to report any expenses incurred for their personal travel or meals, telephone and  
413 any office expenses including rent and salaries and wages paid for staff and secretarial  
414 assistance;

415         2. The total compensation paid to the lobbyist for lobbying purposes during the  
416 reporting period by the lobbyist employer;

417         3. The subject matter which the lobbyist has been supporting or opposing during  
418 the reporting period, including specific ordinances and motions;

419         4. Other information relevant to lobbying activities as shall be prescribed by  
420 rule; and

421         5. Information regarding any termination or significant modification of the  
422 lobbyist's employment.

423         C. Information supporting any activities which are required to be reported under  
424 this section is subject to audit by the department. However, the person subject to audit is  
425 not required to disclose information which is covered by the attorney-client privilege.

426         SECTION 10. Ordinance 13320, Section 10, and K.C.C. 1.07.100 are each  
427 hereby amended to read as follows:

428         A. Any person who has made expenditures exceeding ten thousand dollars in the  
429 aggregate within any consecutive twelve-month period or who (~~knows he or she~~) will  
430 expend ten thousand dollars within any consecutive twelve-month period presenting a  
431 program addressed to the public which is specifically intended, designed or calculated to  
432 influence legislation that may be the subject of action by the council shall be required to  
433 register and report, as provided in subsection B<sub>2</sub> of this section, as a sponsor of a

434 professional grass roots lobbying campaign.

435           B. Within seven days after becoming a sponsor of a professional grass roots  
436 lobbying campaign, the sponsor shall register by filing with the department a registration  
437 statement, as shall be prescribed by rule, showing:

438           1. The sponsor's name, address and business or occupation, and, if the sponsor  
439 is not an individual, the names, addresses and titles of the controlling persons responsible  
440 for managing the sponsor's affairs;

441           2. The name, address and business or occupation of all persons organizing and  
442 managing the grass roots lobbying campaign, or hired to assist the campaign, and the  
443 terms of compensation for all such persons;

444           3. The name and address of each person contributing services or money with a  
445 value of one hundred dollars or more to the grass roots lobbying campaign;

446           4. The purpose of the grass roots lobbying campaign, including the specific  
447 legislation that is the subject matter of the effort; and

448           5. The total of all expenditures made or incurred to date on behalf of the grass  
449 roots lobbying campaign, which totals shall be segregated according to financial  
450 category, including, but not limited to, the following: advertising segregated by media;  
451 telemarketing or polling; public relations; entertainment, including food and  
452 refreshments; office expenses, including rent, salaries and wages paid for staff and  
453 secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying  
454 activities; consultants; printing and mailing expenses; and other expenditures as shall be  
455 prescribed by rule.

456           C. Every sponsor who has registered under this section shall file quarterly reports

457 with the department. The reports shall be filed for each calendar quarter and shall be due  
458 within fifteen days after the last day of the quarter covered by the report. The due dates  
459 for such reports are January 15, April 15, July 15 and October 15. The reports shall  
460 update the information contained in the sponsor's registration statement and in prior  
461 reports and shall show totals of expenditures made during the quarter, in the same manner  
462 as provided for in the registration statement.

463         D. Each sponsor of a grass roots lobbying campaign shall obtain and preserve all  
464 accounts, bills, receipts, books, papers and documents necessary to substantiate the  
465 financial reports required to be made under this section for a period of at least five years  
466 from the date of filing of the statement containing such items. These accounts, bills,  
467 receipts, books, papers and documents shall be made available for inspection by the  
468 department during regular business hours. Should the sponsor be unable to maintain the  
469 financial records of the grass roots lobbying campaign, the sponsor may file the records,  
470 including all accounts, bills, receipts, books, papers and documents, with the appropriate  
471 county agency for preservation for five years.

472         E. Information supporting any activities which are required to be reported is  
473 subject to audit by the department. However, the person subject to audit is not required  
474 to disclose information which is covered by the attorney-client privilege.

475         SECTION 11. Ordinance 13320, Section 12, and K.C.C. 1.07.120 are each  
476 hereby amended to read as follows:

477         A person required to register as a lobbyist under this chapter shall also have the  
478 following obligations, the violation of which may subject the person, and the person's  
479 employer, if that employer willfully aids, abets, ratifies or confirms any such act, to civil

480 penalties, as provided by this chapter:

481           A. A person required to register as a lobbyist shall obtain and preserve all  
482 accounts, bills, receipts, books, papers and documents necessary to substantiate the  
483 financial reports required to be made under this chapter for a period of at least five years  
484 from the date of the filing of the statement containing such items. These accounts, bills,  
485 receipts, books, papers and documents shall be made available for inspection by the  
486 department during regular business hours: provided, that if a lobbyist or sponsor is  
487 required under the terms of (~~his or her~~) the lobbyist or sponsor's employment contract to  
488 turn any records over to (~~his or her~~) the lobbyist or sponsor's employer, responsibility  
489 for the preservation of such records under this subsection shall rest with that employer;

490           B. In addition, a person required to register as a lobbyist under this chapter shall  
491 not:

- 492           1. Engage in any activity as a lobbyist before registering as such;
- 493           2. File any statement or report with the department that is incomplete in any  
494 material respect or contains a statement that is false or misleading with respect to any  
495 material fact;
- 496           3. Fail to comply with any of the reporting requirements of this chapter;
- 497           4. Knowingly deceive or attempt to deceive any councilmember or the council  
498 as to any fact pertaining to any pending or proposed legislation;
- 499           5. Cause or influence the introduction of any legislation or amendment thereto  
500 for the purpose of thereafter being employed to secure its defeat;
- 501           6. Exercise any undue influence, extortion or unlawful retaliation upon any  
502 councilmember by reason of such councilmember's position with respect to, or (~~his or~~

503 ~~her~~) the councilmember's vote upon, any legislation; or

504           7. Enter into any agreement, arrangement, or understanding according to which  
505 ~~(his or her)~~ the lobbyist's compensation, or any portion thereof, is or will be contingent  
506 upon the success of any attempt to influence legislation.

507           SECTION 12. Ordinance 13320, Section 14, as amended, and K.C.C. 1.07.140  
508 are each hereby amended to read as follows:

509           A. Except for allegations of untimely filing of statements and reports, which are  
510 processed by the department under section K.C.C. 1.07.130.L, complaints alleging a  
511 violation of any of the provisions of this chapter shall be filed with the county  
512 ombuds(~~man~~). Any such a complaint shall be in writing, verified and signed by the  
513 complainant. The complainant shall describe the basis for the complainant's belief that  
514 this chapter has been violated. The complainant may state in the written complaint  
515 whether the complainant desires that ~~(his or her)~~ the complainant's name be withheld  
516 from disclosure under RCW 42.17.310(1)(e) if the complaint is the subject of a public  
517 records disclosure request.

518           B. Within twenty days of receiving a complaint meeting the requirements of  
519 subsection A. of this section, the ombuds(~~man~~) shall serve or mail, by certified mail,  
520 return receipt requested, a copy of the complaint to the person alleged to have violated  
521 this chapter. Within forty days of receiving the complaint the ombuds(~~man~~) shall  
522 analyze the merits of the complaint to determine whether a full investigation is warranted.  
523 The ombuds(~~man~~) shall have the authority to issue an order dismissing the complaint,  
524 or specific sections of the complaint, if the ombuds(~~man~~) determines that the complaint  
525 or specific sections of the complaint, as written, alleges a de minimis violation or does

526 not state facts that, even if true, would constitute a violation of this chapter.

527           C. If the ombuds((~~man~~)) determines that a full investigation of the complaint is  
528 warranted, then the investigation shall be directed to ascertain the facts concerning the  
529 violation or violations alleged in the complaint and shall be conducted in an objective and  
530 impartial manner. The ombuds((~~man~~)) is authorized to contract for such investigative  
531 services and other assistance as may be needed to conduct the investigation, subject to the  
532 council's appropriation of adequate funds to pay for the costs of the contracts. In  
533 furtherance of such an investigation, the ombuds((~~man~~)) is authorized to use the  
534 subpoena power to compel sworn testimony from any person and require the production  
535 of any records relevant or material to the investigation except information that is legally  
536 privileged. Upon request of the ombuds((~~man~~)), county employees shall provide sworn  
537 testimony and produce any records relevant or material to the investigation, except  
538 information that is legally privileged.

539           D. During the investigation, the ombuds((~~man~~)) shall consider any statement of  
540 position or evidence with respect to the allegations of the complaint that the complainant  
541 or respondent wishes to submit.

542           E. The results of the investigation shall be reduced to written findings of fact and  
543 a finding shall be made that there either is or is not reasonable cause for believing that the  
544 respondent has violated one or more provisions of the chapter.

545           F. If a finding is made that there is no reasonable cause, then the finding shall be  
546 served or mailed, by certified mail, return receipt requested, to the complainant and the  
547 respondent and the finding shall be final. The original of the ombuds((~~man~~))'s finding  
548 shall be filed with the clerk of the council.

549 G. If a finding is made that reasonable cause exists to believe that the respondent  
550 has violated one or more of the provisions of this chapter, then the ombuds((~~man~~)) shall  
551 prepare an order to that effect, copies of which shall be served or mailed, by certified  
552 mail, return receipt requested, to the complainant and the respondent. The original of the  
553 ombuds((~~man~~))'s order shall be filed with the clerk of the council. The reasonable cause  
554 order shall include:

- 555 1. A finding that one or more violations of this chapter has occurred;
- 556 2. The factual basis for the finding;
- 557 3. The amount of the civil penalty or penalties imposed for remedial purposes to  
558 be assessed for each violation. A person who is found to have violated this chapter shall  
559 be given a written warning for the first violation by certified mail, return receipt  
560 requested, and shall be subject to a civil penalty of up to one thousand dollars for each  
561 subsequent violation after the warning has been given. Further, an individual penalty  
562 may not exceed one thousand dollars per violation and in any case where multiple  
563 violations are involved in a single complaint, the maximum aggregate civil penalty shall  
564 not exceed two thousand five hundred dollars; and
- 565 4. A notice informing the respondent that the respondent has the right to a  
566 hearing before the hearing examiner as set forth in K.C.C. 1.07.150.

567 SECTION 13. Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150  
568 are each hereby amended to read as follows:

569 A. Any respondent aggrieved by an order of the ombuds((~~man~~)) may appeal that  
570 order by complying with K.C.C 20.22.080 and by providing a copy of the appeal to the  
571 complainant.

572 B. If an order of the ombuds(~~man~~) has been timely appealed, an examiner shall  
573 conduct a hearing and shall affirm, deny or modify the order. The parties to the hearing  
574 shall be the respondent and the ombuds(~~man~~). There shall be a verbatim record kept of  
575 the hearing and the hearing examiner shall have the power to administer oaths and  
576 affirmations, issue subpoenas, compel attendance, take evidence and require the  
577 production of any books, papers, correspondence, memoranda or other documents  
578 relevant or material to the hearing, except information which is covered by the attorney-  
579 client privilege. The burden of proving that a violation occurred shall at all times be  
580 upon the ombuds(~~man~~). The decision of the hearing examiner shall be based upon a  
581 preponderance of the evidence. Such a hearing shall be conducted within a reasonable  
582 time after receipt of the request for appeal. Written notice of the time and place of the  
583 hearing shall be given to the parties and the complainant at least ten days before the date  
584 of the hearing.

585 C. At the hearing each party shall have the following rights:

- 586 1. To call and examine witnesses on any matter relevant to the issues raised by  
587 the order of the ombuds(~~man~~);
- 588 2. To introduce documentary and physical evidence;
- 589 3. To cross-examine opposing witnesses on any relevant matter;
- 590 4. To impeach any witness regardless of which party first called the witness to  
591 testify;
- 592 5. To rebut evidence against the party; and
- 593 6. To self-represent (~~(himself or herself)~~) or to be represented by anyone of the  
594 party's choice who is lawfully permitted to do so.

595 D. Following review of the evidence submitted the hearing examiner shall, within  
596 a reasonable time, enter written findings and conclusions and shall affirm or modify the  
597 order previously issued if the hearing examiner finds that one or more violations of this  
598 chapter have occurred. The hearing examiner shall reverse the order if ~~((he or she))~~ the  
599 hearing examiner finds that no violations of this chapter have occurred. A copy of the  
600 hearing examiner's decision shall be served or mailed, by certified mail, return receipt  
601 requested, to the ombuds~~((man))~~, the respondent and the complainant. The original of the  
602 hearing examiner's decision shall be filed with clerk of the council.

603 E. A decision of the hearing examiner shall be a final and conclusive action  
604 unless within twenty-one calendar days from the date of issuance of the hearing  
605 examiner's decision an aggrieved person files an appeal in superior court, state of  
606 Washington, for the purpose of review of the action taken.

607 SECTION 14. Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020 are  
608 each hereby amended to read as follows:

609 If any individual~~((s))~~ or committee of individuals desires to petition the council to  
610 enact a proposed measure or to order that a referendum of any ordinance passed by the  
611 council be submitted to the electorate, ~~((he))~~ the individual or committee shall file in the  
612 office of the clerk of the council five printed or typewritten copies of the measure  
613 proposed or referendum petition, accompanied by the name and post office address of the  
614 proposer.

615 SECTION 15. Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070 are  
616 each hereby amended to read as follows:

617 Petitions ordering that ordinances passed by the council be referred to the people

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618 at the special or general election, as provided in Article 2, Section 230.40 of the Charter,  
619 shall be substantially in the following form:

620 **"WARNING**

621 Every person who signs this petition with any other than ~~((his))~~ the person's  
622 true name, or who knowingly signs more than one of these petitions, or who  
623 signs this petition when ~~((he))~~ the person is not a legal voter, or who makes  
624 herein any false statement, shall be punished as provided by law.

625 **PETITION FOR REFERENDUM**

626 To the Clerk of the King County Council, King County, Washington: We, the  
627 undersigned citizens of King County, State of Washington and legal voters of  
628 the respective precincts set opposite our names, respectfully order and direct  
629 that Referendum Measure No. . . . . , entitled (here set forth the title of  
630 the ordinance) being an ordinance passed by the King County Council on the . .  
631 . . . . day of . . . . . , ~~((19))~~ 20. . . . , and which would appear on the ballot in  
632 the following form:

633 (ballot title prepared by the prosecuting attorney)

634 shall be referred to the people of the County for their approval or rejection; and  
635 each of us ~~((for himself))~~ says: I have personally signed this petition; I am a  
636 legal voter of King County, State of Washington in the precinct, city or town  
637 written after my name, and my residence address is correctly stated. A full,  
638 true and correct copy of the ordinance is attached hereto and on file with the  
639 Clerk of the Council and available for public inspection.

Petitioner's  Signature	Petitioner's  Printed Name	Residence Address  Street and Number (if any)	City or  Town	Precinct  Name or  Number (if known)
1. ....				
2. ....				
3. ....				
4. .... "				

640            SECTION 16. Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080 are

641 each hereby amended to read as follows:

642            Petitions for proposing measures for submission to the King County council shall  
643 be substantially in the following form:

644            **"WARNING**

645            Every person who signs this petition with any other than ((his)) the person's true  
646 name, or who knowingly signs more than one of these petitions, or who signs this  
647 petition when ((he)) the person is not a legal voter, or who makes herein any false  
648 statement, shall be punished as provided by law.

649            **INITIATIVE PETITION FOR SUBMISSION TO**

650            **THE KING COUNTY COUNCIL**

651            To the Clerk of the King County Council, King County, Washington:

652            We, the undersigned citizens of King County, State of Washington, and legal voters  
653 of the respective precincts set opposite our names, respectfully direct that this

654 petition and the proposed measure known as Initiative Measure No. . . . . ,  
 655 and which would appear on the ballot in the following form:  
 656 (ballot title prepared by the prosecuting attorney)  
 657 a full, true and correct copy of which is hereby attached, and on file with the Clerk  
 658 of the Council and available for public inspection, shall be transmitted to the King  
 659 County Council, and we respectfully petition the Council to enact said measure into  
 660 law; and, if not enacted within ninety days from the time of presentment, then to be  
 661 placed on the ballot at the next regular or special election for approval by the voters  
 662 of King County; and each of us (~~for himself~~) says: I have personally signed this  
 663 petition; I am a legal voter of King County, State of Washington in the precinct, city  
 664 or town written after my name and my residence address is correctly stated.

<b>Petitioner's</b>  <b>Signature</b>	<b>Petitioner's</b>  <b>Printed</b>  <b>Name</b>	<b>Residence</b>  <b>Address</b>  <b>Street and Number</b>  <b>(if any)</b>	<b>City or</b>  <b>Town</b>	<b>Precinct</b>  <b>Name or</b>  <b>Number (if</b>  <b>known)</b>
1. ....				
2. ....				
3. ....				

4. ....  
."

665            SECTION 17. Ordinance 159, Section 9, and K.C.C. 1.16.090 are each hereby  
666 amended to read as follows:

667            Every person who signs an initiative or referendum petition with any other than  
668 ~~((his))~~ the person's true name, or who knowingly signs more than one petition for the  
669 same initiative or referendum measure, or who signs such petition knowing that ~~((he))~~ the  
670 person is not a legal voter, or who makes a false statement as to ~~((his))~~ the person's  
671 residence on any initiative or referendum petition, is guilty of a misdemeanor and shall be  
672 punished as provided by the laws of the state of Washington.

673            SECTION 18. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are  
674 each hereby amended to read as follows:

675            A. All legislative proposals submitted to the King County council by the  
676 executive shall be accompanied by a completed Legislative Review Form in the form of  
677 Attachment A to Ordinance 17666, dated July 25, 2013, or as amended from time to time.

678            B. Upon receipt of proposed legislation from the executive, the sheriff, the  
679 assessor, the presiding judge, the prosecuting attorney, the director of elections or a  
680 councilmember, the clerk of the council shall assign a proposed number to the legislation.  
681 The clerk may make formatting and nonsubstantive revisions in form and style to  
682 proposed legislation before first reading and shall indicate on the revised legislation that  
683 the legislation is revised by the clerk and the date of the revision.

684            C. Upon filing with the clerk of the council of either a signature of at least one  
685 member of the council or electronic sponsorship of legislation in a form prescribed by the

686 clerk of the council, or upon receipt by the council of a proposed ordinance submitted as  
687 an institutional initiative under Section 230.50.10 of the King County Charter, the  
688 proposed legislation is introduced and must be placed on the agenda for first reading and  
689 referral. Legislation may be introduced with the title only, but the text of the legislation  
690 must be filed with the clerk by first reading. The chair of the council shall refer both the  
691 title and the subsequently filed text of the legislation to committee if the legislation was  
692 introduced with the title only. If the text of the legislation is not timely filed, the  
693 legislation is to be removed from the agenda and is not to be referred to committee.

694 D. A member may add (~~his or her~~) the member's own name to sponsorship of  
695 legislation at any time before passage of the legislation by informing the clerk of the  
696 council in writing. The first member listed on the first introduction slip filed for  
697 legislation may not remove (~~his or her~~) that member's own name from sponsorship of  
698 the legislation. However, any other sponsor of legislation may remove (~~his or her~~) that  
699 sponsor's own name from sponsorship of the legislation by informing the clerk of the  
700 council in writing.

701 E. First reading of legislation shall consist of either:

702 1. Printing the number and title of the proposed legislation on the published  
703 agenda; or

704 2. Adding the proposed legislation to the agenda under Rule 5, K.C.C.  
705 1.24.045.B.2. or 3. and including this information in the council's minutes.

706 F. After the first reading, proposed legislation must be referred to an appropriate  
707 committee or committees by the chair of the council, except for motions confirming  
708 executive reappointments to boards or commissions, which may be referred directly to a

709 council consent agenda. Proposed legislation referred to more than one committee must  
710 be considered consecutively by the committees in the order set forth on the marked  
711 published agenda or as specified by the chair during the meeting and reflected in the  
712 council's minutes.

713 G. Upon being reported out of committee with a recommendation signed by a  
714 majority of the committee, proposed legislation must be placed upon an agenda for  
715 appropriate action, after consideration of public hearing notice requirements, one week  
716 after the Monday after the committee meeting, unless the committee chair decides and  
717 states on the record at the committee meeting that the item be placed on the next council  
718 agenda. The clerk of the council may make formatting and nonsubstantive revisions in  
719 form to proposed legislation after the legislation is reported out of the committee and  
720 before the legislation is placed on the agenda for second reading and shall indicate on the  
721 revised legislation that the legislation is revised by the clerk and the date of the revision.

722 SECTION 19. Ordinance 11683, Section 31, as amended, and K.C.C. 1.24.305  
723 are each hereby amended to read as follows:

724 An official document issued by order of the council must be signed by the chair or  
725 in ~~((his or her))~~ the chair's absence the vice-chair as provided in Rule 3, K.C.C. 1.24.025,  
726 and attested by the clerk of the council or acting clerk of the council, except as otherwise  
727 provided by the King County Charter.

728 SECTION 20. Ordinance 16948, Section 2, and K.C.C. 2.10.210 are each hereby  
729 amended to read as follows:

730 The definitions in this section apply throughout K.C.C. 2.10.200, 2.10.210,  
731 2.10.220 and 2.10.230 unless the context clearly requires otherwise.

732           A. "Community" means a group of people who share some or all of the  
733 following: geographic boundaries, sense of membership, culture, language, common  
734 norms and interests.

735           B. "Determinants of equity" means the social, economic, geographic, political  
736 and physical environment conditions in which people in our county are born, grow, live,  
737 work and age that lead to the creation of a fair and just society. Access to the  
738 determinants of equity is necessary to have equity for all people regardless of race, class,  
739 gender or language spoken. Inequities are created when barriers exist that prevent  
740 individuals and communities from accessing these conditions and reaching their full  
741 potential. The determinants of equity are:

742           1. Community economic development that supports local ownership of assets,  
743 including homes and businesses, and assures fair access for all to business development  
744 and business retention opportunities;

745           2. Community and public safety that includes services such as fire, police,  
746 emergency medical services and code enforcement that are responsive to all residents so  
747 that everyone feels safe to live, work and play in any neighborhood of King County;

748           3. A law and justice system that provides equitable access and fair treatment for  
749 all;

750           4. Early childhood development that supports nurturing relationships, high-  
751 quality affordable child care and early learning opportunities that promote optimal early  
752 childhood development and school readiness for all children;

753           5. Education that is high quality and culturally appropriate and allows each  
754 student to reach ~~((his or her))~~ the student's full learning and career potential;

755           6. Equity in county practices that eliminates all forms of discrimination in  
756 county activities in order to provide fair treatment for all employees, contractors, clients,  
757 community partners, residents and others who interact with King County;

758           7. Food systems that support local food production and provide access to  
759 affordable, healthy, and culturally appropriate foods for all people;

760           8. Health and human services that are high quality, affordable and culturally  
761 appropriate and support the optimal well-being of all people;

762           9. Healthy built and natural environments for all people that include mixes of  
763 land use that support: jobs, housing, amenities and services; trees and forest canopy; and  
764 clean air, water, soil and sediment;

765           10. Housing for all people that is safe, affordable, high quality and healthy;

766           11. Job training and jobs that provide all residents with the knowledge and skills  
767 to compete in a diverse workforce and with the ability to make sufficient income for the  
768 purchase of basic necessities to support them and their families;

769           12. Neighborhoods that support all communities and individuals through strong  
770 social networks, trust among neighbors and the ability to work together to achieve  
771 common goals that improve the quality of life for everyone in the neighborhood;

772           13. Parks and natural resources that provide access for all people to safe, clean  
773 and quality outdoor spaces, facilities and activities that appeal to the interests of all  
774 communities; and

775           14. Transportation that provides everyone with safe, efficient, affordable,  
776 convenient and reliable mobility options including public transit, walking, car pooling  
777 and biking.

778 C. "Equity" means all people have full and equal access to opportunities that  
779 enable them to attain their full potential.

780 D. "Equity and social justice foundational practices" means those practices that  
781 can increase the county's influence on access to the determinants of equity when applied  
782 to the county's actions in: siting and delivery of services; policy development and  
783 decision making; education and communication within county government; and  
784 community engagement and partnerships. Equity and social justice foundational  
785 practices are goals for all governmental actions; across countywide strategic plan goals,  
786 objectives and strategies; and across agencies, programs and services. The equity and  
787 social justice foundational practices are efforts that enable King County government to:

788 1. Raise and sustain the visibility of the countywide strategic plan's "fair and  
789 just" principle and equity and social justice values, policies and foundational practices;

790 2. Increase focus on the determinants of equity in order to make progress in the  
791 elimination of the root cause of inequities;

792 3. Consider equity and social justice impacts in all decision-making so that  
793 decisions increase fairness and opportunity for all people, particularly for people of color,  
794 low-income communities and people with limited English proficiency or, when decisions  
795 that have a negative impact on fairness and opportunity are unavoidable, steps are  
796 implemented that mitigate the negative impacts;

797 4. Foster an organizational culture that promotes fairness and opportunity;

798 5. Collaborate across agencies, departments and other organizations;

799 6. Build capacity to engage all communities in a manner that: promotes and  
800 foster trust among people across geographic, race, class and gender lines; results in more

801 effective policies, processes and services; and supports communities' efforts to develop  
802 solutions.

803 F. "Fair and just" means the county serves all residents by promoting fairness and  
804 opportunity and eliminating inequities through actions to which equity and social justice  
805 foundational practices are applied.

806 G. "Inequity" means differences in well-being that disadvantage one individual or  
807 group in favor of another. These differences are systematic, patterned and unfair and can  
808 be changed. Inequities are not random; they are caused by past and current decisions,  
809 systems of power and privilege, policies and the implementation of those policies.

810 H. "Social justice" means all aspects of justice, including legal, political and  
811 economic, and requires the fair distribution of public goods, institutional resources and  
812 life opportunities for all people.

813 SECTION 21. Ordinance 16679, Section 22, as amended, and K.C.C. 2.12.250  
814 are each hereby amended to read as follows:

815 A. Each agency shall provide full access to public records that are not exempt  
816 from disclosure under applicable law, protect records from damage or disorganization,  
817 prevent excessive interference with other essential functions of the agency, provide  
818 fullest assistance to requestors and provide the most-timely possible action on public  
819 records requests.

820 B. The public records officer or designee shall process requests in the order  
821 allowing the most requests to be processed in the most efficient manner; in order to  
822 process requests as efficiently as possible, smaller requests may be processed before  
823 substantially larger requests that were received earlier.

824 C.1. Within five business days of receipt of the request, the public records officer  
825 shall do one or more of the following:

826 a. make the records available to the requestor for inspection or copying;

827 b. if copies are requested and payment of a deposit for the copies, if any, is  
828 made or terms of payment are agreed upon, send the copies to the requestor;

829 c. provide to the requestor a reasonable estimate of when records will be  
830 available;

831 d. if the request is unclear or does not sufficiently identify the requested  
832 records, request clarification from the requestor. The clarification may be requested and  
833 provided by telephone, in which case the public records officer shall make a written  
834 record of the clarification. The public records officer or designee may revise the estimate  
835 of when records will be available. If the requestor fails to clarify the request, the agency  
836 need not respond to it; or

837 e. deny the request and notify the requestor of the denial. Denials of requests  
838 shall be accompanied by a written statement of the specific reasons therefor.

839 2. Additional time required to respond to a request may be based upon the need  
840 to clarify the intent of the request, to locate and assemble the information requested, to  
841 notify third persons or agencies affected by the request or to determine whether any of  
842 the information requested is exempt and that a denial should be made as to all or part of  
843 the request.

844 D. In the event that the requested records contain information that affects other  
845 agencies or third persons, the public records officer may, before providing the records,  
846 give notice to those persons in accordance with RCW 42.56.540. The notice shall

847 include a copy of the request.

848           E. Some records are exempt from disclosure, in whole or in part. If the agency  
849 believes that a record or any part of a record is exempt from disclosure and should be  
850 withheld, the public records officer shall provide to the requestor a writing identifying the  
851 record or portion withheld, the specific exemption relied upon and the authority for the  
852 exemption, and briefly explaining how the exemption applies to the record or portion  
853 withheld, including enough information for a requestor to make a threshold determination  
854 of whether the claimed exemption is proper. If only a portion of a record is exempt from  
855 disclosure, but the remainder is not exempt, the public records officer shall redact the  
856 exempt portions and provide the nonexempt portions.

857           F.1. The agency shall promptly provide space to inspect public records except  
858 when and to the extent that it would cause excessive interference with other essential  
859 functions of the agency or unreasonably disrupt agency operations. No member of the  
860 public may remove a document from the viewing area or disassemble or alter any  
861 document. The requestor shall indicate which documents the requestor wishes the  
862 agency to copy.

863           2. The requestor must claim or review the assembled records within thirty days  
864 of the agency's notification to the requestor that the records are available for inspection or  
865 copying. The agency shall notify the requestor in writing of this requirement and inform  
866 the requestor that the requestor should contact the agency to make arrangements to claim  
867 or review the records. If the requestor or a representative of the requestor fails to claim  
868 or review the records within the time prescribed in this subsection F.2. or make other  
869 arrangements, the agency may close the request. Other public records requests may be

870 processed ahead of a subsequent request by the same person for the same or almost  
871 identical records, which may be processed as a new request.

872 G. After inspection is complete, the public records officer or designee shall make  
873 the requested copies or arrange for copying.

874 H. When the request is for a large number of records, the public records officer or  
875 designee shall provide access for inspection and copying in installments, if the public  
876 records officer or designee reasonably determines that it would be practical to provide the  
877 records in that way. If, within thirty days after notification that the records are available  
878 for inspection or copying under subsection C., D. or E. of this section, the requestor fails  
879 to inspect the entire set of records or one or more of the installments, as applicable, the  
880 public records officer or designee may stop searching for the remaining records and close  
881 the request. The requestor shall be notified in writing of this action.

882 I. When the requestor either withdraws the request or fails to fulfill ~~((his or her))~~  
883 the requestor's obligations to inspect the records or pay the deposit or final payment for  
884 the requested copies, the public records officer shall close the request and indicate to the  
885 requestor that the agency has closed the request.

886 J. If, after the agency has informed the requestor that the agency has provided all  
887 available records, the agency becomes aware of additional responsive documents existing  
888 at the time of the request, the agency shall promptly inform the requestor of the additional  
889 documents and provide the documents on an expedited basis.

890 K. If a public records officer or designee responding to a public records request  
891 believes that one or more other agencies are likely to have records that are responsive to  
892 the request, ~~((he or she))~~ the public records officer or designee should, in writing, so

893 inform the requestor and provide the requestor with the name and contact information of  
894 the public records officer of each such agency, including the officer's title, office phone  
895 number, office address, and email address. The public records officer is not required to  
896 review records or otherwise investigate for the purpose of determining whether other  
897 agencies are likely to have additional records that are responsive to the request. This  
898 subsection is intended to enhance the public's access to public records, not to impose any  
899 legal obligation on agencies beyond those imposed by chapter 42.56 RCW.

900 SECTION 22. Ordinance 12550 Section 1, as amended, and K.C.C. 2.14.010 are  
901 each hereby amended to read as follows:

902 For the purpose of this chapter, the terms in this section have the following  
903 meanings:

904 A. "County agency" means:

- 905 1. The executive branch;
- 906 2. The legislative branch;
- 907 3. The superior court;
- 908 4. The district court;
- 909 5. The department of public safety;
- 910 6. The department of assessments;
- 911 7. The office of the prosecuting attorney;
- 912 8. The department of elections;
- 913 9. The forecast council and office of economic and financial analysis;
- 914 10. The board of appeals; and
- 915 11. The personnel board.

916 B. "Digital communication technology" means technology that is used to transmit  
917 information in digital form, including email, text messaging, blogging, social media and  
918 digital voicemail.

919 C. "Personal data" means any information concerning an individual that, because  
920 of name, identifying number, image, mark or description, can be readily associated with a  
921 particular individual, including information contained in printouts, forms, written  
922 analyses or evaluations.

923 D. "Personal identifying data" means social security number, date of birth or  
924 mother's (~~maiden~~) family name.

925 E. "Social media" means the Internet-based technologies, tools and practices that  
926 people use to share opinions, insights, experiences and perspectives. Social media can  
927 share information in many different forms, including text, images, audio and video.

928 SECTION 23. Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020 are  
929 each hereby amended to read as follows:

930 A. The organization of the executive branch, as described in this section of the  
931 code, is intended to comply with Article 3 of the King County Charter. Accordingly, the  
932 executive branch shall consist of:

- 933 1. The county executive;
- 934 2. The county administrative officer;
- 935 3. Specific organizational units, classified "administrative offices" assigned to  
936 the county administrative officer, having a specified function by which it will assist that  
937 officer in performing assigned responsibilities;
- 938 4. Specific organizational units, classified "executive departments" determined

939 by major assigned function or process; and

940           5. Specific organizational units within departments and administrative offices,  
941 where created by ordinance, classified "divisions" to which will be delegated the  
942 responsibility of efficiently and effectively carrying out assigned departmental or office  
943 functions and duties.

944           B. County agencies referenced in this chapter, and county boards, commissions,  
945 committees and other multimember bodies except the board of appeals and the personnel  
946 board, shall individually and collectively constitute the organizational structure of the  
947 executive branch of King County government.

948           C. Titles of agencies of the executive branch of county government as used in  
949 this section shall be the official organizational unit titles. Where necessary or  
950 appropriate, the clerk of the council is authorized to change the titles of executive branch  
951 agencies where appearing in other ordinances or sections of the code to conform with the  
952 unit titles used in this chapter.

953           D. The director of each executive department, chief officer of each administrative  
954 office, and manager of each division may exercise the powers vested in that department,  
955 administrative office, or division. None of these positions may exercise authority over  
956 another organizational unit for more than sixty days without council approval by  
957 ordinance, though this shall not be construed to limit the authority of a department  
958 director or chief officer of an administrative office over divisions within ~~((his or her))~~ the  
959 department director or chief officer's department or office.

960           E.1. To ensure accountability, efficiency, internal control and consistency, each  
961 executive department, administrative office and division may provide administrative and

962 technical support to functions and duties for which other executive departments,  
963 administrative offices or divisions have primary responsibility. The support shall be  
964 provided in conjunction with the departments, offices or divisions that have primary  
965 responsibility for the functions and duties. The support may include, but is not limited to,  
966 the following:

- 967 a. human resources and payroll;
- 968 b. budget preparation and submittal, and financial and fiscal management;
- 969 c. information, communication, media and community relations, printing,  
970 graphics, mail, records management and public disclosure;
- 971 d. facilities and leased space maintenance and management;
- 972 e. program analysis, and contract and performance evaluation and review;
- 973 f. grants management; and
- 974 g. liaison with county and external auditors.

975 2. To assist executive agencies to properly perform their assigned functions and  
976 duties, executive agencies may establish and maintain contacts with state and federal  
977 agencies that regulate or provide financial assistance to the programs for which the  
978 agencies are responsible, monitor state and federal legislative initiatives, and provide  
979 input to and on the county's legislative agenda through processes prescribed by the  
980 council.

981 3. To ensure the county complies with applicable state and federal laws,  
982 regulations and requirements, executive agencies may undertake duties and functions as  
983 may be assigned by the executive and not assigned to another agency by the council.

984 F. Except as otherwise assigned by the council, all executive agencies shall

985 provide support services to citizen advisory committees that are established by the  
986 council.

987         SECTION 24. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110  
988 are each hereby amended to read as follows:

989         A. The county executive shall appoint the county administrative officer and the  
990 director of each executive department, except the departments of assessments, public  
991 safety, elections and judicial administration. The county executive shall also appoint the  
992 division director of the youth detention facility through a competitive search process that  
993 includes participation by the superior court judges. The appointment of the county public  
994 defender shall be consistent with Section 350.20.61 of the King County Charter and  
995 K.C.C. chapter 2.60.

996         B. The county administrative officer shall appoint the division directors and chief  
997 officers of each administrative office in the department of executive services.

998         C. The director of each executive department, at the discretion of the county  
999 executive, shall appoint exempt employees of (~~his or her~~) the director's department as  
1000 provided in Section 550 of the King County Charter.

1001         D.1. All appointments by the county executive shall be subject to confirmation  
1002 by a majority of the county council except exempt personnel assigned to (~~his or her~~) the  
1003 executive's personal staff.

1004         2. All appointments to positions of division director or chief officer of an  
1005 administrative office not made by the county executive shall be subject to approval by the  
1006 county executive.

1007         E.1.a. All individuals appointed by the county executive, under Section 340.40 of

1008 the King County Charter, shall serve in an acting capacity, unless confirmed by the  
1009 council. The executive is authorized to appoint a person to serve in an acting capacity to  
1010 fill a position requiring council confirmation for a period of no greater than one hundred  
1011 fifty days. The executive shall notify the council within ninety days concerning the status  
1012 of ~~((his or her))~~ the executive's search for qualified candidates for appointment to the  
1013 vacant position. Thereafter, the individual may continue serving in an acting capacity for  
1014 successive sixty-day periods only with approval by motion of the county council. The  
1015 council shall grant at least one successive sixty-day extension if the executive certifies to  
1016 the council's satisfaction that the executive is actively pursuing a search for qualified  
1017 candidates for appointment to the vacant position. If no appointment is transmitted to the  
1018 council for confirmation during the authorized period, the position shall be considered  
1019 vacant for purposes of exercise of any authority given to the position under ordinance and  
1020 no salary shall be paid for the position while it is so vacant.

1021           b. Within seven calendar days of any executive appointment that is subject to  
1022 council confirmation, the executive shall deliver written notice of said appointment to the  
1023 council accompanied by a proposed motion confirming the appointment.

1024           c. Upon the receipt of the notification by the executive of an appointment,  
1025 accompanied by the proposed motion, the council shall act to consider confirmation of  
1026 the appointment within ninety days. Approval of the introduced motion by a majority of  
1027 the council shall constitute confirmation of the appointee. Once confirmed, the appointee  
1028 is no longer serving in an acting capacity.

1029           d. In considering the confirmation of executive appointments to offices of  
1030 management level responsibility, the council shall base its review on the ability of the

1031 appointee to meet the following criteria:

1032 (1) a demonstrated reputation for integrity and professionalism;

1033 (2) a commitment to and knowledge of the responsibilities of the office;

1034 (3) a history of demonstrated leadership, experience and administrative  
1035 ability;

1036 (4) the ability to work effectively with the executive, the council, other  
1037 management, public agencies, private organizations and citizens; and

1038 (5) a demonstrated sensitivity to and knowledge of the particular needs and  
1039 problems of minorities and women.

1040 e. The appointee, before review of the appointment by the council, shall submit  
1041 to the chair of the council:

1042 (1) a full and complete resume of ~~((his or her))~~ the appointee's employment  
1043 history, to include references attesting to the stated employment experiences; and

1044 (2) a signed statement acknowledging that the council's confirmation process  
1045 may require the submittal of additional information relating to the background and  
1046 expertise of the appointee.

1047 f. Upon receipt of an executive appointment, the chair or ~~((his or her))~~ the  
1048 chair's delegate, subject to the council's rules of procedure, shall notify council members  
1049 of the appointment and attempt to allow a minimum of one work week for individual  
1050 members to submit written questions to the reviewing committee.

1051 2. It is understood that written inquiries submitted to the reviewing committee,  
1052 by individual council members, may require a written response from the appointee or the  
1053 executive, in matters pertaining to the process of appointment and other pertinent

1054 employment policies of King County.

1055 SECTION 25. Ordinance 3581, Section 10, as amended, and K.C.C. 2.21.090 are

1056 each hereby amended to read as follows:

1057 A. The purpose of this section is to protect county officers, employees, agents  
1058 and their marital communities from personal liability for acts committed by those  
1059 individuals in good faith and within the scope of their official county duties.

1060 B. The chief civil deputy shall determine all questions relating to scope and status  
1061 in accordance with K.C.C. 2.21.050.B.7.

1062 C. When a county officer, employee, agent or the marital community of the  
1063 county officer, employee or agent is sued in a lawsuit for an act or alleged act falling  
1064 within the scope of the officer's, employee's or agent's official duties, the prosecuting  
1065 attorney shall be responsible for defense of that person or community in accordance with  
1066 K.C.C. 2.21.050, 2.21.060 and 2.21.080 and this section.

1067 D. This section may not apply if a claim or lawsuit is covered fully by insurance.

1068 E. If a possible conflict exists between the county and a county official, employee  
1069 or agent, acting in good faith within the scope of ~~((his or her))~~ official duties of the  
1070 county official, employee or agent, the prosecuting attorney may at the prosecuting  
1071 attorney's sole discretion, appoint outside counsel as a special deputy prosecuting  
1072 attorney to represent the person. In those cases, the county shall be responsible for  
1073 payment of costs incurred in the defense.

1074 F.1. Subject to the other provisions of this chapter, the county shall provide legal  
1075 representation and indemnification to protect county officers, employees, agents and their  
1076 marital communities from personal liability for alleged violations of civil or criminal law

1077 resulting from or based upon alleged acts or omissions of the officers, employees or  
1078 agents. To have the benefit of the legal representation and indemnification, the county  
1079 officers, employees or agents must have performed or acted in good faith, with no  
1080 reasonable cause to believe the conduct was unlawful and within the scope of the county  
1081 officer, employee or agent's service to or employment with the county.

1082 2. For the purposes of subsection F.1. of this section, "alleged violations of civil  
1083 or criminal law":

1084 a. includes but is not limited to, professional licensing matters if a complaint  
1085 has been filed regarding an officer, employee or agent's professional license; and

1086 b. does not include motor-vehicle-related infractions unless the chief civil  
1087 deputy determines that, in a particular instance, a motor vehicle infraction should be  
1088 included because it is in the best interests of the county.

1089 SECTION 26. Ordinance 11319, Section 3, and K.C.C.2.28.003 are each hereby  
1090 amended to read as follows:

1091 A. An appointment shall be deemed to have been made on the date the letter of  
1092 appointment is filed with the clerk of the council as required by ~~((section))~~ K.C.C.  
1093 2.28.002. All appointments are subject to confirmation or rejection by the council.

1094 B. An appointee may exercise the powers of office beginning thirty ~~((30))~~ days  
1095 after appointment or such earlier time as ~~((he or she))~~ the appointee is confirmed by the  
1096 council. Appointees remain subject to later confirmation or rejection by the council.

1097 C. Any member whose term has expired shall continue to serve until ~~((his or~~  
1098 ~~her))~~ a successor is appointed and either is confirmed or is authorized to exercise official  
1099 power under ~~((the provisions of paragraph))~~ subsection B. of this section; provided,

1100 however, that the office of a holdover who has been reappointed and rejected by the  
1101 council shall be deemed vacant and such holdover shall not exercise the powers of such  
1102 office; and provided further that no member who has vacated an office as provided by  
1103 law shall serve as a holdover in that office.

1104 SECTION 27. Ordinance 8389, Section 1, and K.C.C. 2.32.220 are each hereby  
1105 amended to read as follows:

1106 Either the King County council by motion or the King County executive or ~~((his))~~  
1107 designee by written request may file a request with the Washington ~~((S))~~state Boundary  
1108 Review Board for King County for review of the following actions:

1109 A. The:

1110 1. Creation, incorporation, or change in the boundary, other than a  
1111 consolidation, of any city, town, or special purpose district;

1112 2. Consolidation of special purpose districts, but not including consolidation of  
1113 cities and towns; or

1114 3. Dissolution or disincorporation of any city, town, or special purpose district,  
1115 except the dissolution or disincorporation of a special purpose district which was  
1116 dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; ~~((or))~~

1117 B. The assumption by any city or town of all or part of the assets, facilities, or  
1118 indebtedness of a special purpose district which lies partially within such city or town;  
1119 ~~((or))~~

1120 C. The establishment of or change in the boundaries of a mutual water and sewer  
1121 system or separate sewer system by a water district pursuant to RCW 57.08.065 or  
1122 chapter 57.40 RCW, as now or hereafter amended; ~~((or))~~

1123 D. The establishment of or change in the boundaries of a mutual sewer and water  
1124 system or separate water system by a sewer district pursuant to RCW 56.20.015 or  
1125 chapter 56.36 RCW, as now or hereafter amended; or

1126 E. The extension of permanent water or sewer service outside of its existing  
1127 corporate boundaries by a city, town, or special purpose district.

1128 SECTION 28. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021 are  
1129 each hereby amended to read as follows:

1130 A. The King County board of health shall consist of the following members:

1131 1. Three members of the metropolitan King County council to be appointed by  
1132 the chair of the council, provided that the chair shall consider appointing members such  
1133 that county councilmember representation on the board of health is geographically  
1134 balanced across the county and includes representation of the unincorporated area of the  
1135 county on the board. Each county councilmember vote shall be weighted as two votes;

1136 2. Three elected officials of the city of Seattle to be appointed by the city;

1137 3. Two elected officials from cities and towns of King County other than Seattle  
1138 to be appointed in a manner agreed to by and among the cities and towns representing a  
1139 majority of the populations of those cities and towns; and

1140 4. Two health professionals who shall be appointed by a majority vote of the  
1141 other members of the board of health. One of the health professionals should have  
1142 knowledge of environmental health, including knowledge of septic systems and  
1143 groundwater quality. A third nonvoting member, who shall also be a health professional,  
1144 may be appointed by a majority vote of the other members of the board. The terms of  
1145 health professional members shall be established by the rules of the board.

1146 B.1. Alternate members for each regular member may be appointed according to  
1147 the relevant procedures under subsection A.1, 2. or 3. of this section. During the  
1148 meeting, an alternate member shall indicate when ~~((he or she))~~ the alternate member is  
1149 serving in a regular member's absence. When serving in a regular member's absence, an  
1150 alternate member shall act as a regular member.

1151 2. If the board appoints a third nonvoting health professional member as  
1152 provided under subsection A.4. of this section, that member shall serve as an alternate  
1153 voting member in the absence of either of the two voting health professional members.

1154 SECTION 29. Ordinance 18167, Section 22 and 2.36.030 are each hereby  
1155 amended to read as follows:

1156 A. As prescribed by RCW 3.38.010, there is established a justice court districting  
1157 committee within King County with membership composed of the following:

- 1158 1. A judge of the superior court selected by the judges of that court;
- 1159 2. The prosecuting attorney or a deputy selected by ~~((him/her))~~ the prosecuting  
1160 attorney;
- 1161 3. A practicing lawyer of the county selected by the president of the King  
1162 County Bar Association;
- 1163 4. A judge of an inferior court of the county selected by the president of the  
1164 Washington State Magistrates Association; and
- 1165 5. The mayor, or the mayor's representative, of each first, second and third class  
1166 city of the county;
- 1167 6. One person to represent the fourth class cities of the county, to be designated  
1168 by the President of the Association of Washington Cities;

1169 7. The executive; and

1170 8. The director of elections.

1171 B. Duties of the committee and standards for districting shall be as prescribed in  
1172 chapter 3.38 RCW.

1173 SECTION 30. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are  
1174 each hereby amended to read as follows:

1175 A. The commission shall consist of thirteen voting members; the members shall  
1176 serve terms of three years as specified in K.C.C. chapter 2.28.

1177 B. The voting members of the commission shall serve without compensation.  
1178 The members shall represent the diversity of rural forestry interests and the different  
1179 geographic regions of rural King County.

1180 C. Commission membership shall include an equitable representation of the  
1181 following interests:

1182 1. At least five members representing private rural forest landowners, with at  
1183 least one from each of the following ownership categories:

1184 a. forest landowners with greater than five hundred acres of rural forest land in  
1185 King County;

1186 b. forest landowners with forty to five hundred acres of rural forest land in  
1187 King County, and for whom income from forestry is an important component of total  
1188 income;

1189 c. residential forest landowners with greater than twenty acres of rural forest  
1190 land enrolled in the Forest Land Designation (chapter 84.33 RCW) program; and

1191 d. residential forest landowners with less than twenty acres of rural forest land;

- 1192           2. Advocates of nontimber values of forest land, such as environmental  
1193 protection, recreation and open space;
- 1194           3. The Washington Department of Natural Resources;
- 1195           4. Affected Indian tribes;
- 1196           5. Consumers or users of local forest products, such as mills, lumber suppliers,  
1197 ~~((craftsmen))~~ craftspeople, artisans, florist suppliers or users of other alternative forest  
1198 products;
- 1199           6. Academic or professional foresters, or forestry associations; and
- 1200           7. Rural cities.

1201           D. The directors of the departments of natural resources and parks, permitting  
1202 and environmental review, executive services, the office of budget, a representative of the  
1203 King County council natural resources, parks and open space committee, or its successor,  
1204 a representative of the Mount Baker-Snoqualmie National Forest, a representative of the  
1205 Washington State University Extension and the director of the King Conservation District  
1206 may serve as nonvoting ex officio members of the commission.

1207           E. All appointees should have a working knowledge of King County forestry, a  
1208 strong commitment to promote forestry in the rural area, the ability to work with differing  
1209 viewpoints to find solutions to complex problems and a willingness to commit the time  
1210 necessary to attend commission meetings and activities.

1211           SECTION 31. Ordinance 14482, Section 10, and K.C.C. 2.49.090 are each  
1212 hereby amended to read as follows:

1213           Within ten days after issuance of the charter by the clerk of the council, the  
1214 county executive or ~~((his or her))~~ designee shall call an organizational meeting of the

1215 initial board of directors. The meeting shall be held within ten days of the calling of the  
1216 meeting. The county executive or ~~((his or her))~~ designee shall give at least three days'  
1217 advance written notice of the meeting to each director, though each director may waive  
1218 ~~((his or her))~~ the director's notice in writing. The county executive or ~~((his or her))~~  
1219 designee shall present the original charter provided to the executive under K.C.C.  
1220 2.49.060 to the board of directors at the meeting. At the meeting, the board shall  
1221 organize itself, elect officers and select the place of business.

1222 SECTION 32. Ordinance 473, Section 1, as amended, and K.C.C. 2.52.010 are  
1223 each hereby amended to read as follows:

1224 As used in this chapter, the term:

1225 A. "Administrative agency" means any department, office or other governmental  
1226 unit, or any employee of King County acting or purporting to act by reason of a  
1227 connection with the county; but "administrative agency" does not include:

- 1228 1. Any court or judge or appurtenant judicial staff,
- 1229 2. The members or staffs of the county council,
- 1230 3. The ~~((King County))~~ executive or ~~((his respective))~~ the executive's personal  
1231 staff,
- 1232 4. The county prosecuting attorney or ~~((his))~~ the prosecuting attorney's staff.

1233 For purposes of this chapter "administrative agency" shall specifically include the Board  
1234 of Equalization/Appeals.

1235 B. "Administrative act" includes every action (such as decisions, omissions,  
1236 recommendations, practices, or procedures) of an administrative agency.

1237 SECTION 33. Ordinance 473, Section 4, as amended, and K.C.C. 2.52.040 are

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1238 each hereby amended to read as follows:

1239         The director shall be a registered voter of the United States, shall hold a degree  
1240 from an accredited college or its equivalent in service to government, shall have a  
1241 working knowledge of legal and administrative procedures, and shall have experience,  
1242 and/or knowledge in local government commensurate to the powers of the office. During  
1243 the term of which ~~((he))~~ the director is appointed, ~~((he))~~ the director shall be ineligible to  
1244 hold any other public office of employment. ~~((He))~~ The director shall not be a candidate  
1245 for any public office for a period of two years following the completion of ~~((his))~~ the  
1246 director's term as director of the King County office of citizen complaints/tax advisor.  
1247 The director shall not be included in the classified civil or career service of the county.

1248         SECTION 34. Ordinance 473, Section 5, as amended, and K.C.C. 2.52.050 are  
1249 each hereby amended to read as follows:

1250         The director shall serve for a term of five years, unless removed by a vote of two-  
1251 thirds of the members of the county council upon their determination that ~~((he))~~ the  
1252 director has become incapacitated or has been guilty of neglect of duty, misconduct or  
1253 political activity. The council may appoint an interim director pending the appointment  
1254 of a new director whenever the term of the director has expired or the office otherwise  
1255 becomes vacant.

1256         SECTION 35. Ordinance 473, Section 8, as amended, and K.C.C. 2.52.080 are  
1257 each hereby amended to read as follows:

1258         A. The director shall serve as property tax advisor for King County in accordance  
1259 with RCW 84.48.140.

1260         B. The director may with concurrence of the council select, appoint and

1261 compensate, within the amount available or budgeted by appropriation, such ~~((other))~~  
1262 assistants and employees as staff as the director deems necessary to discharge ~~((his or~~  
1263 ~~her))~~ the director's responsibilities under this chapter. The assistants and employees shall  
1264 not be included in the classified civil or career service of the county.

1265 C. The director may delegate to ~~((other members of his or her))~~ staff any of ~~((his~~  
1266 ~~or her))~~ the director's authority or duties under this chapter except this power of  
1267 delegation and the duty formally to make recommendations to administrative agencies or  
1268 reports to either or both the executive and the council.

1269 SECTION 36. Ordinance 473, Section 9, as amended, and K.C.C. 2.52.090 are  
1270 each hereby amended to read as follows:

1271 The director shall have the following powers:

1272 A. To investigate, on complaint or on ~~((his))~~ the director's own initiative, any  
1273 administrative act of any administrative agency;

1274 B. To prescribe the methods by which complaints are made, received and acted  
1275 upon; ~~((he may))~~ to determine the scope and manner of investigations to be made; and,  
1276 subject to the requirements of this chapter, to determine the form, frequency and  
1277 distribution of ~~((his))~~ the director's conclusions and recommendations;

1278 C. To request and ~~((he shall))~~ be given by each administrative agency the  
1279 assistance and information ~~((he))~~ the director deems necessary for the discharge of ~~((his))~~  
1280 the director's responsibilities; ~~((he may))~~ to examine the records and documents of all  
1281 administrative agencies; and ~~((he may))~~ to enter and inspect premises within  
1282 administrative agencies' control;

1283 D. To administer oaths and hold hearings in connection with any matter under

1284 inquiry;

1285 E. To issue a subpoena to compel any person to appear, give sworn testimony or  
1286 produce documentary or other evidence reasonable in scope and generally relevant to a  
1287 matter under inquiry; however, the subpoena power shall be limited to matters under  
1288 written complaints by a citizen of the city or county;

1289 F. To undertake, participate in, or cooperate with general studies or inquiries,  
1290 whether or not related to any particular administrative agency or any particular  
1291 administrative act, if ~~((he))~~ the director believes that they may enhance knowledge about  
1292 or lead to improvements in the functioning of administrative agencies.

1293 G. To investigate and enforce the provisions of the Code of Ethics, K.C.C.  
1294 ~~((Ch.))~~ chapter 3.04, pursuant to the terms thereof.

1295 H. To provide advice to any person liable for payment of property taxes in King  
1296 County, including the process for appealing property tax assessments and other matters  
1297 related to property taxes.

1298 SECTION 37. Ordinance 473, Section 10, and K.C.C. 2.52.100 are each hereby  
1299 amended to read as follows:

1300 A. In selecting matters for ~~((his))~~ the director's attention, the director shall  
1301 address ~~((himself particularly to))~~ an administrative act that might be:

- 1302 1. Contrary to law or regulation;
- 1303 2. Unreasonable, unfair, oppressive, or inconsistent with the general course of  
1304 an administrative agency's functioning;
- 1305 3. Arbitrary in ascertainment of facts;
- 1306 4. Improper in motivation or based on irrelevant considerations;

- 1307           5. Unclear or inadequately explained when reasons should have been revealed;  
1308           6. Inefficiently performed; or  
1309           7. Otherwise objectionable.

1310           B. The director also may recommend strengthening procedures and practices of  
1311 administrative agencies.

1312           SECTION 38. Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110 are  
1313 hereby amended to read as follows:

1314           A. The director shall receive complaints from any source concerning any  
1315 administrative act. ~~((He))~~ The director shall conduct a suitable investigation into the  
1316 subject matter of the complaint within a reasonable time, unless ~~((he))~~ the director  
1317 believes that:

- 1318           1. The complainant has available ~~((to him))~~ another remedy or channel of  
1319 complaint ~~((which he))~~ that the complainant could reasonably be expected to use;  
1320           2. The grievance pertains to a matter outside the power of the office of citizen  
1321 complaints/tax advisor;  
1322           3. The complainant's interest is insufficiently related to the subject matter;  
1323           4. The complaint is trivial, frivolous, vexatious or not made in good faith;  
1324           5. The complaint has been too long delayed to justify present examination of its  
1325 merit.

1326           B. After completing ~~((his))~~ the director's consideration of a complaint (whether or  
1327 not it has been investigated) the director shall suitably inform the complainant and the  
1328 administrative agency or agencies involved.

1329           C. A letter to the director of the office of citizen complaints/tax advisor from a

1330 person in a place of detention or in a hospital or other institution under the control of an  
1331 administrative agency shall be forwarded immediately, unopened, to the director.

1332 SECTION 39. Ordinance 473, Section 12, and K.C.C. 2.52.120 are each hereby  
1333 amended to read as follows:

1334 A. Any individual who is the subject of a complaint shall have the right to  
1335 present witnesses and other evidence (~~(in his)~~) on the individual's own behalf prior to  
1336 disclosure of any conclusions or recommendations by the director.

1337 B. Before publishing a conclusion or recommendation that criticizes an  
1338 administrative agency or any person, the director shall consult with the agency or person  
1339 and shall disclose fully the critical findings (~~(he)~~) the director intends to publish.

1340 SECTION 40. Ordinance 473, Section 13, as amended, and K.C.C. 2.52.130 are  
1341 each hereby amended to read as follows:

1342 A. If, having considered a complaint and whatever material (~~(he)~~) the director  
1343 deems pertinent, the director is of the opinion that an administrative agency should:

- 1344 1. Consider the matter further;
- 1345 2. Modify or cancel an administrative act;
- 1346 3. Alter a regulation or ruling;
- 1347 4. Explain more fully the administrative act in question; or
- 1348 5. Take any other step,

1349 (~~(he)~~) the director shall state (~~(his)~~) the director's recommendations to the administrative  
1350 agency. If the director so requests, the agency shall inform (~~(him)~~) the director, within  
1351 the time (~~(he)~~) the director has specified, about the action taken on (~~(his)~~) the director's  
1352 recommendations or the reasons for not complying with them.

1353 B. If the director believes that an administrative action has been dictated by laws  
1354 whose results are unfair or otherwise objectionable, ((he)) the director shall bring to the  
1355 attention of the council ((his)) the director's views concerning desirable legislative  
1356 change.

1357 SECTION 41. Ordinance 473, Section 14, as amended, and K.C.C. 2.52.140 are  
1358 each hereby amended to read as follows:

1359 The director may publish ((his)) the director's conclusions, recommendations and  
1360 suggestions by transmitting them to the county executive, the county council or to any  
1361 appropriate committee of the council, the press and others who may be concerned. When  
1362 publishing an opinion criticizing an administrative agency or person, the director, unless  
1363 excused in writing by the agency or individual affected, shall include such statement or  
1364 document that may have been made available to ((him)) the director by way of explaining  
1365 past conduct or present rejection of the director's proposals. The director shall not  
1366 publish any interim or confidential reports.

1367 SECTION 42. Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150 are  
1368 each hereby amended to read as follows:

1369 In addition to whatever reports ((he)) the director may make from time to time,  
1370 the director on the fifteenth day of January, May and September of each year shall report  
1371 to the county council concerning the exercise of ((his)) the director's functions during the  
1372 preceding calendar period. In discussing matters with which ((he)) the director has dealt,  
1373 the director need not identify those immediately concerned if to do so would cause  
1374 unnecessary hardship. Insofar as the report may criticize named agencies or persons, it  
1375 must also include their replies to the criticism.

1376            SECTION 43. Ordinance 473, Section 16, and K.C.C. 2.52.160 are each hereby  
1377 amended to read as follows:

1378            If the director has reason to believe that any public official, employee or other  
1379 person has acted in a manner warranting criminal or disciplinary proceedings, ~~((he))~~ the  
1380 director shall refer the matter to the appropriate authorities.

1381            SECTION 44. Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170 are  
1382 each hereby amended to read as follows:

1383            A. A person required by the director to provide information shall be paid the  
1384 same fees and allowances, in the same manner and under the same conditions, as are  
1385 extended to witnesses whose attendance has been required in the courts of this state,  
1386 excepting that city or county employees who are receiving compensation for the time that  
1387 they are witnesses shall not be paid the set fees and allowances.

1388            B. A person who, with or without service of compulsory process, provides oral or  
1389 documentary information requested by the director shall be accorded the same privileges  
1390 and immunities as are extended to witnesses in the courts of this state.

1391            C. Any witness in a proceeding before the office of citizen complaints/tax advisor  
1392 shall have the right to be represented by counsel.

1393            D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify  
1394 when requested concerning any matter under examination or investigation at the  
1395 hearing, the director may petition the Superior Court of King County for enforcement of  
1396 the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of  
1397 service, and shall set forth in what specific manner the subpoena has not been complied  
1398 with, and shall ask an order of the court to compel the witness to appear and testify before

1399 the office of citizen complaints/tax advisor. The court upon such petition shall enter an  
1400 order directing the witness to appear before the court at a time and place to be fixed in  
1401 such order and then and there to show cause why ((he)) the witness has not responded to  
1402 the subpoena or has refused to testify. A copy of the order shall be served upon the  
1403 witness. If it appears to the court that the subpoena was properly issued and that the  
1404 particular questions which the witness refuses to answer are reasonable and relevant, the  
1405 court shall enter an order that the witness appear at the time and place fixed in the order  
1406 and testify or produce the required papers and on failing to obey the order the witness  
1407 shall be dealt with as for a contempt of court.

1408        SECTION 45. Ordinance 12075, Section 14, as amended, and K.C.C. 2.56.010  
1409 are each hereby amended to read as follows:

1410        Because of the existing and increasing possibility of emergencies which exceed  
1411 local resources, in order to ensure that the preparations of King County are adequate to  
1412 deal with such emergencies, to ensure adequate support for search and rescue operations,  
1413 to manage recovery from such emergencies, to generally protect the public peace, health  
1414 and safety, and to preserve the lives and property of the people of the county, it is hereby  
1415 found and declared to be necessary:

1416        A. To establish a county organization for emergency management by the county  
1417 executive;

1418        B. To confer upon the executive the emergency powers necessary for carrying  
1419 out emergency management functions;

1420        C. To represent the emergency management functions of the county in all  
1421 dealings with public or private agencies pertaining to emergency services and disasters;

1422 D. To provide for rendering of mutual aid among the political subdivisions of the  
1423 state within King County and to cooperate with state governments with respect to  
1424 carrying out emergency management functions;

1425 E. To provide programs, with intergovernmental cooperation, to educate and train  
1426 the public to be prepared for emergencies;

1427 F. To ensure that to the maximum extent possible all emergency management  
1428 operations of the county are coordinated with the comparable functions of state and  
1429 federal governments and with private agencies of every type to the end that the most  
1430 effective preparation and use may be made of the area's ((manpower)) workforce,  
1431 resources and facilities for dealing with emergencies that may occur.

1432 G. To ensure coordination and cooperation consistent with the provisions of  
1433 RCW 38.52.070, as amended, between divisions, services, and staff of the emergency  
1434 services functional units of this county, and resolving questions of authority and  
1435 responsibility that may arise among them.

1436 SECTION 46. Ordinance 12075, Section 16, as amended, and K.C.C. 2.56.040  
1437 are each hereby amended to read as follows:

1438 A. The executive shall have general supervision and control of the emergency  
1439 management organization and shall be responsible for implementing the provisions of  
1440 K.C.C. chapter 2.56 in the event of a disaster.

1441 B. In performing the executive's duties pursuant to this chapter, and to effect its  
1442 policy and purpose, the executive is further authorized and empowered to:

1443 1. Make, amend and rescind the necessary orders, rules and regulations to  
1444 implement the provisions of this chapter within the authority conferred upon ((him)) the

1445 executive herein and in K.C.C. chapter 12.52, consistent with the provisions of state law  
1446 and the plans of the state and federal government;

1447           2. Cooperate with state governments, federal government, local governments  
1448 and with other counties and with the provinces of the Dominion of Canada, and with  
1449 private agencies in all matters pertaining to the emergency management operations of the  
1450 county;

1451           3. Foster cooperative planning at all levels to enable a uniform and rational  
1452 approach to the coordination of multiagency and multijurisdictional actions for all  
1453 regional mitigation, preparedness, response, and recovery efforts;

1454           4. Prepare a comprehensive plan and program for the emergency management  
1455 of the county pursuant to state law, and to submit the plan and program including but not  
1456 limited to elements addressing mitigation activities, preparedness, responses to disasters  
1457 and emergencies, and recovery operations to the state director of emergency management  
1458 for the director's recommendations thereto and certification for consistency with the state  
1459 comprehensive emergency management plan in order to ensure that local emergency  
1460 operations are coordinated with the state plan and program;

1461           5. In accordance with such plan and program for county emergency  
1462 management, procure supplies and equipment, institute professional and public training  
1463 programs and public information and educational programs, manage and coordinate  
1464 disaster drills, and take all other preparatory steps including the full or partial  
1465 mobilization of the emergency management organization in advance of an actual disaster  
1466 to ensure the furnishing of emergency management personnel in time of need;

1467           6. Act as the hazardous material incident coordinating agency for King County

1468 as referenced in federal Title III, the Emergency Planning and Community Right-to-  
1469 Know Act of 1986, as amended;

1470           7. Coordinate preparation of disaster proclamations and the appropriate  
1471 documentation thereof for the purpose of obtaining state and federal relief and assistance;

1472           8. Following implementation of the 800 MHz regional emergency  
1473 communications system, manage and coordinate the county's internal interdepartmental  
1474 radio communications system and prioritize communications in emergencies which  
1475 exceed local resources;

1476           9. Following implementation of the 800 MHz regional emergency  
1477 communications system, represent the county concerning the management of the county's  
1478 share of the system consistent with any interlocal agreements with other jurisdictions.

1479           10. On behalf of the county, enter into mutual aid arrangements in collaboration  
1480 with other public and private agencies for reciprocal emergency aid and assistance in the  
1481 event of a disaster too great to be managed without assistance; and

1482           11. Delegate any administrative authority vested in the executive pursuant to  
1483 this chapter and provide for the subdelegation of any such authority.

1484           SECTION 47. Ordinance 12022, Section 3, as amended, and K.C.C. 2.59.100 are  
1485 each hereby amended to read as follows:

1486           A. A government access channel is hereby established and shall be operated by  
1487 the metropolitan King County council with assistance from the CTV citizens advisory  
1488 committee and the CTV working group.

1489           B. The council establishes the following mission statement and policy principles  
1490 by which the channel shall be operated:

1491           The King County government access cable television system belongs to the  
1492 citizens of King County and exists to serve citizens directly. In its development and  
1493 operation, the government access cable system shall be guided by the following  
1494 principles:

1495           1. The system shall be used to increase citizen dialogue about the development  
1496 of county policies;

1497           2. The system shall be used to make government decision making more  
1498 accessible to citizens;

1499           3. The system shall be used to provide information of direct value to citizens;

1500           4. The system shall be used to foster debate of ideas and diversity of viewpoints;

1501           5. The system shall make use of creative solutions and a multiplicity of current  
1502 and emerging technologies to comply with these principles;

1503           6. The system shall be as independent as possible in its operation and funding to  
1504 insulate it from influences that might stifle the public information goals reflected in this  
1505 mission statement; and

1506           7. The system's goal shall be to serve all branches of county government, all  
1507 county departments and the people of King County.

1508           C. Consistent with Motion 8972, programming on the government access channel  
1509 shall also inform the public about the deliberations of the metropolitan King County  
1510 council and the regional policy committees that advise the council as well as  
1511 programming that highlights important county services including, but not limited to,  
1512 public transit, vanpool and rideshare services, commuter trip reduction services, water  
1513 quality, jury duty, court and legal services, public safety, public health, property taxes

1514 and tax assessments, voter registration, disability services, licensing, permits, citizen  
1515 complaints, senior citizen programs, family programs, animal control, drug and alcohol  
1516 treatment, mental health services and adult and youth detention. Programming relevant to  
1517 county policies and issues produced by entities outside county government may also be  
1518 aired.

1519 D. In the exercise of ~~((his or her))~~ the council chair's duties regarding how CTV  
1520 can best serve the citizens of the county, the chair ~~((of the council))~~ shall work  
1521 cooperatively with and give due consideration to the views of the executive.

1522 SECTION 48. Ordinance 14824, Section 4, and K.C.C. 2.59.140 are each hereby  
1523 amended to read as follows:

1524 A. The position of station manager of CTV is hereby created. The station  
1525 manager shall be appointed by the council. A recommendation committee consisting of  
1526 at least two members of the CTV citizens advisory committee and two members of the  
1527 CTV working group shall review and interview applicants for the position and  
1528 recommend finalists to the council. The CTV citizens advisory committee and the CTV  
1529 working group shall each appoint its two members to the recommendation committee.  
1530 The recommendation committee shall also consult with and obtain recommendations  
1531 from the executive. The council shall select the manager from the finalists recommended  
1532 by the recommendation committee or request that additional candidates be submitted by  
1533 the committee.

1534 B. The station manager may be removed at any time, with or without cause, by  
1535 the council. The council may appoint an interim manager, for a period not to exceed one  
1536 year, pending the appointment of a new station manager whenever the position is vacant.

1537 The council's employment committee may take disciplinary action regarding the station  
1538 manager, consistent with council employment practices and policies. The chair of the  
1539 council shall provide reasonable notification to CTV citizens advisory committee of any  
1540 such a disciplinary action. The station manager shall be appointed solely with regard to  
1541 ~~((his or her))~~ the station manager's qualifications and experience to manage a government  
1542 access television channel. The station manager shall hold no other appointive or elective  
1543 public office or position during the term of employment as station manager.

1544 SECTION 49. Ordinance 8257, Section 1, and K.C.C. 2.60.010 are each hereby  
1545 amended to read as follows:

1546 It is declared a public purpose that each citizen is entitled to equal justice under  
1547 law without regard to ~~((his))~~ the citizen's ability to pay. It is the intention of King County  
1548 to make publicly financed legal services available to the indigent and the near-indigent  
1549 person in all matters when there may be some factual likelihood that ~~((he))~~ the person  
1550 may be deprived of ~~((his))~~ the person's liberty pursuant to the laws of the state of  
1551 Washington or King County. It is also the intention of King County to make such  
1552 services available in an efficient manner which provides adequate representation at  
1553 reasonable cost to the county.

1554 SECTION 50. Ordinance 383, Section 5, as amended and K.C.C. 2.60.050 are  
1555 each hereby amended to read as follows:

1556 A. Legal defense services through the department shall be made available to all  
1557 eligible persons for whom counsel is constitutionally required. In addition, legal defense  
1558 services through department shall be made available when funds are available: to any  
1559 eligible person in legal proceedings arising in King County that may result in person's

1560 loss of liberty by an act of King County or any of its agencies, including, but not limited  
1561 to, criminal proceedings alleging a violation of any law of the state of Washington or  
1562 ordinance of King County, juvenile matters, mental illness and similar commitment  
1563 proceedings, revocations and habeas corpus proceedings when they arise in King County;  
1564 and to eligible parents and children in dependency proceedings arising in King County.

1565         B. Legal defense services through the department may be made available to a  
1566 person charged in King County with a felony of public notoriety, at ~~((his or her))~~ the  
1567 person's expense, when the court finds that the defendant is unable to employ adequate  
1568 private counsel as a result of the public notoriety. The county public defender shall  
1569 establish a reasonable fee for the legal defense services, subject to the approval of the  
1570 court.

1571         SECTION 51. Ordinance 10167, Section 1, as amended, and K.C.C. 2.60.054 are  
1572 each hereby amended to read as follows:

1573         To be eligible to receive legal defense services at no cost through the public  
1574 defense program, the person must be financially unable to obtain adequate representation  
1575 without substantial hardship to the person and the person's family and there must be some  
1576 factual likelihood that the person will be deprived of ~~((his or her))~~ the person's liberty. If  
1577 a person has some resources available that can be used to secure representation but not  
1578 sufficient resources to pay the entire costs of private legal services without substantial  
1579 hardship to the person and the person's family, the department of public defense shall  
1580 determine how much the person shall pay for the legal defense services provided through  
1581 the department of public defense.

1582         SECTION 52. Ordinance 1168, Section 3, and K.C.C. 2.80.030 are hereby

1583 amended to read as follows:

1584           After acceptance by the council of a gift, bequest or donation for a specified  
1585 purpose which is therefore deposited in the trust and contribution fund, it shall be the  
1586 responsibility of the executive or ((his)) designee to assure that expenditures from the  
1587 bequest, gift or donation are appropriate within the terms of the grantor. It shall,  
1588 therefore, not be necessary that the restricted gift, bequest or donation be appropriated in  
1589 order to authorize expenditure once the gift, bequest or donation has been accepted by the  
1590 council; however, when a gift, bequest or donation is of sufficient size or particular  
1591 importance, the council may incorporate it by appropriation into the capital improvement  
1592 program or other appropriate fund in which case annual reappropriation will be  
1593 necessary.

1594           SECTION 53. Ordinance 12468, Section 5, as amended, and K.C.C. 2.84.020 is  
1595 hereby amended to read as follows:

1596           It is the policy of King County as the regional government to provide leadership  
1597 necessary to provide increased opportunities for international trade and related economic  
1598 development for the benefit of the people and businesses in smaller cities and  
1599 unincorporated communities throughout urban and rural areas in the county. This applies  
1600 particularly to midsize and small businesses, engaged in or desiring to be engaged in  
1601 international exporting, joint venture partnerships, technology transfer, niche marketing  
1602 and related local job creation. This initiative addresses two issues related to trade  
1603 expansion: first, it is concerned with providing greater efficiency, productivity and  
1604 organizational purpose among the various county-managed trade-related activities;  
1605 second, the initiative is intended to assist businesses located in the county to access

1606 markets in an increasingly complex international economy. The county further intends  
1607 its expanded trade initiative to be complimentary not duplicative of existing trade and  
1608 economic development activities in the region. Consistent with this effort, the county  
1609 intends to continue promotion of reciprocal cultural, professional and trade exchanges,  
1610 including "~~((sister))~~ sibling county" relationships which can help to launch trade and  
1611 economic development opportunities between newly identified businesses abroad and  
1612 local companies. It is the policy of the county to measure the accomplishment of  
1613 purposes of this chapter, in part, by means of public performance criteria by which it will  
1614 be held accountable.

1615         SECTION 54. Ordinance 12468, Section 8, as amended, and K.C.C. 2.84.050 is  
1616 hereby amended to read as follows:

1617         The initial goals of the international trade expansion and economic development  
1618 initiative shall be as follows:

1619         A. Enhance and expand the global trade and business development activities for  
1620 local small and midsize businesses, chambers of commerce, and cities/unincorporated  
1621 areas in the county in coordination with the King County International Airport;

1622         B. Manage the county's "~~((sister))~~ sibling county" program-ultimately expanding  
1623 it to seven of the major emerging global market regions including Africa (e.g. the  
1624 Southern Africa economic consortium), Asia (Pacific Rim countries including Taiwan,  
1625 Korea and the Philippines), Canada, India, Israel, Mexico and South America (e.g.  
1626 Argentina, Chile and Peru);

1627         C. Support trade exchanges in conjunction with the "~~((sister))~~ sibling county"  
1628 program, local chambers of commerce local communities;

1629 D. Research local markets (for example, provide local company profiles to verify  
1630 the stability of potential business ventures abroad);

1631 E. Recommend training for local businesses concerning accessing international  
1632 markets through local chambers of commerce and use of the King County International  
1633 Airport for trade development. This could include matching local businesses with  
1634 businesses in various foreign countries;

1635 F. Identify in cooperation with the county's agricultural program "niche markets"  
1636 for locally farmed products and recycled materials to sell abroad;

1637 G. Collaborate with trade and economic development organizations to facilitate  
1638 business development activities following outbound and/or inbound trade missions;

1639 H. Identify fields for potential "technology transfer" and match with local  
1640 research;

1641 I. Explore ways of providing direct communication between local businesses in  
1642 King County and potential international trade partners through technology;

1643 J. Facilitate exchange of "best practices" between local governments, special  
1644 purpose districts and school districts with entities providing comparable services in  
1645 foreign countries.

1646 SECTION 55. Ordinance 12468, Sections 9 and 10, as amended, and K.C.C.

1647 2.84.190 are hereby amended to read as follows:

1648 A. There is created an international trade expansion and economic development  
1649 initiative oversight board, referred to in this chapter as the "board," staffed and supported  
1650 by the executive through the manager of the King County International Airport.

1651 B. The purpose of the board shall be to provide oversight, advice and assistance

1652 to the executive and council with respect to the international trade expansion and  
1653 economic development initiative, including, but not limited to, the following;

1654 1. Conduct an analysis of the region's economy to determine components related  
1655 to King County's global competitiveness;

1656 2. Prepare an inventory of the state and region's trade-related organizations to  
1657 determine functions and goals in order to avoid duplicating the inventory;

1658 3. Develop and adopt in cooperation with the executive an annual business plan  
1659 to guide the activities of the initiative;

1660 4. Promote, foster and publicize the ((~~sister~~)) sibling county program as  
1661 appropriate;

1662 5. Advise the executive and council with regard to visits to the county by  
1663 foreign guests and assist in hosting of events for such guests as directed by the county;

1664 6. Provide oversight to the county regarding contracts executed to implement  
1665 the purposes of this chapter;

1666 7. Adopt measures to gauge the performance of contractors;

1667 8. Foster and promote international relations and advise and make  
1668 recommendations to the council and executive on participation in such international  
1669 relations and programs;

1670 9. Report to the council and executive on an annual basis on progress addressing  
1671 goals listed in K.C.C. 2.84.050;

1672 10. Coordinate with other county programs and activities that perform functions  
1673 related to international trade and economic development including, but not limited to, the  
1674 King County library system, the cultural development authority of King County created

1675 under K.C.C. chapter 2.49, the agriculture commission and cooperative extension; and

1676 11. Perform such other functions and advise the county on such other  
1677 international trade, economic development and related matters as the county may request.

1678 C. The board shall consist of sixteen voting members and three nonvoting  
1679 members appointed by the executive and confirmed by the council. Board members shall  
1680 serve terms of three years as specified in K.C.C. chapter 2.28. The initial terms of board  
1681 members shall be governed by K.C.C. chapter 2.28.

1682 D. The composition of the board shall be as follows:

1683 1.a. ~~((t))~~ Three members from chambers of commerce and commercial clubs  
1684 located in suburban, rural and unincorporated communities in King County;

1685 b. two members representing technical or community colleges which have  
1686 established international programs;

1687 c. three representatives of small to midsize businesses in King County;

1688 d. one at-large citizen representative residing in unincorporated King County;

1689 e. one at-large representative for the export and import business sector;

1690 f. one person who is the head of the Washington State Department of

1691 ~~((Community, Trade and Economic Development))~~ Commerce or the Governor's Special  
1692 Trade Representative~~((;))~~ or ~~((his or her))~~ designee;

1693 g. one representative from the United States Department of Commerce;

1694 h. one representative from the wholesale trade and distribution business sector;

1695 i. one representative from the Port of Seattle; and

1696 j. two representatives from the King County Labor Council; and

1697 2. The three nonvoting members, who shall be: the manager or designee of

1698 King County International Airport; the county council chair or designee; and the county  
1699 executive or designee.

1700 E. The board shall adopt bylaws to govern its operations.

1701 F. The board shall meet at least quarterly.

1702 G. Board members shall not receive compensation except for reimbursement for  
1703 actual expenses as authorized by the executive.

1704 H. The board shall develop and recommend to the executive and council, within  
1705 six months of confirmation of a majority of its members by the council, a work plan,  
1706 performance objectives and first annual budget for accomplishing the program and goals  
1707 described in K.C.C. 2.84.010B and 2.84.050.

1708 SECTION 56. Ordinance 12075, Section 20 and K.C.C. 2.92.030 are each hereby  
1709 amended to read as follows:

1710 The director of the (~~office of~~) human resources management division shall at a  
1711 minimum:

1712 A. Investigate or supervise the investigation of all accidents involving county  
1713 employees and/or property resulting from department operations;

1714 B. Establish and supervise procedures designed to discover and control hazardous  
1715 conditions and unsafe work practices;

1716 C. Inspect all properties and work areas and require reasonable correction to  
1717 safety deficiencies;

1718 D. Select and approve purchase of all safety equipment and establish safety  
1719 specifications prior to purchase of other equipment of machines;

1720 E. Establish safety requirements in addition to minimum state and local rules and

1721 regulations where deemed necessary;

1722 F. Review all employee suggestions relating to safety to ensure compatibility  
1723 with federal, state and local codes, rules and regulations;

1724 G. Review the safety criteria on all proposed construction projects to be  
1725 accomplished by private contractors;

1726 H. Coordinate or provide training to employees in first aid, driving and other  
1727 safety related specialty fields;

1728 I. Demand immediate cessation of work around any operation or piece of  
1729 equipment in which ~~((he/she))~~ the director believes a hazard exists creating imminent  
1730 danger to the employees involved;

1731 J. Act as liaison between the county, the ~~((S))~~state Department of Labor and  
1732 Industries and the Washington Traffic Safety Commission and coordinate activities  
1733 toward compliance under the Washington State Industrial Safety and Health Act and the  
1734 Highway Safety Act of 1966;

1735 K. Coordinate the requirements of the Washington State Traffic Safety  
1736 Commission within the county.

1737 L. Coordinate the county pre-employment physical examination program.

1738 SECTION 57. Ordinance 2165, Section 6, as amended, and K.C.C. 2.98.060 are  
1739 each hereby amended to read as follows:

1740 A.1. Prior to the adoption, amendment or repeal of any rule, each department  
1741 shall give at least forty-five days' notice of its intended action by:

1742 a. filing a notice with the executive department responsible for archives and  
1743 records management functions;

1744           b. providing, at least in writing or by electronic format, the notice to: all  
1745 persons and other parties who have made timely request of the agency for advance notice  
1746 of its rule-making proceedings on a specific topic; the clerk of the council; and each  
1747 member of the county council; and

1748           c. giving public notice by one publication in the official newspaper of King  
1749 County.

1750           2. The notice shall include:

1751           a. reference to the authority under which the rule is proposed;

1752           b. a statement of either the terms or substance of the proposed rule or a  
1753 description of the subjects and issues involved; and

1754           c. the time, place and manner, including at least in writing or by electronic  
1755 format, in which interested persons may present their views on the rule. To the extent  
1756 practicable, the department should permit persons to present their views at a public  
1757 meeting, according to rules established by the department.

1758           B. The department giving the notice required in this section shall consider all  
1759 comments received by the prescribed time and shall make reasonable efforts to provide  
1760 written responses to the comments before the rule is adopted.

1761           C. Adoption of a rule by a department other than a county board, commission,  
1762 committee or other multimember body is accomplished by the department's director or  
1763 the sheriff, assessor or director of elections, for ~~((his or her))~~ the director or other elected  
1764 official's respective department, signing the proposed rule. Adoption of a rule by a  
1765 county board, commission, committee or other multimember body is accomplished by  
1766 majority vote in favor of the rule by the members of the body, as evidenced in the

1767 approved minutes of the body, and in compliance with the Open Public Meetings Act of  
1768 1971, chapter 42.30 RCW, as applicable.

1769 D. A rule adopted under this section is not valid unless adopted in substantial  
1770 compliance with this section. In any proceeding, a rule shall not be considered invalid on  
1771 the ground of noncompliance with the procedural requirements of this section if two  
1772 years or more have elapsed from the effective date of the rule.

1773 SECTION 58. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are  
1774 each hereby amended to read as follows:

1775 The definitions in this section apply throughout this chapter unless the context  
1776 clearly requires otherwise.

1777 A. "Accomplice" means an individual who with knowledge that an action will  
1778 promote or facilitate the commission of a crime or violation of an ordinance:

1779 1. Solicits, commands, encourages or requests another individual to commit the  
1780 crime or violation; or

1781 2. Aids or agrees to aid another individual in planning or committing the crime  
1782 or violation.

1783 B. "Close relative" means spouse, domestic partner, parent, child, child of  
1784 domestic partner, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-  
1785 law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or relatives  
1786 of a domestic partner who would be included in this subsection if the employee and the  
1787 domestic partner were married.

1788 C. "Compensation" means anything of economic value that is paid, granted or  
1789 transferred, or is to be paid, granted or transferred for, or in consideration of, personal

1790 services to any person.

1791 D. "County action" means any action on the part of the county, including, but not  
1792 limited to:

1793 1. Any decision, determination, finding, ruling or order; and

1794 2. Any grant, payment, award, license, contract, transaction, sanction or

1795 approval, or the denial thereof or the failure to act with respect thereto. "County action"

1796 shall not include actions of the county's judicial branch but shall include employees of the  
1797 department of judicial administration.

1798 E. "County employee" or "employee" means any individual who is appointed as  
1799 an employee by the appointing authority of a county agency, office, department, council,

1800 board, commission or other separate unit or division of county government, however

1801 designated, but does not include employees of the county's judicial branch. "County

1802 employee" also includes county elected officials and members of county boards,

1803 commissions, committees or other multimember bodies, but does not include officials or

1804 employees of the county's judicial branch but does include employees of the department

1805 of judicial administration.

1806 F. "De minimis personal use" means: personal use that is brief and infrequent,

1807 incurs negligible or no additional cost to the county and does not interfere with the

1808 conduct of county business.

1809 G. "Department" means:

1810 1. In the executive branch, an executive department or administrative office that  
1811 reports to the executive or the county administrative officer, as applicable;

1812 2. The department of assessments;

- 1813           3. The prosecuting attorney's office;
- 1814           4. In the legislative branch, the council together with any subordinate legislative
- 1815 branch agency;
- 1816           5. The department of judicial administration;
- 1817           6. The department of public safety;
- 1818           7. The office of economic and financial analysis; and
- 1819           8. The department of elections.
- 1820           H. "Doing business with the county" or "transactions with the county" means to
- 1821 participate in any proceeding, application, submission, request for ruling or other
- 1822 determination, contract, claim, case or other such a particular matter that the county
- 1823 employee or former county employee in question believes, or has reason to believe:
- 1824           1. Is, or will be, the subject of county action;
- 1825           2. Is one to which the county is or will be a party; or
- 1826           3. Is one in which the county has a direct and substantial proprietary interest.
- 1827           I. "Gift or thing of value" or "gift or other thing of value" means anything of
- 1828 economic value or tangible worth that is not compensation. It shall not include campaign
- 1829 contributions regulated by chapter 42.17A RCW or the charter and ordinances
- 1830 implementing it; informational materials exclusively for official or office use; memorials,
- 1831 trophies and plaques of no commercial value; gifts of fifty dollars or less for bona fide,
- 1832 nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty
- 1833 days after receipt, are returned to the donor, or donated to a charitable organization
- 1834 without seeking a tax deduction; or promotional benefits that an employee receives from
- 1835 a travel service provider in connection with official travel if obtained under the same

1836 conditions as those offered to the general public at no additional cost to the county.

1837 J. "Immediate family" means a county employee's spouse, domestic partner,  
1838 employee's child or the child of an employee's spouse or domestic partner, and other  
1839 dependent relatives if living in ~~((his or her))~~ the employee's household.

1840 K. "Ombuds~~((man))~~" means the director of the office of citizen complaints  
1841 established under Section 260 of the King County Charter and K.C.C. chapter 2.52~~((5))~~ or  
1842 ~~((his or her))~~ designee.

1843 L. "Participate" means, in connection with a transaction involving the county, to  
1844 be involved in a county action personally and substantially as a county employee either  
1845 directly, or through others through approval, disapproval, decision, recommendation, the  
1846 rendering of advice, investigation or otherwise. However, for the purposes of K.C.C.  
1847 3.04.035, "participate" does not include the provision of legal advice or other activities  
1848 involving the practice of law and does not include, as an elected official, preparation,  
1849 consideration or enactment of legislation or the performance of legislative duties.

1850 M. "Person" means any individual, partnership, association, corporation, firm,  
1851 institution or other entity, whether or not operated for profit. The term does not include  
1852 governmental units of or within the United States.

1853 N. "Respondent" means the individual against whom a complaint is filed or an  
1854 investigation is conducted.

1855 O. "Retaliatory action" means any action by a supervisor or other employee that  
1856 is intended to embarrass or to harass any individual as a result of the individual having  
1857 filed a written complaint with the office of citizen complaints or having raised privately  
1858 or publicly any concern or question regarding an actual or apparent violation of this

1859 chapter.

1860 P. "Substantial financial interest" means a financial interest in a person that  
1861 exceeds one-tenth of one percent of the outstanding securities of the person, or, if the  
1862 interest is in an unincorporated business concern, exceeds one percent of the net worth of  
1863 the concern; or a financial interest that exceeds five percent of the net worth of the  
1864 employee and the employee's immediate family.

1865 SECTION 59. Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020 are  
1866 each hereby amended to read as follows:

1867 A. ~~((Use of Public Property.))~~ No county employee shall request, use or permit  
1868 the use of county-owned vehicles, equipment, materials or other property or the  
1869 expenditure of county funds for personal convenience or profit. Use or expenditure is to  
1870 be restricted to such services as are available to the public generally or for such employee  
1871 in the conduct of official business. However, de minimis personal use of county-owned  
1872 property by county employees may be authorized by policies of the executive, council or  
1873 other elected county officials.

1874 B. ~~((Obligations to Citizens.))~~ No county employee shall grant any special  
1875 consideration, treatment or advantage beyond that which is available to every other  
1876 citizen.

1877 C. Except as authorized by law and in the course of ~~((his or her))~~ the employee's  
1878 official duties, no county employee shall use the power or authority of ~~((his or her))~~ the  
1879 employee's office or position with the county in a manner intended to induce or coerce  
1880 any other person, directly or indirectly to provide the county employee or any other  
1881 person with any compensation, gift or thing of value.

1882 D. No county employee shall seek or receive, directly or indirectly, any  
1883 compensation, gift or thing of value, or promise thereof, for performing or for omitting or  
1884 deferring the performance of any official duty, or action by the county other than the  
1885 compensation, costs or fees provided by law.

1886 E. (~~Campaign activities.~~) County employees are encouraged to participate in  
1887 the political process on their own time and outside of the workplace by assisting a  
1888 campaign for the election of any individual to any office or for the promotion of or  
1889 opposition to any ballot proposition, but shall not use or authorize the use of the facilities  
1890 of King County for such purposes except as authorized by RCW 42.17A.555.

1891 F. No county employee shall disclose or use for the personal benefit of the  
1892 employee or (~~his or her~~) the employee's immediate family any information acquired in  
1893 the course of official duties that is not available as a matter of public knowledge or public  
1894 record.

1895 G. No county employee shall engage in retaliatory action.

1896 SECTION 60. Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030 are  
1897 each hereby amended to read as follows:

1898 A. No county employee shall engage in any act that is in conflict with the  
1899 performance of official duties.

1900 B. A county employee shall be deemed to have a conflict of interest if the  
1901 employee directly or indirectly:

1902 1. Receives or has any financial interest in any purchase, sale or lease to or by  
1903 the county of any service or property when the financial interest was received or obtained  
1904 with the prior knowledge that the county intended to purchase, sell or lease such property

1905 or service;

1906           2. Is beneficially interested or has a substantial financial interest in, or accepts  
1907 any compensation, gift or thing of value from any other person beneficially interested in,  
1908 any contract, sale, lease, option or purchase that may be made by, through, or under the  
1909 supervision of the employee, in whole or in part;

1910           3. Accepts or seeks for others, any employment, travel expense, service,  
1911 information, compensation, gift or thing of value on more favorable terms than those  
1912 granted to other county employees or the public generally, from any person doing  
1913 business, or seeking to do business, with the county for which the employee has  
1914 responsibility or with regard to which (~~he or she~~) the employee may participate,  
1915 provided that this subsection shall not apply to the receipt by elected officials, or by  
1916 employees who are supervised directly by an elected official, of meals, refreshments or  
1917 transportation within the boundaries of the county when given in connection with  
1918 meetings with constituents or meetings that are informational or ceremonial in nature;

1919           4. Accepts, any favor, loan, retainer, entertainment, travel expense,  
1920 compensation, gift or other thing of value from any person doing business or seeking to  
1921 do business with the county when such an acceptance may conflict with the performance  
1922 of the employee's official duties. A conflict shall be deemed to exist where a reasonable  
1923 and prudent individual would believe that it was given for the purpose of obtaining  
1924 special consideration or to influence county action. The financing of county election  
1925 campaigns shall continue to be governed by chapter 42.17A RCW and the provisions of  
1926 the charter and ordinances implementing it;

1927           5. Participates in, influences or attempts to influence, the selection of, or the

1928 conduct of business or a transaction with a person doing or seeking to do business with  
1929 the county if the employee has a substantial financial interest in or with said person;

1930 6. Discusses or accepts an offer of future employment with any person doing or  
1931 seeking to do business with the county if either:

1932 a. the employee knows or has reason to believe that the offer of employment  
1933 was or is intended, in whole or in part, as compensation or reward for the performance or  
1934 nonperformance of a duty by the employee during the course of county employment or to  
1935 influence county action pertaining to the business; or

1936 b. the employee has responsibility for a matter upon which the person is doing  
1937 or seeking to do business with the county, unless the employee has given notice in  
1938 accordance with K.C.C. 3.04.037 and a method of providing for an alternative decision  
1939 maker for the matter has been designated by the employee's appointing authority in a  
1940 memorandum filed with the board of ethics, a copy of which is maintained by the  
1941 appointing authority;

1942 7. Within one year of entering county employment:

1943 a. participates in a county action benefiting a person that formerly employed  
1944 the employee, except that participation may be authorized in a memorandum by the  
1945 appointing authority following written disclosure by the affected employee and the  
1946 authorization shall be filed with the board of ethics and a copy maintained by the  
1947 appointing authority; or

1948 b. awards a county contract benefiting a person that formerly employed the  
1949 employee;

1950 8. Is an employee, agent, officer, partner, director or consultant, of any person

1951 doing or seeking to do business with the county, unless such relationship has been  
1952 disclosed as provided by this chapter;

1953 9. Engages in or accepts compensation, employment or renders services for any  
1954 person or a governmental entity other than the county when such employment or service  
1955 is incompatible with the proper discharge of official duties or would impair independence  
1956 of judgment or action in the performance of official duties;

1957 10. Enters into a business relationship outside county government:

1958 a. with any other employee for whom ~~((he or she))~~ the employee has any  
1959 supervisory responsibility; or

1960 b. with any person with regard to a matter for which the employee has  
1961 responsibility as a county employee;

1962 11. Possesses a substantial financial interest in any person which does or seeks  
1963 to do business with the county, without disclosing such interest as provided by this  
1964 chapter;

1965 12. As an appointive member of a board or commission, has a close relative  
1966 serving on the same board or commission; or

1967 13. Acts as an accomplice in any act by an immediate family member which, if  
1968 the act were performed by the employee, would be prohibited by this subsection.

1969 However, it shall not be a conflict of interest for the family member to enter into a bona  
1970 fide contract of employment that is not intended to influence the action of the county  
1971 employee.

1972 C.1. The following employees must obtain the prior written consent of their  
1973 highest ranking supervisor authorizing new or continued employment outside King

1974 County government, or authorizing the acceptance of any compensation or any((-))thing  
1975 of value for services performed outside King County government:

1976 a. the county administrative officer, the chief officer of each executive  
1977 department or administrative office as defined by the charter, the manager of each  
1978 division of the department or office and all individuals who report directly to them;

1979 b. all nonelected council employees, except that the personal staff of each  
1980 individual councilmember shall obtain the consent from the councilmember;

1981 c. all nonelected employees of the prosecuting attorney;

1982 d. all nonelected employees of the department of judicial administration;

1983 e. all nonelected employees of the department of assessments; and

1984 f. the chief economist of the office of economic and financial analysis.

1985 2. If the employment or service is deemed by the highest-ranking supervisor to  
1986 pose a conflict of interest, the employee immediately shall divest the employment and  
1987 failure to do so shall be grounds for dismissal.

1988 D. A county employee shall be deemed to have a conflict of interest if the  
1989 employee appears on behalf of a person before any regulatory governmental agency, or  
1990 represents a person in any action or proceeding against the interest of the county in any  
1991 litigation to which the county is a party, unless the employee has a personal interest in the  
1992 litigation and this personal interest has been disclosed to the regulatory governmental  
1993 agency or adjudicating individual or body. A county councilmember may appear before  
1994 regulatory governmental agencies on behalf of constituents in the course of the  
1995 councilmember's duties as a representative of the electorate or in the performance of  
1996 public or civic obligations; however, no official or employee shall accept a retainer or

1997 compensation, or any gift or thing of value that is contingent upon a specific action by a  
1998 county agency.

1999 E.1. A county councilmember shall be deemed to have a conflict of interest if the  
2000 councilmember, directly or indirectly, has a substantial financial or other private interest  
2001 in any legislation or other matter coming before the council, and fails to disclose the  
2002 interest on the records of the county council. This subsection shall not apply if the  
2003 county councilmember (~~((disqualifies himself or herself))~~) is excused from voting by  
2004 stating the nature and extent of such an interest.

2005 2. Any other employee who is not a county councilmember, who, directly or  
2006 indirectly, has a substantial financial or other private interest in, and who participates in,  
2007 an action or proposed action of the county council and fails to disclose on the records of  
2008 the county council the nature and extent of the interest, shall be deemed in violation of  
2009 this chapter.

2010 F.1. A county employee shall be deemed to have a conflict of interest if the  
2011 employee, directly or indirectly, has an interest in any property being considered for  
2012 revaluation by the county board of appeals and equalization or has a personal interest or  
2013 connection with another person's petition for revaluation while the employee is:

- 2014 a. an elected county official;
- 2015 b. the executive's administrative assistant or office manager;
- 2016 c. a county councilmember's executive secretary;
- 2017 d. the county administrative officer, the county administrative officer's  
2018 administrative assistants or the county administrative officer's confidential secretary;
- 2019 e. the chief officer of an executive department, the chief officer's

2020 administrative assistant or the chief officer's confidential secretary;

2021 f. the chief officer of an administrative office, the chief officer's administrative  
2022 assistants or the chief officer's confidential secretary;

2023 g. the council administrator, the council administrator's administrative assistant  
2024 or the council administrator's secretary;

2025 h. the ombuds(~~man~~) or the (~~ombudsman~~) ombuds's staff;

2026 i. an employee of the department of assessments;

2027 j. an employee assigned to either the board of equalization or the board of  
2028 appeals, or both;

2029 k. any other county employee who has direct contact with the board of appeals  
2030 and equalization in the carrying out of (~~his or her~~) the employee's duties;

2031 l. a member of either the county board of appeals or the board of equalization,  
2032 or both; or

2033 m. The clerk of the council or the clerk's secretary.

2034 2. All individuals listed in this subsection who wish to appeal to the county  
2035 board of equalization on a matter of property revaluation shall be governed by the  
2036 procedure in K.C.C. 3.04.040.

2037 SECTION 61. Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035 are  
2038 each hereby amended to read as follows:

2039 A. For one year after terminating service to the county, a former member of a  
2040 county board, commission, committee or other multimember body may not appear before  
2041 that board, commission, committee or other multimember body, or receive compensation  
2042 for any services rendered on behalf of or for assistance to any person, in relation to any

2043 county action in which the former member participated during the period of (~~his or her~~)  
2044 the former member's service. This prohibition also applies during the same period of  
2045 time to any person with which the former member has a financial or beneficial interest.  
2046 However, this prohibition does not apply if the former member's financial or beneficial  
2047 interest in any entity listed in this subsection is limited to investments and does not  
2048 include managerial or other influential authority, including holding controlling interest in  
2049 any class of stock.

2050         B. For one year after leaving county employment, a former county employee may  
2051 not have a financial or beneficial interest in a contract or grant that was planned,  
2052 authorized or funded by a county action in which the former county employee  
2053 participated during county employment.

2054         C. For one year after leaving county employment, a former county employee may  
2055 not assist a person, whether or not for compensation, in any county action in which the  
2056 former county employee participated during county employment. This subsection does  
2057 not prohibit a former county employee from rendering assistance to county employees in  
2058 the course of union or guild business.

2059         D. For one year after leaving county employment, a former employee must  
2060 disclose (~~his or her~~) the former employee's past county employment before participation  
2061 in any county action. The disclosure shall be made in writing to the department  
2062 considering or taking the county action on which the former employee is or would be  
2063 participating.

2064         E. A former county employee may not, for the personal benefit of the former  
2065 employee or a member of the former employee's immediate family, disclose or use any

2066 privileged or proprietary information gained by reason of the former employee's county  
2067 employment unless the information is a matter of public knowledge or is available to the  
2068 public on request.

2069 F. A former county employee may not assist any person for compensation on  
2070 matters in which the former employee is personally prohibited from participating.

2071 G. It is not a violation of this chapter for a former county employee to render  
2072 assistance to a person if the assistance is provided without compensation in any form and  
2073 is limited to one or more of the following:

2074 1. Providing names, work addresses and work telephone numbers of county  
2075 agencies or county employees, to the extent the information is available as a matter of  
2076 public record under state law;

2077 2. Providing free transportation to another for the purpose of conducting  
2078 business with a county agency;

2079 3. Assisting oneself or another person in obtaining or completing forms required  
2080 by a county agency for the conduct of a county business;

2081 4. Providing assistance to the poor or infirm; or

2082 5. Engaging in conduct that is authorized or protected by the constitutions or  
2083 laws of Washington state or the United States.

2084 H.1. This section does not prohibit a former county employee from accepting  
2085 future employment with the county at any time, including employment with ~~((his or her))~~  
2086 a former department.

2087 2. Except as otherwise provided in this section, a former county employee is not  
2088 prohibited from appearing before the county or seeking a county action on ~~((his or her))~~

2089 the former county employee's own behalf to the same extent other persons may appear  
2090 before or seek actions by the county.

2091 I. Except as otherwise limited by this chapter, a former county employee may  
2092 contract with the county, or participate in a contract with the county, to provide materials,  
2093 equipment, supplies or services. However, any such a contract must comply with  
2094 applicable requirements and procedures related to procurement.

2095 SECTION 62. Ordinance 9704, Section 8, as amended, and K.C.C. 3.04.037 are  
2096 each hereby amended to read as follows:

2097 Any employee who becomes aware that (~~he or she~~) the employee might have a  
2098 potential conflict of interest that arises in the course of (~~his or her~~) the employee's  
2099 official duties shall notify in writing (~~his or her~~) the employee's supervisor or  
2100 appointing authority of the potential conflict.

2101 Upon receipt of such a notification, the supervisor or appointing authority shall  
2102 take action to resolve the potential conflict of interest within a reasonable time, which  
2103 may include, but is not limited to, designating an alternative employee to perform the  
2104 duty that is involved in the potential conflict. The supervisor or appointing authority  
2105 shall document the disposition of the potential conflict in writing in files maintained by  
2106 the appointing authority. The supervisor or appointing authority may request an advisory  
2107 opinion from the board of ethics before disposing of the potential conflict.

2108 SECTION 63. Ordinance 1308, Section 5, as amended, and K.C.C. 3.04.040 are  
2109 each hereby amended to read as follows:

2110 All persons deemed to have a conflict of interest, in accordance with K.C.C.  
2111 3.04.030.F., and wishing to appeal to the county board of equalization shall be governed

2112 by the following procedure((;)):

2113 A. The appeal shall be automatically denied by the county board of equalization  
2114 without hearing and a minute entry shall be made. The petitioner may then take action to  
2115 appeal the decision of the county board of equalization to the state Board of Appeals in  
2116 accordance with RCW 84.08.130((-)); and

2117 B. However, the board of equalization may grant a change of venue to a board of  
2118 equalization of another county, as provided in K.C.C. Title 2, in lieu of automatic denial,  
2119 when:

2120 ~~((A-))~~1. A quorum cannot be achieved due to members of the board  
2121 disqualifying themselves because of conflicts of interest or the appearance of fairness  
2122 doctrine; or

2123 ~~((B-))~~2. When ~~((equalization is the basis for an appeal by))~~ the appeal relates to  
2124 property either owned by or in which the following has an interest: a member of the  
2125 board((;)); assistants to the board((;)); or any member of the county governmental  
2126 authority ~~((or his or her own property or on property in which that person has an~~  
2127 ~~interest))~~.

2128 SECTION 64. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are  
2129 each hereby amended to read as follows:

2130 A. All nominees for appointment to any county elective office except for judicial  
2131 candidates, within two weeks of becoming a nominee, and all elected officials who are  
2132 defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county  
2133 funds, shall file with the board of ethics a statement of financial and other interests as  
2134 prescribed in subsection D. of this section. This requirement may be satisfied by filing

2135 with the board of ethics a signed copy of the report required to be filed by RCW  
2136 42.17A.700.

2137       B.1. Within two weeks of employment or appointment and on or before April 15  
2138 of each year thereafter, the following employees shall file a statement of financial and  
2139 other interests, as prescribed in subsection D. of this section, with the board of ethics: all  
2140 elected county officials; all employees appointed by the county executive; all employees  
2141 appointed by the county administrative officer or department directors and who are  
2142 subject to the approval of the county executive; all employees of the council; all  
2143 employees of the office of economic and financial analysis; and such additional  
2144 employees as may be determined in accordance with criteria adopted by the board of  
2145 ethics under subsection C. of this section. Statements of financial and other interests that  
2146 are to be filed within two weeks of employment or appointment shall report on  
2147 information for the preceding twelve calendar months. Annual statements of financial  
2148 and other interests shall report on information for the preceding calendar year.

2149       2. Within two weeks of becoming a nominee for appointment to county boards  
2150 and commissions, the nominee shall file with the board of ethics a statement of financial  
2151 and other interests, as prescribed in subsection D. of this section, reporting on  
2152 information for the preceding twelve calendar months.

2153       C. The board of ethics shall adopt by rule criteria for determining which  
2154 employees, in addition to those designated in subsection B. of this section, are required to  
2155 complete and file statements of financial and other interests. The criteria must consider  
2156 the association between the duties and responsibilities of employees and the conflict of  
2157 interest provisions in K.C.C. 3.04.030.

2158 D. The statement of financial and other interests required to be filed under this  
2159 section must include the following information of which the employee has, or reasonably  
2160 should have, knowledge for the reporting period:

2161 1.a. the name of each person engaged in a transaction with the county in which  
2162 the employee may participate or has responsibility for, where the employee or a member  
2163 of the employee's immediate family received any compensation, gift or thing of value,  
2164 possessed a financial interest or held a position with the person;

2165 b. the name of the individual who received the compensation, gift or thing of  
2166 value from, possessed the financial interest in, or held a position with the person engaged  
2167 in the transaction with the county, and the individual's relationship to the employee; and

2168 c. the title of the position; and

2169 2.a. Real property, listed by street address, assessor parcel number or legal  
2170 description that was involved in or the subject of an action by the county, in which the  
2171 employee or a member of the employee's immediate family possessed a financial interest,  
2172 except that property for which the only county action was valuation for tax purposes does  
2173 not have to be reported except by those employees of the department of assessments and  
2174 the board of appeals who are required to file a report related to the valuation;

2175 b. the name of the individual who possessed the financial interest and the  
2176 individual's relationship to the employee; and

2177 c. the name of the King County department involved in the transaction.

2178 d. The use the individual made of the real property, such as recreation, personal  
2179 residence or income, does not have to be reported.

2180 E. The statement of financial and other interests must be signed with location of

2181 signing, dated and declared to be complete, true and correct under penalty of perjury of  
2182 the laws of the state of Washington.

2183 F. The financing of election campaigns shall continue to be governed by other  
2184 applicable local, state and federal laws, and not by the provisions of this chapter.

2185 G. Filing of the statement of financial and other interests does not relieve the  
2186 employee of the duty to notify ~~((his or her))~~ the employee's supervisor of a potential  
2187 conflict of interest as required by K.C.C. 3.04.037.

2188 H. The board may adopt rules and regulations by which affected employees may  
2189 request suspension or modification of the requirements to disclose financial and other  
2190 interests set forth in this section if the literal application of the requirements would cause  
2191 a manifestly unreasonable hardship and the suspension or modification would not  
2192 frustrate the purposes of this chapter.

2193 I. The board of ethics may adopt necessary and appropriate rules, regulations and  
2194 forms related to completing, filing, maintaining and disclosing statements of financial  
2195 and other interests under this section. The board shall follow the requirements of K.C.C.  
2196 chapter 2.98 for rule making.

2197 SECTION 65. Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055 are  
2198 each hereby amended to read as follows:

2199 A. It shall be the responsibility of the ombuds~~((man))~~ to investigate and report  
2200 apparent criminal violations of this chapter to the appropriate law enforcement authorities  
2201 and to enforce this ordinance according to the powers granted herein. The  
2202 ombuds~~((man))~~ is expressly authorized to serve as an enforcement officer for this chapter  
2203 and to impose the civil penalties authorized in K.C.C. 3.04.060.

2204 B.1. Complaints alleging a violation of this chapter shall be filed with the  
2205 ombuds(~~man~~).

2206 2. The complaint shall describe the basis for the complainant's belief that this  
2207 chapter has been violated. Any such a complaint shall be in writing, signed by the  
2208 complainant with location of signing, dated and declared to be true and correct to the best  
2209 of the complainant's knowledge under penalty of perjury of the laws of the state of  
2210 Washington. The complainant may state in writing whether the complainant wishes ((his  
2211 or her)) the complainant's name not to be disclosed in accordance with RCW  
2212 42.56.240(2).

2213 3. Any complaint filed under this chapter must be filed within five years from  
2214 the date of the violation. However, if it is shown that the violation was not discovered  
2215 because of concealment by the person charged, then the complaint must be filed within  
2216 two years from the date the violation was discovered or reasonably should have been  
2217 discovered.

2218 C. Upon receipt of a complaint meeting the requirements of subsection B. of this  
2219 section, and upon a determination that the alleged conduct could constitute a violation of  
2220 this chapter, the ombuds(~~man~~) shall cause to be served or mailed, by certified mail,  
2221 return receipt requested, a copy of the complaint to the person alleged to have violated  
2222 this chapter within twenty days after the filing of said complaint, and shall promptly  
2223 make an investigation thereof. If the ombuds(~~man~~) determines that the complaint does  
2224 not meet the requirements of subsection B. or C. of this section, the ombuds(~~man~~) shall  
2225 inform the complainant in writing of that determination and the reason.

2226 D. An investigation by the ombuds(~~man~~) under this chapter shall be directed to

2227 ascertain the facts concerning the alleged violation or violations of this chapter and shall  
2228 be conducted in an objective and impartial manner. In furtherance of the investigation  
2229 the ombuds((~~man~~)) is authorized to use the subpoena power to compel sworn testimony  
2230 from any person, and to require the production of any records relevant or material to the  
2231 investigation except information that is legally privileged or otherwise required by law  
2232 not to be disclosed.

2233 E. During the investigation, the ombuds((~~man~~)) shall consider any statement of  
2234 position or evidence with respect to the allegations of the complaint that the complainant  
2235 or respondent wishes to submit.

2236 F. The results of the investigation shall be reduced to written findings of fact and  
2237 the finding shall be made that there either is or is not reasonable cause for believing that  
2238 the respondent has violated this chapter.

2239 G. If a finding is made that there is no reasonable cause, said finding shall be  
2240 served or mailed, by certified mail, return receipt requested, to the complainant and the  
2241 respondent, and a copy shall be provided to the board of ethics.

2242 H.1. If the finding is made that reasonable cause exists to believe that the  
2243 respondent has violated this chapter, the ombuds((~~man~~)) shall prepare an order to that  
2244 effect, a copy of which shall be served or mailed, by certified mail, return receipt  
2245 requested, to the respondent, and the original thereof filed with the board of ethics. The  
2246 ombuds((~~man~~)) shall provide a copy of the order to the prosecuting attorney's office.

2247 Such a reasonable cause order shall include:

2248 a. a finding that one or more violations of the chapter has occurred;

2249 b. the factual basis for the finding;

- 2250 c. any civil penalties; and
- 2251 d. a notice informing the respondent that the respondent has the right to request
- 2252 a hearing before the board of ethics as set forth in K.C.C. 3.04.057.
- 2253 2. In determining civil penalties, the ombuds(~~man~~) may consider any
- 2254 notification made by the employee under K.C.C. 3.04.037 as a mitigating factor.
- 2255 3. If the respondent does not request an appeal hearing in a timely manner under
- 2256 K.C.C. 3.04.057, the ombuds(~~man~~) shall provide a copy of the reasonable cause order
- 2257 to the complainant and the respondent's appointing authority.
- 2258 I.1. At any stage in the investigation, the respondent may agree to an early
- 2259 resolution agreement in lieu of a finding of reasonable cause by the ombuds(~~man~~).
- 2260 2. An early resolution agreement may not be appealed.
- 2261 3. The agreement shall be in writing and signed by the ombuds(~~man~~) and the
- 2262 respondent.
- 2263 4. The respondent shall acknowledge in the agreement that an ethical violation
- 2264 has occurred and that the agreement may not be appealed. The respondent may include a
- 2265 statement explaining circumstances surrounding the ethical violation.
- 2266 5. The agreement shall identify the violations of the chapter that occurred, the
- 2267 factual basis for the violation and any civil penalties.
- 2268 6.a. The early resolution agreement is not effective unless approved by the
- 2269 board of ethics. If approved by the board of ethics, the board shall send a copy of the
- 2270 approved early resolution agreement to the ombuds(~~man~~), who shall forward a copy to
- 2271 the respondent, the respondent's appointing authority, to the prosecuting attorney's office
- 2272 and to the complainant.

2273           b. If the early resolution agreement is not approved by the board of ethics, the  
2274 board shall notify the ombuds(~~man~~).

2275           SECTION 66. Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057 are  
2276 each hereby amended to read as follows:

2277           A. Any respondent who disagrees with an order of reasonable cause of the  
2278 ombuds(~~man~~) may file a written request, within twenty days of the service of the order  
2279 upon the respondent or delivery of the order by certified mail, for an appeal hearing  
2280 before the board of ethics. The request shall be filed with the board of ethics, with a copy  
2281 provided to the ombuds(~~man~~). The request shall cite the order appealed from and  
2282 specify with particularity the findings being contested.

2283           B. Any order of reasonable cause issued by the ombuds(~~man~~) pursuant to  
2284 K.C.C. 3.04.055 shall become final twenty days after service of the order or delivery of  
2285 the order by certified mail, unless a timely written request for an appeal hearing is filed as  
2286 set forth above.

2287           C. If an order of reasonable cause has been timely appealed, a hearing shall be  
2288 conducted by the board of ethics for the purpose of affirming, reversing or modifying the  
2289 order. The parties to the hearing shall be the respondent and the ombuds(~~man~~) or (~~his~~  
2290 ~~or her~~) designee. There shall be a verbatim record kept of the hearing and the board of  
2291 ethics shall have the power to administer oaths and affirmations, issue subpoenas and  
2292 compel attendance, take evidence and require the production of any books, papers,  
2293 correspondence, memoranda or other records relevant or material to the hearing. The  
2294 burden of proving that a violation occurred shall at all times be upon the ombuds(~~man~~).  
2295 The board of ethics's decision shall be based upon a preponderance of the evidence. Such

2296 a hearing shall be conducted within a reasonable time after receipt of the request for  
2297 appeal. Written notice of the time and place of the hearing shall be given to the parties at  
2298 least ten days prior to the hearing date.

2299 D. At the hearing, each party shall have the following rights:

2300 1. To call and examine witnesses on any matter relevant to the issues raised by  
2301 the order of the ombuds(~~man~~) or (~~his or her~~) designee;

2302 2. To introduce documentary and physical evidence;

2303 3. To cross-examine opposing witnesses on any relevant matter;

2304 4. To impeach any witness regardless of which party first called the witness to  
2305 testify;

2306 5. To rebut evidence against (~~him or her~~) the party; and

2307 6. To self-represent (~~himself or herself~~) or to be represented by anyone of (~~his~~  
2308 ~~or her~~) the party's choice who is lawfully permitted to do so.

2309 E. Following review of the evidence submitted, the board shall within a  
2310 reasonable time enter written findings and conclusions and shall affirm or modify the  
2311 order previously issued if the board finds that one or more violations of this chapter has  
2312 occurred. The board shall reverse the order if it finds no violations of this chapter have  
2313 occurred. A copy of the board's decision shall be served or mailed, by certified mail,  
2314 return receipt requested, to the respondent, and the original thereof retained by the board.  
2315 The board shall provide a copy of its decision to the ombuds(~~man~~), the respondent's  
2316 appointing authority, the prosecuting attorney's office and the complainant.

2317 SECTION 67. Ordinance 1308, Section 7, as amended, and K.C.C. 3.04.060 are  
2318 each hereby amended to read as follows:

2319           A. Any negligent or willful violation of the provisions of this chapter shall  
2320 constitute a misdemeanor and upon conviction be punishable by a fine not to exceed  
2321 \$1,000 or imprisonment in the county jail not to exceed ninety days; or both;

2322           B.1. Any elected official who commits a violation of this chapter may be  
2323 subjected to penalties as provided by RCW 42.12.010 and the King County Charter, and  
2324 may also be subjected to a civil penalty of an amount not to exceed the lesser of one  
2325 month of the respondent's county pay or the amount authorized by law.

2326           2. An employee of the county who commits a violation of this chapter may be  
2327 subjected to disciplinary action, up to and including termination from employment;  
2328 provided that such disciplinary action is consistent with Career Service Guidelines and  
2329 collective bargaining agreements. An employee of the county who commits a violation of  
2330 this chapter may also be subjected to a civil penalty; provided that such penalty shall not  
2331 exceed the lesser of one month of the respondent's county pay or the amount authorized  
2332 by law.

2333           3. Members of boards and commissions who commit a violation of this chapter  
2334 may be subjected to immediate removal from such appointment.

2335           C. Civil and criminal liability under the provisions of this section shall be  
2336 imposed on any person who either directly or as an accomplice commits a violation of  
2337 this chapter.

2338           D. Any person having an existing contract with King County or seeking to obtain  
2339 a contract who willfully attempts to secure preferential treatment in ~~((his/her))~~ the  
2340 person's dealings with the county by offering any valuable consideration, gift or thing of  
2341 value, whether in the form of services, loan, thing or promise, in any form to any county

2342 official or employee, shall have ~~((his/her))~~ the person's current contracts with the county  
2343 canceled and shall not be able to bid on any other county contract for a period of two  
2344 years.

2345 SECTION 68. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are  
2346 each hereby amended to read as follows:

2347 Whenever requested by a county officer or employee, or whenever it deems it in  
2348 the public interest, the board of ethics shall render advisory opinions, in writing,  
2349 concerning questions of ethics, conflicts of interest, and the applicability of the code of  
2350 ethics. Copies of the opinion shall be delivered to any officer or employee requesting the  
2351 opinion, the ombuds~~((man))~~, the county executive and all members of the King County  
2352 council.

2353 SECTION 69. Ordinance 12138, Section 4, as amended, and K.C.C. 3.04.120 are  
2354 each hereby amended to read as follows:

2355 A.1. Each consultant entering into a contract to provide professional services or  
2356 technical services to the county costing in excess of the amount specified in K.C.C.  
2357 ~~((4.16.095))~~ chapter 2.93 shall file both with the King County board of ethics and the  
2358 executive a signed, sworn written statement disclosing the following information:

2359 a. any office or directorship in the consultant held by any county employee or  
2360 any member of ~~((his or her))~~ the employee's immediate family;

2361 b. any financial interest in the consultant held or received by any county  
2362 employee or any member of ~~((his or her))~~ the employee's immediate family as follows:

2363 (1) ownership of over five percent of the stock or other form of interest in the  
2364 consultant; and

2365           (2) receipt of any compensation, gift or thing of value from the consultant;  
2366           c. a list of all contracts between the consultant and the county in the five years  
2367 immediately preceding the presently contemplated contract including the amount of  
2368 money paid by the county to the consultant in accordance with to each contract;  
2369           d. any position or positions on any county board or commission, whether  
2370 salaried or unsalaried, held by any officer or director of the consultant in the five years  
2371 immediately preceding the presently contemplated contract; and  
2372           e. any other information known to the consultant about any interest or  
2373 relationship whatsoever between any county employee, including any member of (~~his or~~  
2374 ~~her~~) the employee's immediate family, and the consultant, other than that disclosed in  
2375 accordance with subsection A.1.a. through d. of this section.

2376           2. Unless otherwise specified in this section, the information disclosed shall  
2377 cover the period twenty-four months before and including the date of filing the sworn  
2378 statement.

2379           3. A consultant filing a King County consultant disclosure form in accordance  
2380 with this section shall execute a signed, dated with location of signing, written  
2381 declaration that the information in the disclosure form is complete, true and correct under  
2382 penalty of perjury of the laws of the state of Washington.

2383           B. No payment shall be made on any contract with any consultant until five days  
2384 after receipt by the board of ethics and the executive of the information required to be  
2385 disclosed by this section.

2386           C. For purposes of this section, "consultant" means a person who by experience,  
2387 training and education has established a reputation or ability to provide professional

2388 services or technical services, as defined in K.C.C. ((4.16.010)) 2.93.030, on a discrete,  
2389 nonrecurring basis over a limited and preestablished term as an independent contractor to  
2390 the county.

2391 SECTION 70. Ordinance 9704, Section 13, as amended, and K.C.C. 3.04.130 are  
2392 each hereby amended to read as follows:

2393 The ombuds(~~man~~) and the board of ethics are each authorized to implement  
2394 such forms, administrative processes, and operational procedures as are necessary to  
2395 comply with the provisions of this chapter. Any rules governing the conduct of contested  
2396 hearings shall be promulgated in compliance with K.C.C. chapter 2.98, Rules of County  
2397 Agencies.

2398 The executive is directed to prepare, with the assistance of council staff, the office  
2399 of the prosecuting attorney, the ombuds(~~man~~) and the board of ethics, information  
2400 regarding the provisions of this chapter to be made available to employees and members  
2401 of boards and commissions. The availability of these materials and of copies of this  
2402 chapter shall be described in a summary form, which shall be distributed to all new  
2403 county employees, who shall sign and return the form within two weeks of commencing  
2404 work for King County or at the new employee orientation, whichever is sooner. A  
2405 summary of the ethics code shall also be distributed to all county employees at least once  
2406 every two years, and any time there are material changes to this chapter.

2407 SECTION 71. Ordinance 543, Section 4, as amended, and K.C.C. 3.08.040 are  
2408 each hereby amended to read as follows:

2409 Candidates for county personnel board member shall file declarations of  
2410 candidacy with the elections division not earlier than twenty-nine days and not later than

2411 twenty-five days prior to the primary during each election year prescribed (~~herein~~) in  
2412 this chapter. Any candidate may withdraw (~~his or her~~) the candidate's own declaration  
2413 not later than nineteen days prior to the first election during each election year prescribed  
2414 (~~herein~~) in this chapter. A (~~non-refundable~~) nonrefundable five-dollar filing fee shall  
2415 be charged for filing a declaration of candidacy.

2416 SECTION 72. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030 are  
2417 each hereby amended to read as follows:

2418 The commission shall serve in an advisory capacity to the county executive and  
2419 the council on matters concerning affirmative action, disability access, equal employment  
2420 opportunity, contract compliance, fair housing, minority/woman business and public  
2421 accommodations to ensure the consistent application of all county ordinances, rules and  
2422 regulations concerning these programs. The powers of the commission shall be advisory  
2423 only, and when the commission is granted authority to review, monitor, lead, report,  
2424 identify, assess, evaluate, adopt(~~(;))~~) or perform, such actions shall be consistent with, and  
2425 strictly limited to, offering advice and recommendations to the county executive and the  
2426 county council. The functions of the commission shall include, but not be limited to, the  
2427 following:

2428 A. Review the affirmative action plan and make recommendations concerning its  
2429 adoption and subsequent amendment to the county executive.

2430 B. Monitor and review the implementation of civil rights ordinances and policies  
2431 to determine compliance and effectiveness.

2432 C. Propose legislation to the county council.

2433 D. Take a strong leadership role in raising community awareness and

2434 involvement on civil rights issues.

2435 E. Review civil rights issues brought to the commission by concerned individuals  
2436 or groups. Requests for review of civil rights issues shall follow the procedure set out in  
2437 K.C.C. 3.10.040.B through E.

2438 F. Report to the county council committee-of-the-whole semi-annually; provided  
2439 that the civil rights commission shall, prior to July 1, 1996, carry out the following tasks:

2440 1. Identify the goals, program components and characteristics and anticipated  
2441 outcomes resulting from the county's civil rights policies, taking into consideration the  
2442 limitations placed upon such policies by recent court decisions;

2443 2. Assess community needs and issues with respect to civil rights, including  
2444 unincorporated King County, taking into consideration the fact that King County has  
2445 consistently met or exceeded affirmative action goals in most categories.

2446 3. Evaluate and make recommendations on the organizational structure,  
2447 program resources, goals and objectives, and program policies necessary to address needs  
2448 and issues and achieve an updated civil rights program;

2449 4. The commission shall submit its report to the executive. The executive shall  
2450 review the report and submit it, with ~~((his))~~ the executive's recommendations and  
2451 implementation plans to the King County council.

2452 SECTION 73. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are  
2453 each hereby amended to read as follows:

2454 For the purposes of this chapter, all words shall have their ordinary and usual  
2455 meanings except those defined in this section which shall have, in addition, the following  
2456 meanings. In the event of conflict, the specific definitions set forth in this section shall

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2457 presumptively, but not conclusively, prevail.

2458 A.1. "Administrative interns" means employees who are:

2459 a. enrolled during the regular school year in a program of education, internship  
2460 or apprenticeship;

2461 b. legal interns who have graduated from law school but have not yet been  
2462 admitted to the Washington State Bar Association; or

2463 c. veterans temporarily working to gain practical workforce experience.

2464 2. All administrative internships in executive departments shall be approved by  
2465 the manager. Administrative interns are exempt from the career service under Section  
2466 550 of the charter.

2467 B. "AmeriCorps" means those who apply for and are selected to serve in  
2468 positions at King County government through either AmeriCorps or Washington Service  
2469 Corps programs, or both.

2470 C. "Appointing authority" means the county council, the executive, chief officers  
2471 of executive departments and administrative offices, or division managers having  
2472 authority to appoint or to remove persons from positions in the county service.

2473 D. "Basis of merit" means the value, excellence or superior quality of an  
2474 individual's work performance, as determined by a structured process comparing the  
2475 employee's performance against defined standards and, where possible, the performance  
2476 of other employees of the same or similar class.

2477 E. "Board" means the county personnel board established by Section 540 of the  
2478 charter.

2479 F. "Budgetary furlough" means a circumstance in which projected county

2480 revenues are determined to be insufficient to fully fund county agency operations and, in  
2481 order either to achieve budget savings or to meet unallocated budget reductions, which  
2482 are commonly known as contras, or both, cost savings may be achieved through  
2483 reduction in days or hours of service, resulting in placing an employee for one or more  
2484 days in a temporary furlough status without duties and without pay.

2485         G. "Career service employee" means a county employee appointed to a career  
2486 service position as a result of the selection procedure provided for in this chapter, and  
2487 who has completed the probationary period.

2488         H. "Career service position" means all positions in the county service except for  
2489 those that are designated by Section 550 of the charter as follows: all elected officers; the  
2490 county auditor, the clerk and all other employees of the county council; the county  
2491 administrative officer; the chief officer of each executive department and administrative  
2492 office; the members of all boards and commissions; the chief economist and other  
2493 employees of the office economic and financial analysis; the chief economist and other  
2494 employees of the office of economic and financial analysis; administrative assistants for  
2495 the executive and one administrative assistant each for the county administrative officer,  
2496 the county auditor, the county assessor, the chief officer of each executive department  
2497 and administrative office and for each board and commission; a chief deputy for the  
2498 county assessor; one confidential secretary each for the executive, the chief officer of  
2499 each executive department and administrative office, and for each administrative assistant  
2500 specified in this section; all employees of those officers who are exempted from the  
2501 provisions of this chapter by the state constitution; persons employed in a professional or  
2502 scientific capacity to conduct a special inquiry, investigation or examination; part-time

2503 and temporary employees; administrative interns; election precinct officials; all persons  
2504 serving the county without compensation; physicians; surgeons; dentists; medical interns;  
2505 and student nurses and inmates employed by county hospitals, tuberculosis sanitariums  
2506 and health departments of the county.

2507 Divisions in executive departments and administrative offices as determined by  
2508 the county council shall be considered to be executive departments for the purpose of  
2509 determining the applicability of Section 550 of the charter.

2510 All part-time employees shall be exempted from career service membership  
2511 except, all part-time employees employed at least half time or more, as defined by  
2512 ordinance, shall be members of the career service.

2513 I. "Charter" means the King County Charter, as amended.

2514 J. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or  
2515 a child of an employee standing in loco parentis to the child, who is:

2516 1. Under eighteen years of age; or

2517 2. Eighteen years of age or older and incapable of self care because of a mental  
2518 or physical disability.

2519 K. "Class" or "classification" means a position or group of positions, established  
2520 under authority of this chapter, sufficiently similar in respect to the duties, responsibilities  
2521 and authority thereof, that the same descriptive title may be used to designate each  
2522 position allocated to the class.

2523 L. "Classification plan" means the arrangement of positions into classifications  
2524 together with specifications describing each classification.

2525 M. "Compensatory time" means time off granted with pay in lieu of pay for work

2526 performed either on an authorized overtime basis or work performed on a holiday that is  
2527 normally scheduled as a day off. Such compensatory time shall be granted on the basis of  
2528 time and one-half.

2529 N. "Competitive employment" means a position established in the county budget  
2530 and that requires at least twenty-six weeks of service per year as the work schedule  
2531 established for the position.

2532 O. "Council" means the county council as established by Article 2 of the charter.

2533 P. "County" means King County and any other organization that is legally  
2534 governed by the county with respect to personnel matters.

2535 Q. "Developmental disability" means a developmental disability, as defined in  
2536 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,  
2537 epilepsy, autism or other neurological or other condition of an individual found by the  
2538 secretary of the Washington state Department of Social and Health Services((§)) or the  
2539 secretary's designee((§)) to be closely related to mental retardation or to require treatment  
2540 similar to that required for individuals with mental retardation, which disability originates  
2541 before the individual attains age eighteen, that has continued or can be expected to  
2542 continue indefinitely and that constitutes a substantial handicap for the individual.

2543 R. "Direct cost" means the cost aggregate of the actual weighted average cost of  
2544 insured benefits, less any administrative cost therefor. Any payments to part-time and  
2545 temporary employees under this chapter shall not include any administrative overhead  
2546 charges applicable to administrative offices and executive departments.

2547 S. "Director" means the manager of the human resources management division.

2548 T. "Division" means the human resources management division or its successor

2549 agency.

2550 U. "Domestic partners" are two people in a domestic partnership, one of whom is  
2551 a county employee.

2552 V. "Domestic partnership" is a relationship whereby two people:

2553 1. Have a close personal relationship;

2554 2. Are each other's sole domestic partner and are responsible for each other's  
2555 common welfare;

2556 3. Share the same regular and permanent residence;

2557 4. Are jointly responsible for basic living expenses which means the cost of  
2558 basic food, shelter and any other expenses of a domestic partner that are paid at least in  
2559 part by a program or benefit for which the partner qualified because of the domestic  
2560 partnership. The individuals need not contribute equally or jointly to the cost of these  
2561 expenses as long as they agree that both are responsible for the cost;

2562 5. Are not married to anyone;

2563 6. Are each eighteen years of age or older;

2564 7. Are not related by blood closer than would bar marriage in the state of  
2565 Washington;

2566 8. Were mentally competent to consent to contract when the domestic  
2567 partnership began.

2568 W. "Employed at least half time or more" means employed in a regular position  
2569 that has an established work schedule of not less than one-half the number of hours of the  
2570 full-time positions in the work unit in which the employee is assigned, or when viewed  
2571 on a calendar year basis, nine hundred ten hours or more in a work unit in which a work

2572 week of more than thirty-five but less than forty hours is standard or one thousand forty  
2573 hours or more in a work unit in which a forty hour work week is standard. If the standard  
2574 work week hours within a work unit varies (employees working both thirty five and forty  
2575 hours) the manager, in consultation with the department, is responsible for determining  
2576 what hour threshold applies.

2577 X. "Employee" means any person who is employed in a career service position or  
2578 exempt position.

2579 Y. "Executive" means the county executive, as established by Article 3 of the  
2580 charter.

2581 Z. "Exempt employee" means an employee employed in a position that is not a  
2582 career service position under Section 550 of the charter. Exempt employees serve at the  
2583 pleasure of the appointing authority.

2584 AA. "Exempt position" means any position excluded as a career service position  
2585 by Section 550 of the charter. Exempt positions are positions to which appointments may  
2586 be made directly without a competitive hiring process.

2587 BB. "Full-time regular employee" means an employee employed in a full-time  
2588 regular position and, for full-time career service positions, is not serving a probationary  
2589 period.

2590 CC. "Full-time regular position" means a regular position that has an established  
2591 work schedule of not less than thirty-five hours per week in those work units in which a  
2592 thirty-five hour week is standard, or of not less than forty hours per week in those work  
2593 units in which a forty-hour week is standard.

2594 DD. "Furlough day" means a day for which an employee shall perform no work

2595 and shall receive no pay due to an emergency budget crisis necessitating emergency  
2596 budget furloughs.

2597 EE. "Furloughed employee" means an employee who is placed in a temporary  
2598 status without duties and without pay due to a financial emergency necessitating budget  
2599 reductions.

2600 FF. "Grievance" means an issue raised by an employee relating to the  
2601 interpretation of rights, benefits, or condition of employment as contained in either the  
2602 administrative rules or procedures, or both, for the career service.

2603 GG. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-  
2604 law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling,  
2605 grandparent or grandchild of the spouse or domestic partner.

2606 HH. "Incentive increase" means an increase to an employee's base salary within  
2607 the assigned pay range, based on demonstrated performance.

2608 II. "Integrated work setting" means a work setting with no more than eight  
2609 persons with developmental disabilities or with the presence of a sensory, mental or  
2610 physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county  
2611 offices, field locations and other work sites at which supported employees work  
2612 alongside employees who are not persons with development disabilities employed in  
2613 permanent county positions.

2614 JJ. "King County family and medical leave" means a leave of absence taken  
2615 under K.C.C. 3.12.221.

2616 KK. "Life-giving and life-saving procedures" means a medically-supervised  
2617 procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues

2618 and other human body components for the purposes of donation without compensation to  
2619 a person for a medically necessary treatment.

2620       LL. "Manager" means the manager of the human resources division or its  
2621 successor agency.

2622       MM. "Marital status" means the presence or absence of a marital relationship and  
2623 includes the status of married, separated, divorced, engaged, widowed, single or  
2624 cohabiting.

2625       NN. "Part-time employee" means an employee employed in a part-time position.  
2626 Under Section 550 of the charter, part-time employees are not members of the career  
2627 service.

2628       OO. "Part-time position" means an other than a regular position in which the  
2629 part-time employee is employed less than half time, that is less than nine hundred ten  
2630 hours in a calendar year in a work unit in which a thirty-five hour work week is standard  
2631 or less than one thousand forty hours in a calendar year in a work unit in which a forty-  
2632 hour work week is standard, except as provided elsewhere in this chapter. Where the  
2633 standard work week falls between thirty-five and forty hours, the manager, in  
2634 consultation with the department, is responsible for determining what hour threshold will  
2635 apply. Part-time position excludes administrative intern.

2636       PP. "Part-time regular employee" means an employee employed in a part-time  
2637 regular position and, for part-time career service positions, is not serving a probationary  
2638 period. Under Section 550 of the charter, such part-time regular employees are members  
2639 of the career service.

2640       QQ. "Part-time regular position" means a regular position in which the part-time

2641 regular employee is employed for at least nine hundred ten hours but less than a full-time  
2642 basis in a calendar year in a work unit in which a thirty-five hour work week is standard  
2643 or for at least one thousand forty hours but less than a full-time basis in a calendar year in  
2644 a work unit in which a forty-hour work week is standard. Where the standard work week  
2645 falls between thirty-five and forty hours, the manager, in consultation with the  
2646 department, is responsible for determining what hour threshold will apply.

2647 RR. "Pay plan" means a systematic schedule of numbered pay ranges with  
2648 minimum, maximum and intermediate steps for each pay range, a schedule of assignment  
2649 of each classification to a numbered pay range and rules for administration.

2650 SS. "Pay range" means one or more pay rates representing the minimum,  
2651 maximum and intermediate steps assigned to a classification.

2652 TT. "Pay range adjustment" means the adjustment of the numbered pay range of  
2653 a classification to another numbered pay range in the schedule based on a classification  
2654 change, competitive pay data or other significant factors.

2655 UU. "Personnel guidelines" means only those operational procedures  
2656 promulgated by the manager necessary to implement personnel policies or requirements  
2657 previously stipulated by ordinance or the charter. Such personnel guidelines shall be  
2658 applicable only to employees assigned to executive departments and administrative  
2659 agencies.

2660 VV. "Position" means a group of current duties and responsibilities assigned by  
2661 competent authority requiring the employment of one person.

2662 WW. "Probationary employee" means an employee serving a probationary period  
2663 in a regular career service. Probationary employees are temporary employees and

2664 excluded from career service under Section 550 of the charter.

2665           XX. "Probationary period" means a period of time, as determined by the director,  
2666 for assessing whether an individual is qualified for a career service position to which the  
2667 employee has been newly appointed or has moved from another position, whether  
2668 through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

2669           YY. "Probationary period salary increase" means a within-range salary increase  
2670 from one step to the next highest step upon satisfactory completion of the probationary  
2671 period.

2672           ZZ. "Promotion" means the movement of an employee to a position in a  
2673 classification having a higher maximum salary.

2674           AAA. "Provisional appointment" means an appointment made in the absence of a  
2675 list of candidates certified as qualified by the manager. Only the manager may authorize  
2676 a provisional appointment. An appointment to this status is limited to six months.

2677           BBB. "Provisional employee" means an employee serving by provisional  
2678 appointment in a regular career service. Provisional employees are temporary employees  
2679 and excluded from career service under Section 550 of the charter.

2680           CCC. "Recruiting step" means the first step of the salary range allocated to a  
2681 class unless otherwise authorized by the executive.

2682           DDD. "Regular position" means a position established in the county budget and  
2683 identified within a budgetary unit's authorized full time equivalent (FTE) level as set out  
2684 in the budget detail report.

2685           EEE. "Salary or pay rate" means an individual dollar amount that is one of the  
2686 steps in a pay range paid to an employee based on the classification of the position

2687 occupied.

2688           FFF. "Section" means an agency's budget unit comprised of a particular project  
2689 program or line of business as described in the budget detail plan for the previous fiscal  
2690 period as attached to the adopted appropriation ordinance or as modified by the most  
2691 recent supplemental appropriations ordinance. This definition is not intended to create an  
2692 organization structure for any agency.

2693           GGG. "Serious health condition" means an illness or injury, impairment or  
2694 physical or mental condition that involves one or more of the following:

2695           1. An acute episode that requires more than three consecutive calendar days of  
2696 incapacity and either multiple treatments by a licensed health care provider or at least one  
2697 treatment plus follow-up care such as a course of prescription medication; and any  
2698 subsequent treatment or period of incapacity relating to the same condition;

2699           2. A chronic ailment continuing over an extended period of time that requires  
2700 periodic visits for treatment by a health care provider and that has the ability to cause  
2701 either continuous or intermittent episodes of incapacity;

2702           3. In-patient care in a hospital, hospice or residential medical care facility or  
2703 related out-patient follow-up care;

2704           4. An ailment requiring multiple medical interventions or treatments by a health  
2705 care provider that, if not provided, would likely result in a period of incapacity for more  
2706 than three consecutive calendar days;

2707           5. A permanent or long-term ailment for which treatment might not be effective  
2708 but that requires medical supervision by a health care provider; or

2709           6. Any period of incapacity due to pregnancy or prenatal care.

2710           HHH. "Temporary employee" means an employee employed in a temporary  
2711 position and in addition, includes an employee serving a probationary period or is under  
2712 provisional appointment. Under Section 550 of the charter, temporary employees shall  
2713 not be members of the career service.

2714           III. "Temporary position" means a position that is not a regular position as  
2715 defined in this chapter and excludes administrative intern. Temporary positions include  
2716 both term-limited temporary positions as defined in this chapter and short-term (normally  
2717 less than six months) temporary positions in which a temporary employee works less than  
2718 nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work  
2719 week is standard or less than one thousand forty hours in a calendar year in a work unit in  
2720 which a forty hour work week is standard, except as provided elsewhere in this chapter.  
2721 Where the standard work week falls between thirty-five and forty hours, the manager, in  
2722 consultation with the department, is responsible for determining what hour threshold will  
2723 apply.

2724           JJJ. "Term-limited temporary employee" means a temporary employee who is  
2725 employed in a term-limited temporary position. Term-limited temporary employees are  
2726 not members of the career service. Term-limited temporary employees may not be  
2727 employed in term-limited temporary positions longer than three years beyond the date of  
2728 hire, except that for grant-funded projects capital improvement projects and information  
2729 systems technology projects the maximum period may be extended up to five years upon  
2730 approval of the manager. The manager shall maintain a current list of all term-limited  
2731 temporary employees by department.

2732           KKK. "Term-limited temporary position" means a temporary position with work

2733 related to a specific grant, capital improvement project, information systems technology  
2734 project or other nonroutine, substantial body of work, for a period greater than six  
2735 months. In determining whether a body of work is appropriate for a term-limited  
2736 temporary position, the appointing authority will consider the following:

2737         1. Grant-funded projects: These positions will involve projects or activities that  
2738 are funded by special grants for a specific time or activity. These grants are not regularly  
2739 available to or their receipt predictable by the county;

2740         2. Information systems technology projects: These positions will be needed to  
2741 plan and implement new information systems projects for the county. Term-limited  
2742 temporary positions may not be used for ongoing maintenance of systems that have been  
2743 implemented;

2744         3. Capital improvement projects: These positions will involve the management  
2745 of major capital improvement projects. Term-limited temporary positions may not be  
2746 used for ongoing management of buildings or facilities once they have been built;

2747         4. Miscellaneous projects: Other significant and substantial bodies of work may  
2748 be appropriate for term-limited temporary positions. These bodies of work must be either  
2749 nonroutine projects for the department or related to the initiation or cessation of a county  
2750 function, project or department;

2751         5. Seasonal positions: These are positions with work for more than six  
2752 consecutive months, half-time or more, with total hours of at least nine hundred ten in a  
2753 calendar year in a work unit in which a thirty-five hour work week is standard or at least  
2754 one thousand forty hours in a calendar year in a work unit in which a forty hour work  
2755 week is standard, that due to the nature of the work have predictable periods of inactivity

2756 exceeding one month. Where the standard work week falls between thirty-five and forty  
2757 hours, the manager, in consultation with the department, is responsible for determining  
2758 what hour threshold will apply; and

2759           6. Temporary placement in regular positions: These are positions used to back  
2760 fill regular positions for six months or more due to a career service employee's absence  
2761 such as extended leave or assignment on any of the foregoing time-limited projects.

2762           All appointments to term-limited temporary positions will be made by the  
2763 appointing authority in consultation with the manager before the appointment of term-  
2764 limited temporary employees.

2765           LLL. "Volunteer for the county" means an individual who performs service for  
2766 the county for civic, charitable or humanitarian reasons, without promise, expectation or  
2767 receipt of compensation from the county for services rendered and who is accepted as a  
2768 volunteer by the county, except emergency service worker volunteers as described by  
2769 chapter 38.52 RCW. A "volunteer for the county" may receive reasonable  
2770 reimbursement of expenses or an allowance for expenses actually incurred without losing  
2771 ((his or her)) status as a volunteer. "Volunteer for the county" includes, but is not limited  
2772 to, a volunteer serving as a board member, officer, commission member, volunteer intern  
2773 or direct service volunteer.

2774           MMM. "Volunteer intern" means volunteers who are either:

2775           1. Enrolled during the regular school year in a program of education, internship  
2776 or apprenticeship and receiving scholastic credit or scholastic recognition for  
2777 participating in the internship; or

2778           2. Legal interns who have graduated from law school but have not yet been

2779 admitted to the Washington State Bar Association.

2780 NNN. "Work study student" means a student enrolled or accepted for enrollment  
2781 at a post-secondary institution who, according to a system of need analysis approved by  
2782 the higher education coordinating board, demonstrates a financial inability, either  
2783 parental, familial or personal, to bear the total cost of education for any semester or  
2784 quarter.

2785 SECTION 74. Ordinance 12014, Section 9, and K.C.C. 3.12.044 are each hereby  
2786 amended to read as follows:

2787 A. (~~Affidavit of Marriage/Domestic Partnership.~~) Employees who receive  
2788 medical, dental, life and disability insurance, and vision benefits shall designate their  
2789 spouse, their domestic partner, their dependent children and the dependent children of  
2790 their spouse or domestic partner in an Affidavit of Marriage/Domestic Partnership in  
2791 order for such spouse, domestic partner and/or children to receive such benefits, to the  
2792 extent such benefits are available to them. The director shall prescribe the form of the  
2793 affidavit. In the affidavit, the employee shall:

2794 1. Attest to the following:

2795 a. (~~(I)~~)if married, that (~~(he or she)~~) the employee is currently married to the  
2796 individual identified by name on the affidavit, or

2797 b. (~~(I)~~)if participating in a domestic partnership, that:

2798 (1) (~~(He or she)~~) the employee is currently in a domestic partnership with the  
2799 individual identified by name on the affidavit(~~(, and)~~);

2800 (2) (~~(He or she)~~) the employee meets all the qualifications of a domestic  
2801 partnership, as defined by this chapter(~~(,)~~); and

2802 (3) ~~((A))~~ any prior domestic partnership in which ~~((he or she))~~ the employee  
2803 or ~~((his or her))~~ the employee's domestic partner participated with a third party was  
2804 terminated at least ninety days prior to the date of said affidavit or by the death of that  
2805 third party, and if such prior domestic partnership had been acknowledged pursuant to  
2806 this chapter, that notice of the termination of the prior domestic partnership, whether by  
2807 death of the domestic partner or otherwise, was provided to the county at least ninety  
2808 days prior to the date of said affidavit;

2809 2. Agree to notify the county if there is a change of the circumstances attested to  
2810 in the affidavit; and

2811 3. Affirm, under penalty of law, that the assertions in the affidavit are true.

2812 B. ~~((Termination of Marriage/Domestic Partnership. Such))~~ The employee shall  
2813 provide the county with a notice of termination of marriage~~((/))~~ or domestic partnership,  
2814 on a form prescribed by the director, upon dissolution of a marriage or termination of a  
2815 domestic partnership, within thirty days of termination of the marriage or domestic  
2816 partnership. A marriage shall be deemed terminated as provided under state law. A  
2817 domestic partnership shall be deemed terminated:

2818 1. When the domestic partners no longer meet one or more of the qualifications  
2819 of a domestic partnership, as defined by this chapter; or

2820 2. Upon the death of a domestic partner.

2821 C. ~~((Confidentiality.))~~ All affidavits of marriage/domestic partnership, notices of  
2822 termination of marriage/domestic partnership, and any information contained in said  
2823 affidavits submitted to the county shall be confidential and subject to disclosure only  
2824 upon express written authorization by the persons identified in the forms or if otherwise

2825 required by law.

2826           SECTION 75. Ordinance 12014, Section 11, and K.C.C. 3.12.060 are each  
2827 hereby amended to read as follows:

2828           If the functions of another governmental entity are assumed by the county, and if  
2829 former employees of that entity become county employees, then the director shall  
2830 determine whether such employees will be members of or exempt from the career  
2831 service. In making this determination, the director shall apply the standards contained in  
2832 Section 550 of the charter. The status of each employee shall be equivalent to that which  
2833 the employee would have had, had (~~he or she~~) the employee been a county employee  
2834 during the term of the former employment. Nothing in this section shall derogate from  
2835 the county's power to eliminate positions and lay off employees because of lack of work,  
2836 lack of funds or considerations of operational efficiency.

2837           SECTION 76. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100  
2838 are each hereby amended to read as follows:

2839           A. There shall be a probationary period during which time a probationary  
2840 employee shall be evaluated by the appointing authority to determine qualification for  
2841 entry into the career service. Except as otherwise provided in this section, an individual's  
2842 appointment, promotion, demotion or transfer to a career service position is not final  
2843 unless the employee successfully completes the probationary period. The probationary  
2844 period shall be determined by the director, but shall be not less than six months or more  
2845 than one year of actual service, and shall be served by those employees who have been  
2846 newly hired or reemployed or have moved from another career service position, whether  
2847 through promotion, demotion or transfer except:

2848 1. A furloughed employee's probationary period shall not be extended as a result  
2849 of a budgetary furlough; and

2850 2. A career service employee who transfers to a position within the employee's  
2851 same classification, pay range and department or agency shall not be required to serve a  
2852 probationary period unless the director of the human resources division or its  
2853 successor((;)) or the director's designee((;)) makes a written finding, in advance of the  
2854 transfer, that the essential functions of the new position are substantially different from  
2855 those of the employee's previous position, taking into consideration: the specific duties  
2856 of the position; the work setting; the skills, training, and experience needed; the level of  
2857 available support and supervision; and any other factors the director or designee deems  
2858 relevant.

2859 B. A probationary employee may be separated from county service at any time  
2860 during the probationary period without right of appeal to the personnel board.

2861 Notwithstanding any other provisions of this section, an employee who does not  
2862 successfully complete the probationary period in a position to which ~~((he or she))~~ the  
2863 employee had been promoted or transferred may be restored to ~~((his or her))~~ the  
2864 employee's former position. Such restoration is not mandatory, but is optional at the  
2865 discretion of the former appointing authority within the limits of available authorized  
2866 positions. Such restoration shall include restoration of the employee's former salary and  
2867 all other benefits to which ~~((he or she))~~ the employee would have been entitled if the  
2868 promotion or transfer had not occurred.

2869 SECTION 77. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120  
2870 are each hereby amended to read as follows:

2871           A. Nothing contained in this chapter shall prevent, relieve or otherwise excuse  
2872 any county officer or employee from the performance of any duty imposed upon ~~((him or~~  
2873 ~~her))~~ the officer or employee by any other law of this county, or from the rendering of  
2874 service at such times and places as are necessary in order to properly perform the  
2875 functions of ~~((his or her))~~ the officer or employee's office or employment.

2876           B. Except as otherwise provided by ordinance, the official workday shall consist  
2877 of eight hours of work for all full-time regular and full-time probationary employees.  
2878 The lunch hour shall not be considered as part of the workday. The official workday for  
2879 other employees shall be determined by the director. In the case of service reductions  
2880 resulting in a budgetary furlough, departments may reduce work hours or county offices  
2881 may be closed.

2882           C. Except as otherwise provided by ordinance, the official workweek shall  
2883 consist of five working days for all full-time regular and full-time probationary  
2884 employees. The official workweek for other employees shall be determined by the  
2885 director. In the case of service reductions resulting from a budgetary furlough, county  
2886 offices may be closed, resulting in the reduction of the workweek.

2887           D. The county recognizes that there is an occasional need for an employee to  
2888 return to work outside ~~((his or her))~~ of the employee's normal workday. The personnel  
2889 guidelines shall contain procedures relating to call duty.

2890           E. The county recognizes a responsibility for action regarding on-the-job injuries.  
2891 The personnel guidelines shall contain procedures relating to on-the-job injury.

2892           F. A career service employee who accepts an appointment to an exempt position  
2893 effective on or after January 1, 1996, and which position and appointment resulted from

2894 the reorganization of the executive branch as reflected in the creation of certain new  
2895 positions contained in Attachment A to Ordinance 12013 shall retain ~~((his or her))~~ the  
2896 employee's career service status and rights while holding such exempt position and have  
2897 the restoration rights set forth in this section. This provision is not intended to provide  
2898 the career service employee with a right to the exempt position. But, such employee, if  
2899 selected for the exempt position, could be terminated from the position only for just  
2900 cause.

2901 G. A career service employee who accepts a transfer or promotion to an exempt  
2902 position before December 1, 1979, shall, upon separation from the exempt position, be  
2903 allowed to re-enter career service at a position comparable in terms of responsibilities and  
2904 salary or wage (including normal cost-of-living increases) to the career service position  
2905 formerly held by the employee. A career service employee accepting such a transfer or  
2906 promotion on or after December 1, 1979, shall have such a right to restoration, but only  
2907 if:

2908 1. The right to restoration is exercised within four calendar years from the  
2909 effective date of the transfer or promotion to an exempt position; and

2910 2.a. the former appointing authority, at the appointing authority's discretion,  
2911 approves the restoration within the limits of available authorized positions; or

2912 b. a different appointing authority, having jurisdiction over comparable  
2913 authorized positions, and at the different appointing authority's discretion, approves the  
2914 restoration within the limits of available authorized positions.

2915 H. Matters involving wages and hours, including but not limited to minimum  
2916 wage and overtime compensation, shall be determined in accordance with applicable state

2917 and federal laws and regulations.

2918 I. Overtime work may be authorized by the department director where necessary  
2919 to maintain or perform vital county services and shall be paid in accordance with  
2920 appropriate state and federal law.

2921 J. If a county agency or the benefits, payroll and retirement operations section of  
2922 the finance and business operations division has determined that an overpayment of  
2923 wages to a nonrepresented employee has occurred, the agency or the benefits, payroll and  
2924 retirement operations section of the finance and business operations division shall  
2925 provide written notice to the nonrepresented employee consistent with state law.

2926 K. The following adjudicative process is available, subject to subsection K.1.  
2927 though 12. of this section, after a decision regarding a nonrepresented employee's  
2928 challenge to an initial determination of an overpayment of wages:

2929 1. A nonrepresented county employee who is dissatisfied with the decision  
2930 regarding the employee's challenge to the overpayment determination must submit to the  
2931 manager of the benefits, payroll and retirement operations section of the finance and  
2932 business operations division a written request for an adjudicative proceeding consistent  
2933 with RCW 49.48.210;

2934 2. The request must comply with RCW 49.48.210;

2935 3. A county agency's determination concerning an overpayment to a  
2936 nonrepresented employee shall be final if the nonrepresented employee fails to request an  
2937 adjudicative proceeding in the manner prescribed by RCW 49.48.210;

2938 4. The manager of benefits, payroll and retirement operations section of the  
2939 finance and business operations division shall log the date and time of the request and

2940 forward the request to the agency and to the manager of the finance and business  
2941 operations division, who shall be responsible for the adjudicative proceeding;

2942           5. Within forty-five business days of receipt of the nonrepresented employee's  
2943 written request for an adjudicative hearing, the manager of the finance and business  
2944 operations division shall conduct an adjudicative hearing to review the decision regarding  
2945 the challenge to the overpayment determination and to determine the final amount of the  
2946 overpayment, if any, received by the nonrepresented employee. However, the manager  
2947 of the finance and business operations division may, under extenuating circumstances,  
2948 schedule the adjudicative hearing at a time that is more than forty-five days after the  
2949 receipt of the request for a hearing. The manager of the finance and business operations  
2950 division shall set the time and place of the hearing and give not less than fifteen business  
2951 days advance written notice to all parties; notice to the nonrepresented employee shall be  
2952 by certified mail, return receipt requested;

2953           6. At the hearing, evidence may be presented by the nonrepresented employee,  
2954 the agency and the benefits, payroll and retirement operations section of the finance and  
2955 business operations division, but any documents must be provided to the other parties at  
2956 least five business days before the hearing;

2957           7. If the nonrepresented employee fails to attend or participate in the hearing,  
2958 upon a showing of valid service, the manager of the finance and business operations  
2959 division may enter an administrative order declaring the amount claimed, in the notice  
2960 sent to the employee after the employer's review of the employee's challenge to the  
2961 overpayment determination, to be assessed against the employee and subject to collection  
2962 action by the employer as provided in RCW 49.48.200;

2963           8. Within thirty business days after the hearing, the manager of the finance and  
2964 business operations division shall issue an administrative order that determines the final  
2965 amount of the overpayment, if any, received by the nonrepresented employee. The  
2966 manager of the finance and business operations division shall send a copy of the  
2967 administrative order, by certified mail, return receipt requested, to the nonrepresented  
2968 employee at the employee's last known address, to the agency and to the manager of  
2969 benefits, payroll and retirement operations section of the finance and business operations  
2970 division; however, the manager of the finance and business operations division may,  
2971 under extenuating circumstances, issue an administrative order more than thirty days after  
2972 the hearing;

2973           9. The administrative order issued by the manager of the finance and business  
2974 operations division shall be final;

2975           10. Once a final administrative order determining the final overpayment amount  
2976 owed by the nonrepresented employee has been entered, a payroll deduction to recover  
2977 the overpayment may begin as authorized by state law;

2978           11. Nothing in this section precludes an agency or the benefits, payroll and  
2979 retirement operations section of the finance and business operations division from  
2980 entering into a voluntary agreement with a nonrepresented employee to repay any  
2981 overpayment of wages, consistent with state law; and

2982           12. The manager of the finance and business operating division may be recused  
2983 ~~((himself or herself))~~ from conducting an adjudicative hearing, at ~~((his or her))~~ the  
2984 manager's discretion, to avoid any real conflict of interest. If this occurs, the county  
2985 administrative officer~~((;))~~ or ~~((the county administrative officer's))~~ designee~~((;))~~ shall

2986 assume responsibility for the hearing.

2987         SECTION 78. Ordinance 12014, Section 34, and K.C.C. 3.12.123 are each  
2988 hereby amended to read as follows:

2989         The council desires to continue the weapons policy established by the  
2990 Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on  
2991 January 1, 1994, by the county and continued by the council during the 1994 - 1995  
2992 transition period. The council recognizes that employees in the transit division of the  
2993 department of transportation interact daily with the public in providing public  
2994 transportation services, are expected to avoid any potentially volatile situation or  
2995 confrontation, and are required to contact the appropriate authority for assistance when  
2996 necessary. In conjunction with the behavior expected of such employees, it is also the  
2997 policy that the use, threatened use, or possession of a weapon concealed, licensed or  
2998 otherwise, by such an employee while in the performance of ~~((his/her))~~ the employee's  
2999 official duties or while on county property is strictly prohibited and will result in  
3000 termination. This policy does not apply to commissioned police officers under contract  
3001 with or employed by the county for investigatory, undercover or enforcement reasons.

3002         SECTION 79. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190  
3003 are each hereby amended to read as follows:

3004         A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue  
3005 vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12

Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

3006 B. Notwithstanding the vacation leave schedule in subsection A. of this section,  
 3007 employees eligible for leave benefits, excluding employees in the former department of  
 3008 metropolitan services, shall accrue vacation leave as follows:

3009 1. Those employees who were employed on or before December 31, 1995, and  
 3010 by that date had completed at least three but less than five full years of service shall begin  
 3011 to accrue fifteen days of vacation leave per year effective January 1, 1996;

3012 2. Those employees who were employed on or before December 31, 1995, and  
 3013 subsequent to that date complete three full years of service shall begin to accrue fifteen  
 3014 days of vacation leave per year effective on the first day of their fourth full year of  
 3015 service.

3016 Beginning on the first day of their sixth full year of service, all such employees  
3017 shall accrue vacation leave as set forth in subsection A. of this section.

3018 C. Vacation accrual rates for an employee who works other than the full time  
3019 schedule standard to ~~((his or her))~~ the employee's work unit shall be prorated to reflect  
3020 ~~((his or her))~~ the employee's normally scheduled work week. No adjustment to vacation  
3021 accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

3022 D. Employees eligible for vacation leave shall accrue vacation leave from their  
3023 date of hire into a benefit eligible position.

3024 E. Employees eligible for vacation leave may accrue up to sixty days vacation  
3025 leave, prorated to reflect their normally scheduled work day. Those employees shall use  
3026 vacation leave beyond the maximum accrual amount before December 31 of each year.  
3027 Failure to use vacation leave beyond the maximum accrual amount will result in  
3028 forfeiture of the vacation leave beyond the maximum amount unless the appointing  
3029 authority has approved a carryover of the vacation leave because of cyclical workloads,  
3030 work assignments or other reasons as may be in the best interests of the county.

3031 F. Exempt employees in regular positions, other than provisional or probationary  
3032 employees, may take and upon leaving county employment be paid for accrued vacation  
3033 leave as approved by their appointing authorities.

3034 G. Career service employees, provisional, probationary and term-limited  
3035 temporary employees, shall not be eligible to take or be paid for vacation leave until they  
3036 have successfully completed their first six months of county service, and if they leave  
3037 county employment before successfully completing their first six months of county  
3038 service, shall forfeit and not be paid for accrued vacation leave.

3039 H. A furloughed employee shall not be eligible to take or be paid for vacation in  
3040 lieu of taking a budgetary furlough day.

3041 In lieu of the remuneration for fifty percent of unused accrued vacation leave at  
3042 retirement, the manager of the human resources division(~~(;)~~) or (~~(the manager's)~~)  
3043 designee(~~(;)~~) may, with equivalent funds and in accordance with the procedures in K.C.C.  
3044 3.12.220.F.2.b, provide eligible employees with a voluntary employee beneficiary  
3045 association plan that provides for reimbursement of retiree and other qualifying medical  
3046 expenses.

3047 I. An employee who is eligible for leave benefits shall be paid for accrued  
3048 vacation leave to the employee's date of separation up to the maximum accrual amount if  
3049 the employee has successfully completed (~~(his or her)~~) the employee's first six months of  
3050 county service and is in good standing. Except with the written approval of the  
3051 executive, the position, if vacated by a nonrepresented employee, shall not be filled until  
3052 salary savings for the position are accumulated in an amount sufficient to pay the cost of  
3053 the cash out. Payment shall be the accrued vacation leave multiplied by the employee's  
3054 rate of pay in effect upon the date of leaving county employment less mandatory  
3055 withholdings.

3056 J. Employees shall not use or be paid for vacation leave until it has accrued and  
3057 the use or payment is consistent with the provisions of this section.

3058 K. Employees shall not work for compensation for the county in any capacity  
3059 during the time that the employees are on vacation leave.

3060 L. For employees covered by the overtime requirements of the Fair Labor  
3061 Standards Act, vacation leave may be used in one-half hour increments, at the discretion

3062 of the appointing authority.

3063 M. In cases of separation from county employment by death of an employee with  
3064 accrued vacation leave and who has successfully completed (~~his or her~~) the employee's  
3065 first six months of county service, payment of unused vacation leave up to the maximum  
3066 accrual amount shall be made to the employee's estate, or, in applicable cases, as  
3067 provided for by state law, Title 11 RCW. Except with the written approval of the  
3068 executive, the position, if vacated by a nonrepresented employee, shall not be filled until  
3069 salary savings for the position are accumulated in an amount sufficient to pay the cost of  
3070 the cashout.

3071 N. If an employee resigns from a full-time regular or part-time regular position  
3072 with the county in good standing or is laid off and subsequently returns to county  
3073 employment within two years from the resignation or layoff, as applicable, the  
3074 employee's prior county service shall be counted in determining the vacation leave  
3075 accrual rate under subsection A. of this section.

3076 SECTION 80. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220  
3077 are each hereby amended to read as follows:

3078 A. Except for employees covered by subsection G. of this section, employees  
3079 eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for  
3080 each hour in pay status exclusive of overtime up to a maximum of eight hours per month;  
3081 except that sick leave shall not begin to accrue until the first of the month following the  
3082 month in which the employee commenced employment. No adjustment to reduce sick  
3083 leave accruals for furloughed employee shall be made as a result of a budgetary furlough.  
3084 The employee is not entitled to use sick leave if not previously earned.

3085           B. During the first six months of service, employees eligible to accrue vacation  
3086 leave may, at the appointing authority's discretion, use any accrued days of vacation leave  
3087 as an extension of sick leave. If an employee does not work a full six months, any  
3088 vacation leave used for sick leave must be reimbursed to the county upon termination.

3089           C. For employees covered by the overtime requirements of the Fair Labor  
3090 Standards Act, sick leave may be used in fifteen-minute increments or as specified in the  
3091 collective bargaining agreement.

3092           D. There shall be no limit to the hours of sick leave benefits accrued by an  
3093 eligible employee.

3094           E. Separation from or termination of county employment except by reason of  
3095 retirement or layoff due to lack of work, funds, efficiency reasons or separation for  
3096 medical reasons, shall cancel all sick leave accrued to the employee as of the date of  
3097 separation or termination. Should the employee resign in good standing, be separated for  
3098 medical reasons or be laid off, and return to county employment within two years,  
3099 accrued sick leave shall be restored, but the restoration shall not apply where the former  
3100 employment was in a term-limited temporary position.

3101           F.1. Except for employees covered by subsection G. of this section, employees  
3102 eligible to accrue sick leave and who have successfully completed at least five years of  
3103 county service and who retire as a result of length of service or who terminate by reason  
3104 of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as  
3105 applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave  
3106 multiplied by the employee's rate of pay in effect upon the date of leaving county  
3107 employment less mandatory withholdings. This provision is predicated on the

3108 requirement that, except with the written approval of the executive, the position, if  
3109 vacated by a nonrepresented employee, shall not be filled until salary savings for the  
3110 position are accumulated in an amount sufficient to pay the cost of the cash out. For the  
3111 purposes of this subsection F.1., "retire as a result of length of service" means an  
3112 employee is eligible, applies for and begins drawing a pension from the Law  
3113 Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System  
3114 (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle  
3115 Retirement Plan immediately upon terminating county employment.

3116         2.a. In lieu of the remuneration for unused sick leave at retirement, the manager  
3117 of the human resources division((;)) or ((~~the manager's~~)) designee((;)) may, with  
3118 equivalent funds, provide eligible employees with a voluntary employee beneficiary  
3119 association plan that provides for reimbursement of retiree and other qualifying medical  
3120 expenses. Under K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of  
3121 unused vacation leave at retirement, the manager may also fund the voluntary employee  
3122 beneficiary association plan.

3123         b. The manager shall adopt procedures for the implementation of all voluntary  
3124 employee beneficiary association plans. At a minimum, the procedures shall provide  
3125 that:

3126                 (1) each group of employees hold an election to decide whether to implement  
3127 a voluntary employee beneficiary association plan for a defined group of employees. The  
3128 determination of the majority of voting employees in a group shall bind the remainder.  
3129 Elections for represented employees shall be conducted by the appropriate bargaining  
3130 representative. Elections for nonrepresented employees shall be conducted in accordance

3131 with procedures established by the manager;

3132 (2) the manager has discretion to determine the scope of employee groups  
3133 voting on whether to adopt a voluntary employee beneficiary association plan. The  
3134 manager shall consult with bargaining representatives and elected officials in determining  
3135 the scope of voting groups;

3136 (3) any voluntary employee beneficiary association plan implemented in  
3137 accordance with this subsection F.2. complies with federal tax law. Disbursements in  
3138 accordance with this subsection F.2. shall be exempt from withholdings, to the extent  
3139 permitted by law; and

3140 (4) employees shall forfeit remuneration under subsections F.1. and 2. of this  
3141 section if the employee belongs to a group that has voted to implement a voluntary  
3142 employee beneficiary association plan and the employee fails to execute forms that are  
3143 necessary to the proper administration of the plan within twelve months of retirement by  
3144 reason of length of service, as defined in subsection F.1. of this section.

3145 G. Uniformed employees covered under the LEOFF Retirement System-Plan I  
3146 shall apply for disability retirement under RCW 41.26.120.

3147 H.1. An employee must use all of ~~((his or her))~~ the employee's accrued sick leave  
3148 and any donated sick leave before taking unpaid leave for ~~((his or her))~~ the employee's  
3149 own health reasons. If the injury or illness is compensable under the county's workers  
3150 compensation program, then the employee has the option to augment or not augment  
3151 wage replacement pay with the use of accrued sick leave. A furloughed employee shall  
3152 not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

3153 2. For a leave for family reasons, the employee shall choose at the start of the

3154 leave whether the particular leave would be paid or unpaid; but when an employee  
3155 chooses to take paid leave for family reasons (~~((he or she))~~) the employee may set aside a  
3156 reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on  
3157 county family medical leave as provided for in this section shall retain county benefits  
3158 during furlough days.

3159 3. An employee who has exhausted all of (~~((his or her))~~) the employee's accrued  
3160 sick leave may use accrued vacation leave before going on leave of absence without pay,  
3161 if approved by (~~((his or her))~~) the employee's appointing authority. A furloughed  
3162 employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in  
3163 lieu of taking a furlough day.

3164 I. Sick leave may be used only for the following reasons:

3165 1. The employee's bona fide illness, but an employee who suffers an  
3166 occupational illness may not simultaneously collect sick leave and worker's  
3167 compensation payments in a total amount greater than the net regular pay of the  
3168 employee;

3169 2. The employee's incapacitating injury, but:

3170 a. an employee injured on the job may not simultaneously collect sick leave  
3171 and workers' compensation payments in a total amount greater than the net regular pay of  
3172 the employee, though an employee who chooses not to augment (~~((his or her))~~) the  
3173 employee's workers' compensation wage replacement pay through the use of sick leave  
3174 shall be deemed on unpaid leave status;

3175 b. an employee who chooses to augment workers' compensation payments  
3176 with the use of accrued sick leave shall notify the safety and workers' compensation

3177 program office in writing at the beginning of the leave; and

3178 c. an employee may not collect sick leave and workers' compensation wage  
3179 replacement pay for physical incapacity due to any injury or occupational illness that is  
3180 directly traceable to employment other than with the county;

3181 3. The employee's exposure to contagious diseases and resulting quarantine;

3182 4. An ~~((female))~~ employee's temporary disability caused by or contributed to by  
3183 pregnancy and childbirth;

3184 5. The employee's medical or dental appointments but only if the employee's  
3185 appointing authority has approved the use of sick leave for those appointments;

3186 6. To care for the employee's child as defined in this chapter if the child has an  
3187 illness or health condition which requires treatment or supervision from the employee; or

3188 7. For family and medical leave available under federal law, state law or King  
3189 County ordinance.

3190 J. Department management is responsible for the proper administration of the  
3191 sick leave benefit. Verification from a health care provider may be required to  
3192 substantiate the health condition of the employee or family member for leave requests.

3193 K. Failure to return to work by the expiration date of a leave of absence may be  
3194 cause for removal and result in termination of the employee from county service.

3195 SECTION 81. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223  
3196 are each hereby amended to read as follows:

3197 A.1. Any employee eligible for leave benefits may donate a portion of ~~((his or  
3198 her))~~ the employee's accrued vacation leave to another employee eligible for leave  
3199 benefits. Such a donation will occur upon written request to and approval of the donating

3200 and receiving employees' department director or directors, except that requests for  
3201 vacation donation made for the purposes of supplementing the sick leave benefits of the  
3202 receiving employee shall not be denied unless approval would result in a departmental  
3203 hardship for the receiving department.

3204           2. The number of hours donated shall not exceed the donor's accrued vacation  
3205 credit as of the date of the request. No donation of vacation hours shall be permitted  
3206 where it would cause the employee receiving the transfer to exceed ~~((his or her))~~ that  
3207 employee's maximum vacation accrual.

3208           3. A furloughed employee shall not be eligible to take or be paid for donated  
3209 vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

3210           4. Donated vacation leave hours must be used within ninety calendar days  
3211 following the date of donation. Donated hours not used within ninety days or due to the  
3212 death of the receiving employee shall revert to the donor. Donated vacation leave hours  
3213 shall be excluded from vacation leave payoff provisions in this chapter. For purposes of  
3214 this section, the first hours used by an employee shall be accrued vacation leave hours.

3215           B.1. Any employee eligible for leave benefits may donate a portion of ~~((his or~~  
3216 ~~her))~~ the employee's accrued sick leave to another employee eligible for leave benefits  
3217 upon written notice to the donating and receiving employees' department director or  
3218 directors.

3219           2. No donation shall be permitted unless the donating employee's sick leave  
3220 accrual balance immediately subsequent to the donation is one hundred hours or more.  
3221 No employee may donate more than twenty-five hours of ~~((his or her))~~ the employee's  
3222 accrued sick leave in a calendar year.

3223           3. Donated sick leave hours must be used within ninety calendar days. Donated  
3224 hours not used within ninety days or due to the death of the receiving employee shall  
3225 revert to the donor. Donated sick leave hours shall be excluded from the sick leave  
3226 payoff provisions contained in this chapter, and sick leave restoration provisions  
3227 contained in this chapter. For purposes of this section, the first hours used by an  
3228 employee shall be accrued sick leave hours.

3229           C. All donations of vacation and sick leave made under this chapter are strictly  
3230 voluntary. Employees are prohibited from soliciting, offering or receiving monetary or  
3231 any other compensation or benefits in exchange for donating vacation or sick leave hours.

3232           D. All vacation and sick leave hours donated shall be converted to a dollar value  
3233 based on the donor's straight time hourly rate at the time of donation. Such dollar value  
3234 will then be divided by the receiving employee's hourly rate to determine the actual  
3235 number of hours received. Vacation leave donated to a furloughed employee, who is  
3236 designated by a department director and confirmed by the chief administrative officer as  
3237 eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis,  
3238 without an hourly rate conversion. Unused donated vacation and sick leave shall be  
3239 reconverted based on the donor's straight time hourly rate at the time of reconversion.  
3240 Vacation leave donated to a furloughed employee who is designated by the department  
3241 director and confirmed by the chief administrative officer as eligible to use donated leave  
3242 on a furlough day shall not revert back to the donor.

3243           SECTION 82. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are  
3244 each hereby amended to read as follows:

3245           Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the

3246 scope of ~~((his or her))~~ the employee's employment, the executive may implement a  
3247 process providing a one-time opportunity to allow employees eligible for benefits to  
3248 convert either accrued vacation or accumulated compensatory time hours, or both, to cash  
3249 to benefit any children of the deceased employee who are under twenty-three years old at  
3250 the time of the employee's death. This process must conform to the following  
3251 requirements:

3252         A. The executive shall establish a forty-five-day period during which time  
3253 employees may sign a written request, subject to approval by the executive, to convert  
3254 either accrued vacation or accumulated compensatory time hours, or both, to cash and to  
3255 authorize a payroll deduction of the cash to benefit the children of the deceased employee  
3256 who are under twenty-three years old at the time of the employee's death. The hours  
3257 must be in full-hour increments, with a minimum of four;

3258         B. The executive shall determine the maximum hours that any employee can  
3259 convert to cash, but the maximum may not be greater than a total of forty by each  
3260 employee;

3261         C. The value of the hours must be determined based on the regular hourly rate of  
3262 the employee in effect at the time the approved conversion request is received by the  
3263 county's payroll office;

3264         D. If employees elect to convert either accrued vacation or accumulated  
3265 compensatory time hours, or both, to cash as set forth in this section, the executive shall  
3266 identify one or more support accounts or programs to which the cash may be paid for the  
3267 benefit of the children. Unless the executive determines that another support account or  
3268 program is more suitable given the circumstances of the children, the executive shall first

3269 insure the establishment of a Washington state college tuition prepaid program-  
3270 guaranteed education tuition (GET) account with the state of Washington treasury to  
3271 benefit the children of the deceased employee. In addition to or in lieu of the GET  
3272 program, the executive may direct that some or all of the cash collected under this section  
3273 be paid to other support accounts or programs that the executive has determined:

3274           1. Are established in the names of the children or their legal guardian for the  
3275 benefit of the children;

3276           2. Are held by a governmental agency, nonprofit organization, bank, trust or  
3277 lawful entity other than an individual;

3278           3. Contain adequate safeguards against theft, diversion, loss or wasting of the  
3279 funds paid under this section; and

3280           4. Restrict the permissible use of funds paid under this section to paying for  
3281 minimal, if any, administrative expenses and providing for the children's reasonable food,  
3282 shelter and educational expenses;

3283           E. The cash resulting from converted accrued vacation or compensatory time  
3284 hours, or both, net of all mandatory deductions, including, but not limited to, deductions  
3285 for retirement plans and federal income tax and the Federal Insurance Contributions Act,  
3286 must be transmitted to the Washington state college tuition prepaid program-guaranteed  
3287 education tuition (GET) account established by the executive, or such other accounts or  
3288 programs as may be determined by the executive, under subsection D<sub>2</sub> of this section; and

3289           F. Employees governed by a collective bargaining agreement may convert to  
3290 cash either accrued vacation or accumulated compensatory time hours, or both, only if  
3291 the existing agreement allows for or the collective bargaining agreement is amended to

3292 allow for conversions as authorized in this section.

3293 SECTION 83. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230

3294 are each hereby amended to read as follows:

3295 A. The following days are hereby designated as official county holidays:

3296 1. January 1, New Year's Day;

3297 2. Third Monday in January, Martin Luther King, Jr. Birthday;

3298 3. Third Monday in February, President's Day;

3299 4. Last Monday in May, Memorial Day;

3300 5. July 4, Independence Day;

3301 6. First Monday in September, Labor Day;

3302 7. November 11, Veteran's Day;

3303 8. Thanksgiving Day and the day immediately following;

3304 9. December 25, Christmas Day;

3305 10. Special or limited holidays as declared by the president or governor, and as

3306 approved by the council;

3307 11. Such other days in lieu of holidays as the council may determine;

3308 12. An employee who is eligible for leave benefits shall be granted two personal

3309 holidays to be administered through the vacation plan, though the hours granted to an

3310 employee working less than a full-time schedule shall be prorated to reflect ~~((his or her))~~

3311 that employee's normally scheduled work day. One day shall be credited to the

3312 employee's leave balance on the first of October and one day on the first of November.

3313 B. For holidays falling on a Saturday, the Friday before shall be a paid holiday.

3314 For holidays falling on a Sunday, the Monday following shall be a paid holiday.

3315 C. An employee must be eligible for leave benefits and in a pay status on the day  
3316 before and the day following a holiday to be eligible for holiday pay. However, an  
3317 employee who has successfully completed at least five years of county service and who  
3318 retires at the end of a month in which the last regularly scheduled working day is  
3319 observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status  
3320 the day before the day observed as a holiday. An employee otherwise eligible for holiday  
3321 pay shall not be ineligible as a result of not being in a pay status on the day before or after  
3322 the holiday due to budgetary furlough.

3323 SECTION 84. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are  
3324 each hereby amended to read as follows:

3325 Any employee eligible for leave benefits who is ordered on a jury shall be entitled  
3326 to ~~((his or her))~~ the employee's regular county pay but only if any fees received for jury  
3327 duty are deposited, exclusive of mileage, with the department of finance. A furloughed  
3328 employee shall not be eligible to take or be paid for jury duty leave in lieu of taking a  
3329 furlough day. Employees shall report to their work supervisor when dismissed from jury  
3330 service.

3331 SECTION 85. Ordinance 12014, Section 24, and K.C.C. 3.12.247 are each  
3332 hereby amended to read as follows:

3333 A. ~~((Findings.))~~ The council finds that:

3334 1. The county is committed to affirmative action in hiring and the full  
3335 participation of ~~((women))~~ pregnant county employees in all occupations throughout the  
3336 county's work force.

3337 2. Pregnancy is a normal occurrence ~~((in a woman's life))~~.

3338 3. The county has already established maternity and parental leaves for its  
3339 employees.

3340 4. It is desirable to establish a policy to reasonably accommodate pregnant  
3341 ~~((female))~~ county employees in a medically approved limited duty assignment.

3342 B. ~~((Definition:))~~ For the purposes of this section, "~~((E))~~employee"~~((, for~~  
3343 ~~purposes of this limited duty assignment policy,))~~ means a full-time regular employee or  
3344 a part-time regular employee. Promotional probation may be extended at the discretion  
3345 of the director and after consultation with an employee's appointing authority so an  
3346 employee who utilizes the limited duty provisions of this section has the opportunity to  
3347 perform for the established promotional probationary period.

3348 C. ~~((Establishment of Policy:))~~ 1. It is the policy of the county to recognize that  
3349 pregnancy is a normal event ~~((in a woman's life))~~ and that provisions shall be made to  
3350 provide ~~((all female))~~ every employee~~((s))~~ the opportunity to continue to participate in  
3351 the work force during and up to three months after ~~((a))~~ the employee's pregnancy.

3352 2. An ~~((female))~~ employee, who upon the advice of ~~((her))~~ the employee's  
3353 physician, cannot safely perform all of the normal duties of ~~((her))~~ the employee's job due  
3354 to pregnancy and who indicates a desire to continue working ~~((prior to))~~ before taking  
3355 sick or maternity leave for which ~~((she))~~ the employee may otherwise be eligible, shall  
3356 upon concurrence of the director receive consideration for temporary reassignment. The  
3357 county shall, where reasonably possible, accommodate an ~~((female))~~ employee's desire  
3358 for medically approved continued employment during the employee's pregnancy and up  
3359 to three months thereafter via one or more of the three alternatives listed. The first  
3360 alternative shall have preference, and either assignments ~~((and/))~~ or reassignments, or

3361 both, shall be given within ~~((an))~~ the employee's department where possible. The office  
3362 of human resources management shall be responsible for coordination of the following  
3363 limited duty alternatives:

3364 a. ~~((F))~~ temporary assignment to limited duties within the employee's  
3365 classification;

3366 b. ~~((F))~~ temporary reassignment of the employee to a similar classification with  
3367 equal pay for which the employee is qualified;

3368 c. ~~((O))~~ only if the director concurs that an employee cannot reasonably be  
3369 accommodated by ~~((K.C.C. 3.12.247))~~ subsection C.2.a. or ~~((K.C.C. 3.12.247C.2.))~~ b. of  
3370 this section, temporary reassignment of the employee can be made to another  
3371 classification for which the employee is qualified but with lesser pay, to be assigned at  
3372 the pay step closest to that which the employee was receiving in ~~((her))~~ the employee's  
3373 normal job classification.

3374 3. The executive shall determine and facilitate any necessary interfund transfers  
3375 when an employee is temporarily reassigned to another department.

3376 4. Because of the separate and unique retirement system for police, either the  
3377 temporary assignment ~~((and/))~~ or temporary reassignment, or both, for pregnant police  
3378 personnel shall be provided as in ~~((K.C.C. 3.12.247))~~ subsection C.2.a. and ~~((K.C.C.~~  
3379 ~~3.12.247C.2.))~~ b. for LEOFF I members. All three alternatives listed in ~~((K.C.C.~~  
3380 ~~3.12.247))~~ subsection C.2. of this section can apply to LEOFF II members.

3381 D. ~~((Limitations.))~~ 1. Temporary assignments ~~((and/))~~ or reassignments, or both,  
3382 made pursuant to this section shall be limited to the period of temporary incapacity  
3383 caused by pregnancy both before childbirth and upon return to work, all prior to the time

3384 when released by the employee's physician to return to full duty.

3385           2. For the purposes of this section, "temporary incapacity" ~~((is defined as))~~  
3386 means the period during which because of pregnancy the employee cannot perform all of  
3387 ~~((her))~~ the employee's regular duties but is capable of performing a temporary limited  
3388 duty assignment provided by the county as listed in ~~((K.C.C. 3.12.247))~~ subsection C. of  
3389 this section and, for purposes of this policy, in no instance shall such a temporary  
3390 incapacity extend more than three months after termination of the pregnancy.

3391           3. ~~((Female e))~~ Employees shall continue to be eligible for paid accrued vacation  
3392 and sick leave and leave of absence without pay pursuant to the personnel rules during  
3393 the period of temporary incapacity due to pregnancy, pregnancy related conditions, and  
3394 parenting.

3395           E. ~~((Procedures.))~~ The director ~~((will))~~ shall develop procedures to implement  
3396 this policy, which shall include verification of the medical basis for the limited duty  
3397 request.

3398           F. ~~((Severability.))~~ Should any subsection, paragraph, sentence, clause or phrase  
3399 of this section be declared unconstitutional or invalid for any reason, such decision shall  
3400 not affect the validity of the remaining portions of this chapter.

3401           SECTION 86. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260  
3402 are each hereby amended to read as follows:

3403           A.1. A leave of absence shall be granted, in accordance with applicable  
3404 provisions of state or federal law, to any employee who voluntarily or upon demand by  
3405 the Washington state or the United States government leaves ~~((his or her))~~ the employee's  
3406 position with the county, either to determine ~~((his or her))~~ the employee's physical fitness

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3407 to enter or to actually enter active duty or training in the United States Uniformed  
3408 Services, which includes, but is not limited to, the Armed Services, the Washington  
3409 National Guard and the United States Public Health Service Commissioned Corps and its  
3410 reserve. Under the Uniform Services Employment and Reemployment Rights Act of  
3411 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an  
3412 appointee when the National Disaster Medical System is activated.

3413           2. The leave of absence shall continue until the employee has exhausted (~~his or~~  
3414 ~~her~~) the employee's employment and reemployment rights under the Uniform Services  
3415 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,  
3416 which is generally up to five years, subject to certain exceptions provided under federal  
3417 law.

3418           B. Employees are required to give their employing county agency advance notice  
3419 of the need for military leave, preferably in writing, though oral notification is sufficient.  
3420 Notice should be provided as soon as is reasonable under the circumstances, and, if  
3421 feasible to do so, service members should provide thirty days advance notice; however,  
3422 advance notice is not required if prevented by military necessity or otherwise impossible  
3423 or unreasonable under the circumstances, to the extent provided in federal law and  
3424 regulations. Written notice should be accompanied by a validated copy of the military  
3425 orders. Oral notice should be supplemented as soon as is reasonable with a validated  
3426 copy of the military orders.

3427           C. An employee who is eligible for benefits under K.C.C. 3.12.040 and  
3428 volunteers or is ordered to serve in the United States Uniformed Services, as described in  
3429 subsection A.1. of this section, or to receive associated training that requires a leave of

3430 absence from the employee's county position, and has exhausted annual military leave  
3431 provided pursuant to state and federal law or a collective bargaining agreement, shall be  
3432 granted a paid leave of absence from the employee's county position at the employee's  
3433 regular base rate of county pay less the amount of the employee's regular base rate of  
3434 military pay to which the employee is entitled. The paid leave of absence shall continue  
3435 until the lesser of the conclusion of the employee's service in the United States  
3436 Uniformed Services, or until the employee has exhausted (~~his or her~~) the employee's  
3437 employment and reemployment rights under the Uniform Services Employment and  
3438 Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is  
3439 generally up to five years, subject to certain exceptions provided under federal law.

3440 D. Receipt of the pay provided for in the preceding section is contingent upon the  
3441 employee providing the employing county agency with supporting documentation  
3442 verifying:

- 3443 1. The employee's rank;
- 3444 2. That the employee is on active duty; and
- 3445 3. The employee's military pay grade statement and military pay grade change  
3446 statement.

3447 SECTION 87. Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262 are  
3448 each hereby amended to read as follows:

3449 A. An employee who is eligible for benefits under K.C.C. 3.12.040 and who  
3450 volunteers or is ordered to serve in the United States Uniformed Services, as described in  
3451 K.C.C. 3.12.260.A.1, or to receive associated training that requires a leave of absence  
3452 from the employee's county position, shall continue to receive medical, dental, vision and

3453 life insurance benefits, and shall continue to accrue vacation and sick leave. Receipt of  
3454 medical, dental, vision and life insurance benefits and vacation and sick leave accruals  
3455 shall continue until the lesser of the conclusion of the employee's service in the United  
3456 States Uniformed Services, or until the employee has exhausted ~~((his or her))~~ the  
3457 employee's employment and reemployment rights under the Uniform Services  
3458 Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335,  
3459 which is generally up to five years, subject to certain exceptions provided under federal  
3460 law.

3461 B. Receipt of medical, dental, vision and life insurance benefits and leave  
3462 accruals is contingent upon the employee providing ~~((his or her))~~ the employing county  
3463 agency with supporting documentation verifying that the employee is in service. The  
3464 documentation shall be provided by the employee upon commencing military leave,  
3465 annually in September and upon leaving military service.

3466 SECTION 88. Ordinance 12014, Section 27, and K.C.C. 3.12.270 are each  
3467 hereby amended to read as follows:

3468 A. A career service employee may be disciplined by the appointing authority for  
3469 any of the following causes, or for any other justifiable cause:

- 3470 1. Dishonesty, including but not limited to dishonesty in securing appointment;
- 3471 2. Incompetency;
- 3472 3. Inefficiency;
- 3473 4. Unauthorized absence, including patterns of continual tardiness;
- 3474 5. Neglect of duty;
- 3475 6. Insubordination;

3476 7. Consumption of alcoholic beverages or use of illegal drugs while on duty  
3477 during the workday;

3478 8. Conviction of a crime;

3479 9. Disorderly conduct while on duty;

3480 10. Negligent, reckless or knowing damage to or waste of public property;

3481 11. Violation of any of the provisions of applicable federal or state law relating  
3482 to political activities;

3483 12. Negligent, reckless or knowing violation of any of the provisions of the  
3484 personnel guidelines;

3485 13. Violation of any lawful order, directive, or policy of a superior, including  
3486 but not limited to the executive, department directors and division managers, or a  
3487 violation of the employee code of ethics, K.C.C. 3.04.

3488 B. Prior to the disposition of any suspension or discharge, a career service  
3489 employee shall be advised of ((his/her)) the employee's right to seek assistance through  
3490 the county's employee assistance program as described in the personnel guidelines.

3491 C. Disciplinary action shall be the primary responsibility of the appointing  
3492 authority and may include but is not limited to reduction in rank or pay, suspension  
3493 without pay, and/or discharge of the employee from county employment. The appointing  
3494 authority shall consult with the director prior to the discharge of any career service or  
3495 exempt employee.

3496 D. In any disciplinary action against a career service employee, pertinent  
3497 information shall be reduced to written form by the appointing authority and a copy  
3498 provided to the employee and to the director. Such written notice shall state the

3499 following:

- 3500 1. The reason for discipline;
- 3501 2. The facts supporting the discipline;
- 3502 3. The form of discipline to be imposed;
- 3503 4. The effective date of the discipline;
- 3504 5. Unless otherwise provided in an applicable collective bargaining agreement,

3505 the right of the employee to appeal the following disciplinary action to the personnel  
3506 board:

- 3507 a. Suspension of more than sixty days;
- 3508 b. Reduction in rank or pay; or
- 3509 c. Discharge;
- 3510 6. Unless otherwise provided in an applicable collective bargaining agreement,
- 3511 the right of the employee to appeal any disciplinary action to appropriate authorities
- 3512 through the initiation of grievance procedures, as authorized by or approved under this
- 3513 chapter.

3514 E. Written notice of the discipline shall be delivered to the career service  
3515 employee or mailed to the employee's last known address by certified mail, return receipt  
3516 requested. An employee shall be deemed notified of the disciplinary action on the date  
3517 the notice was delivered to the employee or the date on the return receipt, as applicable.

3518 SECTION 89. Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020  
3519 are each hereby amended to read as follows:

3520 The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this  
3521 chapter. Words not defined in K.C.C. chapter 3.12 or in this chapter shall have their

3522 ordinary and usual meanings. In the event of conflict, the specific definitions set forth in  
3523 this chapter shall presumptively, but not conclusively, prevail.

3524 A. "Committee" means the career service review committee, which shall consist  
3525 of:

3526 1. ~~((t))~~The following three permanent members:

3527 a. the county executive or ~~((his or her))~~ designee;

3528 b. the chief officer of the office of budget or successor organizational unit~~((s))~~  
3529 or ~~((his or her))~~ designee; and

3530 c. the manager of the human resources management division or successor  
3531 organizational unit~~((s))~~ or ~~((his or her))~~ designee; and

3532 2. ~~((e))~~One member representing the department whose body of work ~~((and/))~~or  
3533 employees are then under review.

3534 SECTION 90. Ordinance 12943, Section 17, and K.C.C. 3.12A.050 are each  
3535 hereby amended to read as follows:

3536 A. Part-time and temporary employees, other than probationary and provisional  
3537 employees, who exceed the calendar-year working-hour thresholds set forth in the  
3538 definitions contained in K.C.C. chapter 3.12 may seek conversion of a body of work in  
3539 which they perform into a part-time or full-time regular career service position by appeal  
3540 to the committee. Conversion decisions shall be based on whether the work performed  
3541 by the employee is an ongoing, relatively stable, and predictable body of work that is half  
3542 time or more, even though the work was not perceived as such previously, and whether it  
3543 should be performed by a regular part-time or full-time career service employee. The  
3544 committee shall also decide, if the body of work does not warrant a career service

3545 position, whether the position should be converted to a term-limited temporary employee  
3546 position. The committee shall determine whether the work performed by the employee  
3547 shall:

3548 ~~((1))~~ 1. ~~((f))~~ Remain outside career service as part-time or temporary~~((, (2)))~~

3549 2. ~~((b))~~ Be converted to a term-limited temporary employee position that  
3550 receives benefits~~((,))~~ or

3551 ~~((3))~~ 3. ~~((b))~~ Be converted to a part-time or full-time regular career service  
3552 position.

3553 The committee shall make its determination within ~~((45))~~ forty-five days of the  
3554 employee's request. In the event of a tie vote by the committee, where half the committee  
3555 finds that the body of work should be converted, the appeal shall be deemed to have  
3556 prevailed. The committee shall make a recommendation to the executive for  
3557 recommendation to the council. The executive's recommendation shall be submitted to  
3558 the council if the executive decides the body of work should be performed by a career  
3559 service employee and that further position authority is required. If the council does not  
3560 approve the additional position, the work shall promptly be discontinued and not  
3561 performed by temporary or part-time employees.

3562 If the committee finds that the work performed by the employee should remain  
3563 part-time or temporary, the employee may appeal within ten days from the date of receipt  
3564 of the committee's finding by filing a notice of appeal with the committee. The  
3565 committee shall direct the appeal to be considered by a hearing examiner of the county  
3566 or, at its option, the committee may direct the appeal be considered by an independent,  
3567 neutral arbitrator who will make a final determination. The arbitrator shall be chosen by

3568 the director and the appellant, and shall be paid by the employing department or  
3569 administrative office. The hearing examiner's or arbitrator's decision shall be limited to  
3570 either upholding the committee's finding or overturning the committee's finding. The  
3571 decision shall be based on whether the work performed by the employee is an ongoing,  
3572 relatively stable, and predictable body of work and is half-time or more, under the same  
3573 standards applicable to the committee, or on whether the work meets the definition of  
3574 term-limited temporary position. Employees covered by a grievance procedure contained  
3575 in a collective bargaining agreement may elect either to use the grievance procedure, if  
3576 the applicable collective bargaining agreement permits it, or to use the appeal procedure  
3577 described above, but not both procedures.

3578         If the hearing examiner or arbitrator overturns the committee's findings, any new  
3579 career service or term-limited temporary position must be absorbed by the department  
3580 within its authorized position level, or within funds available for term-limited temporary  
3581 position work, provided that the department may request additional position or budget  
3582 authority. The appealing employee will be placed in the career service position as a  
3583 provisional appointee, with insured benefits and leave benefits, until a competitive hiring  
3584 process, which substantially takes into account and weighs the experience of the  
3585 employee performing the tasks of the position, is completed. If the appealing employee  
3586 is selected for the position, ~~((his or her))~~ the employee's start date will be the date of the  
3587 provisional appointment for all purposes, including seniority and/or a probationary  
3588 period, except that those employees covered by a collective bargaining agreement the  
3589 date of the appointment shall be determined in accordance with the collective bargaining  
3590 agreement or by the collective bargaining process. If the employee is placed in a term-

3591 limited temporary position, (~~his or her~~) the employee's start date will be the date of  
3592 (~~his or her~~) the employee's appointment to the term-limited temporary position for all  
3593 purposes, except for those employees covered by collective bargaining agreements,  
3594 whose start date will be determined by the collective bargaining agreement or by the  
3595 collective bargaining agreement process.

3596 B. Appeal Procedure For Term-Limited Temporary Employees. A term-limited  
3597 temporary employee who exceeds (~~his or her~~) the employee's term may appeal to the  
3598 committee to have the body of work converted to a career service position. The  
3599 committee shall decide whether the body of work still warrants a term-limited temporary  
3600 position designation or should be converted to a career service position. If a majority of  
3601 the committee finds that the body of work should continue as a term-limited temporary  
3602 position, the employee may appeal within ten days from the date of receipt of the  
3603 committee's finding by filing a notice of appeal with the committee. In the event of a tie  
3604 vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for  
3605 part-time and temporary employees (other than probationary and provisional employees),  
3606 provided, however, if the employee prevails in the appeal, the employee shall be placed  
3607 in a career service position, not a provisional appointment, and the employee shall not be  
3608 required to serve a probationary period.

3609 SECTION 91. Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040  
3610 are each hereby amended to read as follows:

3611 A.1. When a furlough administrator other than the executive has determined that  
3612 a budgetary furlough is necessary, the furlough administrator shall designate a person to  
3613 administer the budgetary furlough and to provide for the effective direction, control and

3614 coordination of a budgetary furlough in a manner to preserve county functions.

3615           2. The county administrative officer shall be responsible for budgetary furlough  
3616 administration in the executive branch and shall provide for the effective direction,  
3617 control and coordination of a budgetary furlough in a manner to preserve county  
3618 functions.

3619           B. In order to achieve budget savings, a furlough administrator may implement a  
3620 budgetary furlough for designated nonrepresented employees, and implement reductions  
3621 in operating and office hours, closure of offices or departments or reductions in levels of  
3622 operations or service. A furlough administrator shall seek and document the views of  
3623 affected nonrepresented employees when determining whether and how to implement a  
3624 budgetary furlough.

3625           C. If a furlough administrator directs reductions in operating and office hours,  
3626 closures of offices or departments or reductions in levels or service that result in  
3627 budgetary furloughs for represented employees, the executive shall fulfill all applicable  
3628 bargaining obligations with labor unions representing the employees in those departments  
3629 before the implementation of a furlough.

3630           D. In administering a budgetary furlough, the following principles should apply:

3631           1. An employee who is furloughed should be notified of furlough in writing  
3632 when possible, although any reasonable notice is permissible;

3633           2. During a furlough period, a furloughed employee remains a King County  
3634 employee subject to K.C.C. chapter 3.04;

3635           3. A furloughed employee shall not volunteer to do what the county otherwise  
3636 pays any employee to do;

3637           4. Medical, dental, vision and any other insured benefits shall remain in effect  
3638 for a furloughed benefit-eligible employee during a furlough period;

3639           5. A furloughed employee shall not be eligible to take or be paid for vacation or  
3640 sick leave on a budgetary furlough day. The furlough administrator may designate that  
3641 paid vacation leave is available for the following employees:

3642           a. those employees earning equal or less than two times the federal poverty  
3643 index; and

3644           b. those employees enrolled in the Public Employees' Retirement System or  
3645 the city of Seattle retirement systems who submit to the chief administrative officer or the  
3646 furlough administrator a letter of intent to retire during the succeeding two calendar  
3647 years; and

3648           6. A salaried employee is considered an hourly employee for each week in  
3649 which the employee observes one or more furlough days and must track and report ((his  
3650 or her)) the employee's hours and follow standard hourly work practices.

3651           E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the  
3652 equivalent of the time on furlough in furlough replacement time. In administering  
3653 furlough replacement time for benefit-eligible nonrepresented employees, the following  
3654 principles apply:

3655           1. Furlough replacement time may not be provided to employees when the  
3656 county is in an officially declared and council-sanctioned emergency budget crisis;

3657           2. One half of the furlough replacement time will be awarded in the first year  
3658 following an emergency budget crises and one half of the furlough replacement time will  
3659 be awarded in the second year following an emergency budget crisis, unless the county is

3660 in an officially declared and council sanctioned financial emergency;

3661           3. Furlough replacement time must be used by the employee in the year that it is  
3662 issued to the employee. An employee who was not employed by King County in 2009  
3663 shall not receive furlough replacement time. An employee who left King County  
3664 employment before April 11, 2010, shall not receive furlough replacement time.  
3665 Furlough replacement time may not be carried over to another calendar year, it may not  
3666 be cashed out, it has no cash value and it may not be donated; and

3667           4. The furlough administrator must provide for the effective direction, control  
3668 and coordination of furlough replacement time.

3669           SECTION 92. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020  
3670 are each hereby amended to read as follows:

3671           This section applies to all positions in the executive branch, noncommissioned  
3672 positions in the office of the sheriff and the department of assessments allocated to a  
3673 classification approved by the council.

3674           A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall  
3675 consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance  
3676 annually.

3677           2. On a continuing three-year cycle, the executive shall assess market conditions  
3678 and determine whether to make adjustments, if any, to pay ranges assigned to existing  
3679 classifications.

3680           B. Consistent with K.C.C. 3.12.350, the manager of the human resources  
3681 management division shall establish guidelines for pay increases in accordance with the  
3682 following:

3683           1. Employees may receive within-range increases from one step to the next  
3684 higher step upon satisfactory completion of the probationary period. All probationary-  
3685 period pay increases must be supported by documented performance appraisal.  
3686 Probationary-period pay increases exceeding Step 5 must have prior written approvals by  
3687 the department director and the manager of the human resources management division. In  
3688 the event of the completion of the probationary period by a division of human resources  
3689 employee, the county administrative officer must provide prior written approval for  
3690 probationary-period pay increases exceeding Step 5. A written report listing the number  
3691 of employees who have received probationary increases above Step 5 must be filed with  
3692 the clerk of the council for distribution to the chair of the labor, operations and  
3693 technology committee or its successor committee on February 15 and August 15 of each  
3694 year;

3695           2. Employees may be eligible to receive increases annually in accordance with  
3696 the following principles:

3697           a. An incentive increase must be supported by an annual documented  
3698 performance appraisal approved by the department director((;)) or ((his or her))  
3699 designee((;)) and the documented performance appraisal must be maintained in the  
3700 employee's personnel file. Incentive increases shall be prospective only and shall be  
3701 effective on January 1 following the year on which the appraisal was based;

3702           b. For employees currently in Steps 1 through 4 in the pay range, the appointing  
3703 authority may grant an increase of a single step for standard performance and may grant  
3704 an increase exceeding a single step for above-standard or outstanding performance, as  
3705 defined by the manager of the human resources management division;

3706 c. For employees currently in Steps 5 through 7 in the pay range, the  
3707 appointing authority may grant an increase of one or more steps for above-standard  
3708 performance; and

3709 d. For employees currently in Steps 8 through 9 in the pay range, the  
3710 appointing authority may grant an increase of one step, not to exceed the top of the pay  
3711 range, for outstanding performance;

3712 3. An appointing authority may grant an employee incentive pay up to five  
3713 percent above the top step of the range for a period of twelve months, if all of the  
3714 following conditions are met:

3715 a. the employee is not a department director;

3716 b. the employee has been at the top step of the prior or current range for two  
3717 years before the award of the increase; and

3718 c. the employee has demonstrated continuous outstanding performance;

3719 4. All incentive increases are subject to the availability of funds. Within-range  
3720 incentive increases are not automatic but shall be given only upon the written direction of  
3721 the appointing authority, as defined in K.C.C. 3.12.010\_B, within the guidelines  
3722 established by the manager of the human resources management division;

3723 5.a. When the manager of the human resources management division  
3724 reclassifies a position to a higher classification, the pay rate of the incumbent employee  
3725 shall be increased to the first step of the pay range of the new classification or the nearest  
3726 step that constitutes an increase of no more than five percent above the former rate of  
3727 pay, whichever is greater.

3728 b. A pay increase as a result of reclassification may not exceed the top step of

3729 the new range, unless the employee's former pay includes an above-Step-10 amount as a  
3730 result of an incentive increase. If the employee's former pay includes an above-Step-10  
3731 amount as a result of an incentive increase, the employee's new pay is calculated upon the  
3732 above-Step-10 amount. If the increase from reclassification results in pay that is above  
3733 the top step of the new range, the pay shall be reduced to the top step of the new range at  
3734 the end of the incentive period unless the employee requalifies for an above-Step-10  
3735 incentive award.

3736 c. Implementation of a reclassification and any related pay change shall be  
3737 prospective and is effective when the classification is approved by the manager of the  
3738 human resources management division. The pay increase as a result of reclassification  
3739 may not exceed five percent above the top step in any case; and

3740 6. When the manager of the human resources management division adjusts the  
3741 pay range of a classification, the incumbent employee shall be placed at the same step in  
3742 the new pay range as the employee was in the previous range. Implementation of any  
3743 pay range adjustment shall be prospective and is effective when approved by the manager  
3744 of the human resources management division or, if required by K.C.C. 3.15.040, by the  
3745 labor, operations and technology committee or its successor committee.

3746 SECTION 93. Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 are  
3747 each hereby amended to read as follows:

3748 Lodging costs actually incurred are reimbursable only as follows:

3749 A. Lodging costs will be reimbursed only if a person is in overnight travel status,  
3750 except as provided in subsection D. of this section. Government rates must always be  
3751 requested. Lodging receipts are required. Lodging costs in the host city may be claimed

3752 from the night before the authorized event starts through the night before it ends, unless  
3753 reasonably priced and timely return transportation is not available, thereby necessitating  
3754 additional lodging costs.

3755         B. The traveler shall be reimbursed for actual lodging costs incurred for single  
3756 occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the  
3757 lodging receipt indicates a charge for double occupancy and two persons are authorized  
3758 to travel on behalf of the county, each traveler shall be allowed one-half the double  
3759 occupancy charge. If one person is not authorized to travel on behalf of the county, the  
3760 person authorized to travel shall be reimbursed at the single occupancy rate to a  
3761 maximum of the federal lodging limit.

3762         C. For seminars, conferences or conventions, costs for lodging at the event site  
3763 may be authorized in excess of the federal lodging limit for the host city under one or  
3764 more of the following conditions:

3765             1. No alternate lodging is available within a reasonable distance of the event site  
3766 which is within the federal lodging limit for the host city. The traveler must provide a  
3767 signed statement of unavailability with the request for reimbursement;

3768             2. The authorized means of transportation between the alternate lodging site and  
3769 the event site would exceed the savings in lodging costs; or

3770             3. The presiding elected official((;)) or ((his or her)) designee((;)) has authorized  
3771 the excess expenditure in writing and in advance for any exigent circumstances that  
3772 might exist.

3773         D. First responders and essential employees, who are not in overnight travel  
3774 status who must work extended hours during certain unanticipated events which is critical

3775 to or in response to a regulatory requirement may be provided either lodging paid by the  
3776 county or reimbursed by the county to the employee, but only if:

3777 1. The employee who is provided lodging must remain close to the worksite in  
3778 order to respond to the event;

3779 2. The event requires that the work being performed is critical or necessary to  
3780 meet a regulatory requirement or to respond to a public health and safety situation not  
3781 rising to the level of a proclaimed emergency; and

3782 3. During the first twenty-four hours, the lodging is approved by the presiding  
3783 elected official or designee in writing with a brief description of the event; any extension  
3784 beyond the first twenty-four hours is approved in advance and by the presiding elected  
3785 official or designee in writing with a brief description of the event.

3786 E. The department of finance shall distribute federal lodging limits, as published  
3787 in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, as rate changes occur.

3788 SECTION 94. Ordinance 15648, Section 2, as amended, and K.C.C. 3.32.006 are  
3789 each hereby amended to read as follows:

3790 The definitions in this section apply throughout this chapter unless the context  
3791 clearly requires otherwise.

3792 A. "After hours parking" means work time parking for employees whose normal  
3793 work shifts begin after 1:30 p.m. and end between 9:00 p.m. and 5:00 a.m. or who are  
3794 required to come into work after 4:30 p.m. "After hours parking" also includes parking  
3795 on weekends and holidays that is required by the employee's agency.

3796 B. "Business convenience" means a county business-related requirement. For the  
3797 purposes of this chapter, "a county business-related requirement" includes after hours

3798 parking for county employees, parking for commissioned sheriff's office personnel,  
3799 parking for county employees working for a specified and limited period on a time-  
3800 sensitive project that requires them to arrive before or stay after regular work hours,  
3801 parking for county employees who are required as part of their jobs to use their private  
3802 vehicles to routinely travel to multiple county business locations, parking for county-  
3803 owned vehicles and paid parking for county volunteers authorized by ordinance or by any  
3804 presiding elected official as defined by K.C.C. 3.24.010 or the presiding elected official's  
3805 designee, but for the executive branch any designee must be at least the highest-ranking  
3806 employee of a division.

3807 C. "County automotive parking facility" means:

- 3808 1. The Goat Hill parking garage located at Sixth Avenue and Jefferson in  
3809 Seattle;
- 3810 2. The parking structure located at the regional justice center in Kent;
- 3811 3. County adult detention center parking facilities located at Fifth Avenue and  
3812 James in Seattle;
- 3813 4. Open surface lots that are owned or leased by the county;
- 3814 5. The Chinook Building parking located at Fifth Avenue and Jefferson in  
3815 Seattle; and
- 3816 6. The King Street Center, located at 201 South Jackson Street in Seattle.

3817 D. "County volunteer" means a person who is not a county employee, who  
3818 performs service for the county for civic, charitable or humanitarian reasons, without  
3819 promise, expectation or receipt of compensation from the county for services rendered  
3820 and who is accepted as a volunteer by the county. "County volunteer" includes, but is not

3821 limited to, a person serving as a board member, officer, commission member, volunteer  
3822 intern or direct service volunteer.

3823 E. "Director" means the director of the county department of executive services  
3824 ((and his or her successor)) or designee, unless otherwise specified in this chapter.

3825 F. "Public parking" means general purpose parking by persons who are not  
3826 county employees and by county employees that park for less than a full day.

3827 SECTION 95. Ordinance 11687, Section 2, as amended, and K.C.C. 3.42.020 are  
3828 each hereby amended to read as follows:

3829 The definitions in this section apply throughout this chapter unless the context  
3830 clearly requires otherwise.

3831 A. "Appropriate investigating official" means an investigating official acting  
3832 within ((his or her)) the investigating official's respective jurisdiction as identified in  
3833 K.C.C. 3.42.030.D. or any assistant or representative authorized to receive documents on  
3834 ((his or her)) the investigating official's behalf, except that for the department of public  
3835 safety, the only appropriate investigating official shall be the internal investigations unit  
3836 or any assistant or representative authorized to receive documents on its behalf.

3837 B. "Employee" or "county employee" means any individual who is appointed as  
3838 an employee by the appointing authority of a county agency, office, department, council,  
3839 board, commission or other separate unit or division of county government, however  
3840 designated. The term "employee" or "county employee" also includes county elected  
3841 officials and members of county boards, commissions, committees, or other multi-  
3842 member bodies.

3843 C. "Good faith" means the individual providing the information or report of

3844 improper governmental action has a reasonable basis in fact for reporting or providing the  
3845 information. An individual who knowingly provides or reports, or who reasonably ought  
3846 to know ~~((he or she))~~ that the information or report is ~~((providing or reporting,))~~  
3847 malicious, false~~((,))~~ or frivolous ~~((information))~~, or information that is provided with  
3848 reckless disregard for the truth, is not acting in good faith.

3849 D. "Gross mismanagement" means the exercise of management responsibilities  
3850 in a manner grossly deviating from the standard of care or competence that a reasonable  
3851 person would observe in the same situation.

3852 E. "Gross waste of public funds" means to spend or use public funds or to allow  
3853 public funds to be used without valuable result in a manner grossly deviating from the  
3854 standard of care or competence that a reasonable person would observe in the same  
3855 situation.

3856 F.1. "Improper governmental action" means any action by a county officer or  
3857 employee that is undertaken in the performance of the officer's or employee's official  
3858 duties, whether or not the action is within the scope of employment, and:

- 3859 a. violates any state or federal law or rule or county ordinance or rule;
  - 3860 b. constitutes an abuse of authority;
  - 3861 c. is gross mismanagement;
  - 3862 d. creates a substantial and specific danger to the public health or safety;
  - 3863 e. results in a gross waste of public funds; or
  - 3864 f. prevents the dissemination of scientific opinion or alters technical findings
- 3865 without scientifically valid justification, unless disclosure is legally prohibited. This  
3866 subsection G.1.f. is not meant to preclude the discretion of agency management to adopt

3867 a particular scientific opinion or technical finding from among differing opinions or  
3868 technical findings to the exclusion of other scientific opinions or technical findings.

3869 2. "Improper governmental action" does not include violations of anti-  
3870 discrimination laws, violations of collective bargaining or civil service laws, or alleged  
3871 violations of agreements with labor organizations under collective bargaining. A  
3872 properly authorized county program or activity does not become an "improper  
3873 governmental action" because an employee or investigating official dissents from the  
3874 county policy or considers the expenditures unwise.

3875 G. "Investigating official" means any individual to whom a report may be made  
3876 pursuant to K.C.C. 3.42.030.D. or any assistant or representative authorized to receive  
3877 documents on (~~his or her~~) the investigating official's behalf.

3878 H. "Retaliate," "retaliation" and "retaliatory action," means to make any  
3879 unwarranted adverse change in an employee's employment status or the terms and  
3880 conditions of employment including, but not limited to:

- 3881 1. Denial of adequate staff to perform duties;
- 3882 2. Frequent staff changes;
- 3883 3. Frequent and undesirable office changes;
- 3884 4. Refusal to assign meaningful work;
- 3885 5. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory  
3886 performance evaluations;
- 3887 6. Demotion;
- 3888 7. Reduction in pay;
- 3889 8. Denial of promotion;

3890 9. Denial of training or benefits;

3891 10. Transfer or reassignment;

3892 11. Suspension or dismissal;

3893 12. Other unwarranted disciplinary action;

3894 13. A supervisor or senior manager or official behaving in or encouraging

3895 coworkers to behave in a hostile manner toward the employee, or failing to take

3896 appropriate action to prevent coworkers from behaving in a hostile manner toward the

3897 employee.

3898 I. "Substantial and specific danger" means a risk of serious injury, illness, peril or

3899 loss, to which the exposure of the public is a gross deviation from the standard of care or

3900 competence which a reasonable person would observe in the same situation.

3901 J. "Written report of improper governmental action" means any writing that

3902 alleges that an improper governmental action has occurred and describes the basis for that

3903 belief.

3904 SECTION 96. Ordinance 11687, Section 4, as amended, and K.C.C. 3.42.030 are

3905 each hereby amended to read as follows:

3906 A. Every county employee shall have the right to report, in good faith in

3907 accordance with this ordinance, information concerning an improper governmental

3908 action.

3909 B. In reporting improper governmental action, the employee is encouraged, but

3910 not required, to make a written report first to any investigating official as defined by

3911 K.C.C. 3.42.020.G; the employee is encouraged to consult with the office of the

3912 ombuds(~~man~~) in order to determine to whom a written report should be made.

3913           C.1. This section does not authorize a county employee to report information that  
3914 is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060  
3915 privileged communications) unless waived, or to make disclosure where prohibited at  
3916 law.

3917           2. An employee making a written report under this subsection is encouraged to  
3918 wait at least thirty days from receipt of the written report by the investigating official  
3919 before reporting the improper governmental action to a person who is not an investigating  
3920 official. However, reporting to a person who is not an investigating official before this  
3921 thirty-day period will not result in the loss of the protections in this chapter.

3922           3. An employee's reporting of the employee's own improper action does not  
3923 grant the employee immunity from discipline or termination insofar as the employee's  
3924 improper action would be cause for discipline.

3925           D. For purposes of this chapter, the person to whom a written report should be  
3926 made is as follows:

3927           1. Reporting sexual harassment to the employee's supervisor, department head  
3928 or other government official as set out in the county's adopted procedure for reporting  
3929 sexual harassment complaints;

3930           2. Reporting violations of the fair employment practices ordinance, which is  
3931 K.C.C. chapter 12.18, to the executive or the executive's designee;

3932           3. Reporting police misconduct to the department of public safety's internal  
3933 investigation unit or to the office of law enforcement oversight;

3934           4. Reporting violations of the Code of Judicial Conduct to the Washington state  
3935 Commission on Judicial Conduct;

3936           5. Reporting improper governmental action occurring within the district court to  
3937 the presiding judge of the district court;

3938           6. Reporting improper governmental action occurring within the legislative  
3939 branch to the chair of the council or to the prosecutor;

3940           7. Reporting improper governmental action occurring within the executive  
3941 branch to the executive or to the department director of the executive agency in which the  
3942 alleged improper governmental action occurred or to the ombuds((~~man~~));

3943           8. Reporting improper governmental action occurring within the department of  
3944 judicial administration to the director/clerk of the superior court or to the ombuds((~~man~~));

3945           9. Reporting improper governmental action occurring within the department of  
3946 assessments to the assessor or to the ombuds((~~man~~));

3947           10. Reporting improper governmental action occurring within the department of  
3948 elections to the director of elections or to the ombuds((~~man~~));

3949           11. Reporting improper governmental action occurring within the superior court  
3950 to the presiding judge of the superior court;

3951           12. Reporting violations of criminal laws to the sheriff or the county prosecuting  
3952 attorney;

3953           13. Reporting improper governmental action of the county prosecuting attorney  
3954 to the state auditor or the attorney general;

3955           14. Reporting improper governmental action occurring within the office of  
3956 economic and financial analysis to any member of the forecast council or to the  
3957 ombuds((~~man~~));

3958           15. Reporting violations of K.C.C. chapter 3.04, the Employee Code of Ethics,

3959 to the ombuds(~~man~~); and

3960           16. Reporting any improper governmental action for which no other appropriate  
3961 recipient of a report is listed in subsection D.1. through 15. of this section to the  
3962 ombuds(~~man~~).

3963           E. Any one or more of the following conduct by employees is protected under  
3964 this chapter:

3965           1. Reporting improper governmental action;

3966           2. Cooperating in an investigation by any official related to improper  
3967 governmental action, including but not limited to local, state, federal, and internal  
3968 investigation; and

3969           3. Testifying in any official proceeding, hearing, or prosecution arising out of an  
3970 improper governmental action.

3971           F. A county officer or employee shall not retaliate, attempt to retaliate or threaten  
3972 to retaliate against any employee because that employee has in good faith engaged in  
3973 conduct protected by K.C.C. 3.42.030.E., or because the county officer or employee  
3974 believes the employee has engaged or will engage in such conduct, whether or not such  
3975 conduct actually occurred.

3976           G. Any county officer or employee who engages in retaliatory action prohibited  
3977 by K.C.C. 3.42.030.F. is subject to disciplinary action including, but not limited to,  
3978 suspension without pay, demotion or termination. In addition, any elected official who  
3979 engages in retaliatory action prohibited by K.C.C. 3.42.030.F. is subject to censure by  
3980 motion of the council and also may be subject to recall from office due to misfeasance or  
3981 malfeasance in office.

3982 H. Each appointing authority shall ensure that, upon entering county service or  
3983 any time there are material changes to this chapter, every county officer and employee  
3984 shall receive a written summary of this chapter, the procedures for reporting improper  
3985 governmental actions to investigating officials, the procedures for obtaining the  
3986 protections extended, the prohibition against retaliation in this section, and identification  
3987 of offices and resources available to help the employee understand the provisions of this  
3988 chapter including but not limited to the (~~ombudsman's~~) ombuds's office. The  
3989 ombuds(~~man~~)'s office shall assist in the development of materials. Copies of these  
3990 summaries shall be conspicuously posted where all employees will have reasonable  
3991 access to them. Every county officer and employee shall also receive a written summary  
3992 of this chapter at least once every two years; the summary may be distributed  
3993 electronically.

3994 SECTION 97. Ordinance 11687, Section 5, as amended, and K.C.C. 3.42.040 are  
3995 each hereby amended to read as follows:

3996 To the extent allowed by the Public Disclosure Act, RCW 42.56.240 and other  
3997 laws, the identity or identifying characteristics the identity of an employee reporting  
3998 information about an improper governmental action or cooperating in an investigation of  
3999 improper governmental action under K.C.C. 3.42.030E.1. or K.C.C. 3.42.030E.2. shall be  
4000 kept confidential from all persons except for investigating officials and their staff.  
4001 However, the employee may waive confidentiality in a written waiver or by making (~~his~~  
4002 ~~or her~~) the employee's own identity known in connection with the protected conduct in  
4003 the course of public testimony or by acknowledging (~~his or her~~) the employee's own  
4004 identity in a claim against the county for retaliation. If applicable, the complainant may

4005 state in writing whether the complainant wishes (~~(his or her)~~) the complainant's own  
4006 name not to be disclosed pursuant to the provisions of RCW 42.56.240(2), which  
4007 exempts information revealing the identity of persons who are witnesses to or victims of  
4008 crime or who file complaints with investigative, law enforcement or penology agencies,  
4009 other than the commission, if disclosure would endanger any person's life, physical safety  
4010 or property.

4011 SECTION 98. Ordinance 11687, Section 6, as amended, and K.C.C. 3.42.050 are  
4012 each hereby amended to read as follows:

4013 A. If the official receiving a complaint under this section is not the appropriate  
4014 investigating official identified in K.C.C. 3.42.030.D.1, (~~(he or she)~~) the official receiving  
4015 the complaint shall immediately forward the written report to the appropriate  
4016 investigating official and notify the reporting employee of the referral.

4017 B. If a report of improper governmental action meets the definition of a  
4018 complaint under K.C.C. 3.04.055, the ombuds(~~(man)~~), upon receipt of the report, shall  
4019 investigate that allegation according to the procedures in K.C.C. chapter 3.04, the  
4020 Employee Code of Ethics.

4021 C. If the ombuds(~~(man)~~) is an appropriate investigating official and the report  
4022 does not meet the definition of a complaint under K.C.C. chapter 3.04, the Employee  
4023 Code of Ethics, the ombuds(~~(man)~~) upon receipt of the report may refer the report to the  
4024 department director of the agency in which the alleged improper governmental action  
4025 occurred or to the chief elected official of the branch of government implicated in the  
4026 allegation; if the ombuds(~~(man)~~) does not refer to another official, or if the other official's  
4027 response is not timely or satisfactory to the ombuds(~~(man)~~), the ombuds(~~(man)~~) shall

4028 conduct an investigation in accordance with the procedures outlined in K.C.C. 3.42.057.

4029 D. If a report of improper governmental action is filed with an appropriate  
4030 investigating official who is not the ombuds(~~man~~), and a report is concurrently filed  
4031 with the ombuds(~~man~~), the ombuds(~~man~~) may defer action until the investigation is  
4032 completed by the affected department, office or agency. When the ombuds(~~man~~)  
4033 chooses to conduct a concurrent investigation the ombuds(~~man~~) shall notify the  
4034 executive and the chair of the council.

4035 E. Decisions of the ombuds(~~man~~) under this section may not be appealed to the  
4036 Board of Ethics.

4037 SECTION 99. Ordinance 16580, Section 6, and K.C.C. 3.42.055 are each hereby  
4038 amended to read as follows:

4039 A. The procedures in this section shall apply to any investigating official except  
4040 the ombuds(~~man~~) or the judicial branch. Investigations by the ombuds(~~man~~) shall be  
4041 conducted in accordance with K.C.C. 3.42.057.

4042 B. When an appropriate investigating official who is not the ombuds(~~man~~)  
4043 receives a report of improper governmental action, (~~he or she~~) the ombuds shall respond  
4044 to the reporting employee in writing within thirty days of when the report was received  
4045 with either a final report or a preliminary report, with a copy of the response to the  
4046 ombuds(~~man~~). If responding with a preliminary report, the official shall include a  
4047 summary of the status of the investigation and information obtained thus far, and  
4048 identifying matters for further research or inquiry. If the identity of the reporting  
4049 employee is not known, the response shall be sent to the ombuds(~~man~~).

4050 C. The investigating official shall complete the investigation and issue a final

4051 report no later than one year from when the report of improper governmental action was  
4052 received. If the final report concludes that there was improper governmental action, it  
4053 shall include an action plan for addressing the improper governmental action and provide  
4054 reasonable timelines for completing corrective actions.

4055         D. The investigating official shall send a copy of the final report to the reporting  
4056 employee and the ombuds(~~man~~).

4057         E. When conducting an investigation of improper governmental action occurring  
4058 within the legislative branch, the prosecutor may at any stage, issue subpoenas,  
4059 administer oaths, examine witnesses, and compel the production of documents or other  
4060 evidence; refer the matter to the state auditor, law enforcement authorities or other  
4061 governmental agency; and issue reports; or any combination thereof, each as deemed  
4062 appropriate.

4063         F. If the investigating official determines that that the employee reporting  
4064 improper governmental action has been retaliated against or is at great risk of retaliation,  
4065 the investigating official may seek temporary preventive action, including but not limited  
4066 to the transfer of the reporting employee to another department at the request of the  
4067 reporting employee or authorizing leave with pay for the reporting employee. If the  
4068 investigating official deems it necessary, the investigating official's recommendation may  
4069 be made to the executive. Such a temporary preventative action may continue until the  
4070 conclusion of any investigation and a permanent resolution of the matter.

4071         G. To the extent allowed by law, investigating officials are encouraged to enter  
4072 into cooperative agreements or arrangements for receiving and processing complaints  
4073 with other agencies or entities that are investigating related complaints, so that

4074 duplication of functions shall be minimized and multiple redundant investigations  
4075 avoided.

4076 SECTION 100. Ordinance 16580, Section 7, and K.C.C. 3.42.057 are each  
4077 hereby amended to read as follows:

4078 A. The procedures in this section apply to the ombuds(~~man~~) when the  
4079 ombuds(~~man~~) is investigating a report of an improper governmental action that is not  
4080 investigated according to the rules applicable to K.C.C. chapter 3.04, the Employee Code  
4081 of Ethics.

4082 B. In determining whether to conduct an investigation, the ombuds(~~man~~) may  
4083 consider factors including, but not limited to, the nature and quality of the evidence and  
4084 the existence of relevant laws and rules; whether the alleged improper governmental  
4085 action was isolated or systematic; the history of previous assertions regarding the same  
4086 subject or subject matter; whether other avenues are available for addressing the matter;  
4087 whether the matter has already been investigated or is in litigation; the seriousness or  
4088 significance of the asserted improper governmental action; and the cost and benefit of the  
4089 investigation. The ombuds(~~man~~) has the sole discretion to determine the priority and  
4090 weight given to these or any other relevant factors and to decide whether a matter is to be  
4091 investigated.

4092 C. If the ombuds(~~man~~) elects not to investigate the matter, the ombuds(~~man~~)  
4093 shall, before making a final decision to close the investigation, send a notice to the person  
4094 who made the report explaining the factors considered and the analysis applied,  
4095 summarizing allegation deficiencies if any, and providing a reasonable opportunity to  
4096 reply. The notification may be by electronic means.

4097           D. If the ombuds((man)) determines that that the employee reporting improper  
4098 governmental action has been retaliated against or is at great risk of retaliation, the  
4099 ombuds((man)) may recommend to the head of the department that temporary preventive  
4100 action be taken, including but not limited to transferring the reporting employee at the  
4101 reporting employee's request to another department or authorizing leave with pay for the  
4102 reporting employee. If the ombuds((man)) deems it necessary, the ombuds's((man's))  
4103 recommendation may be made to the executive instead. Such temporary preventative  
4104 action may continue until the conclusion of any investigation and a permanent resolution  
4105 of the matter.

4106           E. If the ombuds((man)) elects to conduct an investigation and it appears to the  
4107 ombuds((man)) that the investigation will take longer than thirty days to complete, the  
4108 ombuds((man)) shall, within thirty days after receiving the report of alleged improper  
4109 governmental action, provide the complainant with a preliminary written report that  
4110 summarizes the procedural status of the investigation, the information obtained thus far,  
4111 any preliminary findings as the ombuds((man)) deems appropriate, and identifying  
4112 matters for further research or inquiry. The ombuds((man)) shall also notify the subject  
4113 or subjects of the investigation and the agency head of the need for continued  
4114 investigation.

4115           F. When conducting an investigation, the ombuds((man)) may at any stage issue  
4116 subpoenas, administer oaths, examine witnesses, and compel the production of  
4117 documents or other evidence; refer the matter to the state auditor, law enforcement  
4118 authorities or other governmental agency; and issue reports; or any combination thereof,  
4119 each as deemed appropriate.

4120 G. Upon completion of an investigation, the ombuds((~~man~~)) shall make a final  
4121 written report that summarizes the results of the investigation, including findings with  
4122 regard to each assertion of improper governmental action and recommended actions. The  
4123 ombuds((~~man~~)) shall complete the investigation and issue a final report within one year  
4124 of receipt of the report of improper governmental action.

4125 1. If the ombuds((~~man~~)) determines that no improper governmental action has  
4126 occurred, the ombuds((~~man~~)) shall send the report to the complainant, the subject or  
4127 subjects of the investigation and the agency head.

4128 2. If the ombuds((~~man~~)) determines that an improper governmental action has  
4129 occurred:

4130 a. The ombuds((~~man~~)) shall give the subject of the report an opportunity to  
4131 respond before issuing a final report.

4132 b. The ombuds((~~man~~)) shall send the report to: the complainant; the head of  
4133 the department with responsibility for the action or if a department head is implicated, to  
4134 the executive and county council; and such other governmental officials or agencies as  
4135 the ombuds((~~man~~)) deems appropriate. The ombuds((~~man~~)) shall also send a copy of the  
4136 written report to the executive or the county council if requested to do so by the  
4137 complainant, if the ombuds((~~man~~)) has not already done so.

4138 c. The department with responsibility for the improper governmental action  
4139 shall report back to the ombuds((~~man~~)) and complainant with an action plan for  
4140 addressing the improper governmental action and provide reasonable timelines for  
4141 completing its corrective actions. The department's response should be made within  
4142 fourteen days of receipt of the ombuds((~~man~~))'s report. If the ombuds((~~man~~)) deems that

4143 satisfactory action within a reasonable timeframe has not been achieved, the  
4144 ombuds((man)) shall report ((his or her)) the ombuds's determination to the executive and  
4145 the county council.

4146 d. The ombuds((man)) may impose a fine of not greater than ten thousand  
4147 dollars on the department within which the improper governmental action occurred. A  
4148 fine should be imposed for improper governmental actions that are exceptionally  
4149 egregious or for which corrective actions have been highly unsatisfactory. The  
4150 department shall be given a reasonable opportunity to be heard before imposition of any  
4151 fine. Proceeds collected from any fine shall be deposited into an account to be used for  
4152 the purpose of educating employees about this chapter or may be applied by the  
4153 department toward the cost of administrative leave paid to the employee reporting the  
4154 improper governmental action where the reason for the administrative leave is related to  
4155 the employee's reporting.

4156 H. At any stage in the investigation, the ombuds((man)) may, with the agreement  
4157 of the parties, recommend, arrange for, convene, or conduct voluntary mediation between  
4158 the employee and either the subject of the investigation or agency head, or both, with cost  
4159 sharing, if any, to be determined by the parties.

4160 1. If the parties reach agreement as a result of mediation, the ombuds((man))  
4161 may close the investigation.

4162 2. The response times from subsection E. of this section shall be tolled for the  
4163 duration of the mediation process.

4164 3. Mediation and other informal resolution processes are voluntary. No  
4165 employer or employee shall be pressured into participating in such processes, and no

4166 negative inferences shall be drawn if any party declines to participate in such processes.  
4167 If a party agrees to participate in voluntary mediation or other informal resolution  
4168 process, that party is under no obligation to accept the resolution recommended by the  
4169 mediator, the ombuds((man)), or any other person participating in this process, and no  
4170 negative inferences shall be drawn as a result of a refusal to accept such  
4171 recommendations.

4172 I. The ombuds((man)) may close an investigation at any time the ombuds((man))  
4173 determines that no further action is warranted and shall so notify the complainant, the  
4174 subject or subjects of the investigation and the agency head. The ombuds((man)) shall  
4175 also issue any reports as required by this section.

4176 J. Decisions of the ombuds((man)) under this section may not be appealed to the  
4177 board of ethics.

4178 SECTION 101. Ordinance 11687, Section 7, as amended, and K.C.C. 3.42.060  
4179 are each hereby amended to read as follows:

4180 A. In order to seek relief, an employee who believes ((he or she)) the employee  
4181 has been retaliated against in violation of K.C.C. 3.42.030.E. must file a signed written  
4182 complaint within six months of when the alleged retaliation occurred or the employec  
4183 reasonably should have known of the occurrence. The complaint shall be filed with the  
4184 ombuds((man)) and must specify the alleged retaliatory action and the relief requested.

4185 B. The ombuds((man)) shall conduct an investigation of the alleged retaliatory  
4186 action except that complaints involving the judicial branch shall be forwarded to the  
4187 appropriate investigating official for that branch for investigation and complaints  
4188 involving councilmembers shall be forwarded to and investigated by the prosecutor.

4189 C. When conducting an investigation, the ombuds(~~man~~) or prosecutor may at  
4190 any stage, issue subpoenas, administer oaths, examine witnesses, and compel the  
4191 production of documents or other evidence; refer the matter to the state auditor, law  
4192 enforcement authorities or other governmental agency; and issue reports; or any  
4193 combination thereof, each as deemed appropriate.

4194 D. If it appears to the ombuds(~~man~~) or prosecutor after conducting an  
4195 investigation that no retaliation has occurred, the ombuds(~~man~~) or prosecutor shall so  
4196 notify the complainant summarizing (~~his or her~~) the ombuds's or prosecutor's findings  
4197 and providing a reasonable opportunity for the complainant to reply before making a final  
4198 determination.

4199 E. The ombuds(~~man~~) or prosecutor shall, within forty-five days after receiving  
4200 the report of alleged retaliatory action, provide the complainant with a written report that  
4201 summarizes the results of the investigation, including findings with regard to each  
4202 assertion of retaliation and recommended actions. The ombuds(~~man~~) or prosecutor  
4203 shall also send a copy of the written report to any governmental officials or agencies as  
4204 (~~he or she~~) the ombuds or prosecutor deems appropriate. If the ombuds(~~man~~) or  
4205 prosecutor finds that additional time is needed to complete the report, (~~he or she~~) the  
4206 ombuds or prosecutor shall notify the complainant in writing before the expiration of the  
4207 forty-five day response period, and shall specify the reasons that additional time is  
4208 required. The effect of the notice is to extend for forty-five days the time period in which  
4209 a response must be made. Only two such extensions may be made.

4210 F. The following apply to investigations by the ombuds(~~man~~) under this  
4211 section.

4212           1. If it appears to the ombuds((~~man~~)) at any stage in the process that the  
4213 complainant is at great risk of retaliation, the ombuds((~~man~~)) may recommend to the head  
4214 of the department that temporary preventive action be taken, including but not limited to  
4215 transferring the individual to another department or authorizing leave with pay. If the  
4216 ombuds((~~man~~)) deems it necessary, the ombuds((~~man~~)) recommendation may be made to  
4217 the executive instead. Such temporary preventative action may continue until the  
4218 conclusion of any investigation and a permanent resolution of the matter;

4219           2. If the ombuds((~~man~~)) determines that no retaliatory action has occurred, the  
4220 ombuds((~~man~~)) shall send the report to the complainant, the subject or subjects of the  
4221 investigation and the agency head; and

4222           3. If the ombuds((~~man~~)) determines that retaliatory action has occurred:

4223           a. The ombuds((~~man~~)) shall give the subject of the investigation an opportunity  
4224 to respond before issuing a final report;

4225           b. The ombuds((~~man~~)) shall send the report to: the complainant; the head of  
4226 the department with responsibility for the action or if a department head is implicated, to  
4227 the executive and county council, and to such other governmental officials or agencies as  
4228 the ombuds((~~man~~)) deems appropriate. The ombuds((~~man~~)) shall also send a copy of the  
4229 written report to the executive or the county council if requested to do so by the  
4230 complainant, if the ombuds((~~man~~)) has not already done so;

4231           c. The department with responsibility for the retaliatory action shall report  
4232 back to the ombuds((~~man~~)) and complainant with an action plan for addressing the  
4233 retaliatory action and provide reasonable timelines for when the corrective actions will  
4234 occur. The department's response should be made within fourteen days of receipt of the

4235 ombuds(~~man~~) report;

4236           d. If the ombuds(~~man~~) deems that the responsible department has not taken  
4237 satisfactory action within a reasonable timeframe, the ombuds(~~man~~) shall report (~~his or~~  
4238 ~~her~~) the ombuds's determination to the executive and the county council; and

4239           e. The ombuds(~~man~~) may impose a fine on the department within which the  
4240 retaliatory action occurred; the ombuds(~~man~~) shall not impose a fine greater than ten  
4241 thousand dollars. A fine should be imposed for retaliatory actions where the department's  
4242 response to the retaliatory actions was grossly inadequate. The department shall be given  
4243 a reasonable opportunity to be heard before imposition of any fine. Proceeds collected  
4244 from any fine shall be deposited into an account to be used for the purpose of educating  
4245 employees about this chapter or applied by the department toward administrative leave  
4246 paid to the complainant where the reason for the administrative leave is related to the  
4247 retaliation claim.

4248           G. At any stage in the investigation, the ombuds(~~man~~) or prosecutor may, with  
4249 the agreement of the parties, recommend, arrange for, convene or conduct voluntary  
4250 mediation between the employee and the subject of the investigation and/or agency head.

4251           1. If the employer and employee reach agreement as a result of a mediation, the  
4252 investigation shall be closed and the employee shall not be entitled to seek a hearing  
4253 under subsection I. of this section.

4254           2. If the employer and employee fail to reach agreement, the response times  
4255 from subsection C. of this section shall be tolled for the duration of the mediation  
4256 process.

4257           3. Mediation and other informal resolution processes are voluntary. No

4258 employer or employee shall be pressured into participating in such processes, and no  
4259 negative inferences shall be drawn if any party declines to participate in such processes.  
4260 If a party agrees to participate in voluntary mediation or other informal resolution  
4261 process, that party is under no obligation to accept the resolution recommended by the  
4262 mediator, the ombuds(~~man~~), or any other person participating in this process, and no  
4263 negative inferences shall be drawn as a result of a refusal to accept such  
4264 recommendations.

4265 H. The ombuds(~~man~~) or prosecutor may close an investigation at any time (~~he~~  
4266 ~~or she~~) the ombuds or prosecutor determines that no further action is warranted and shall  
4267 so notify the complainant, the subject or subjects of the investigation and the agency  
4268 head. The ombuds(~~man~~) or prosecutor shall also issue any reports as required by this  
4269 section.

4270 I. Decisions of the ombuds(~~man~~) under this section may not be appealed to the  
4271 board of ethics.

4272 J. If an employee who has filed a complaint of retaliation under this section is  
4273 dissatisfied with the progress of the investigation or the response and desires a hearing  
4274 under RCW 42.41.040, the employee shall deliver a request for hearing to the head of the  
4275 branch within which retaliation is alleged to have occurred within the later of: one year  
4276 of when the alleged retaliation occurred or the employee reasonably should have known  
4277 of the occurrence; or ninety days from receipt of the department's response under K.C.C.  
4278 3.42.060E.2.b. The employee shall notify the ombuds(~~man~~) of the request. Within five  
4279 working days of receipt of the request for hearing, the county shall apply to the state  
4280 office of administrative hearings for a hearing to be conducted as provided in RCW

4281 42.41.040(4) through (9).

4282 K. An employee shall not have the right to seek a hearing under this section if the  
4283 complaint of retaliation is pursued under and falls within the subject matter jurisdiction of  
4284 a collective bargaining agreement grievance procedure ending in binding arbitration or  
4285 the career service grievance procedure ending in a hearing before the personnel board.

4286 L. To the extent allowed by law, investigating officials are encouraged to enter  
4287 into cooperative agreements or arrangements for receiving and processing complaints  
4288 with other agencies or entities that are investigating related complaints, so that  
4289 duplication of functions shall be minimized and multiple redundant investigations  
4290 avoided.

4291 SECTION 102. Ordinance 16580, Section 9, and K.C.C. 3.42.070 are each  
4292 hereby amended to read as follows:

4293 By March 31 of each year, the ombuds(~~man~~) shall submit an annual report on  
4294 the status of the whistleblower program from the previous year, including summarizing  
4295 improper governmental action and retaliation claims processed the previous year, case  
4296 outcomes from all claims investigated by King County officials, resource issues, any  
4297 concerns raised by whistleblowers about the process and any recommendations for  
4298 program improvements. The ombuds(~~man~~) is encouraged to seek feedback from  
4299 participants in the whistleblower process when preparing the report. Three copies of the  
4300 report shall be filed with the clerk of the council for distribution to the chair of the  
4301 council and the executive.

4302 SECTION 103. Ordinance 12413, Section 5, and K.C.C. 3.46.050 are each  
4303 hereby amended to read as follows:

4304 Employees subject to alcohol testing under this chapter will have a sample of their  
4305 breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol  
4306 or other low molecular weight alcohols and including methyl or isopropyl alcohol. Any  
4307 refusal to submit to an alcohol test and all positive alcohol tests will be reported to the  
4308 executive or ((his/her)) designee. Employees subject to drug testing will have a sample  
4309 of their urine tested for the presence of five drugs as follows:

- 4310 1. Marijuana;
- 4311 2. Cocaine;
- 4312 3. Opiates;
- 4313 4. Amphetamines;
- 4314 5. Phencyclidine.

4315 All drug tests will be reported by the testing laboratory to a medical review officer  
4316 designated by the county who will evaluate the results. After evaluation and  
4317 interpretation, all verified positive test results will be reported by the medical review  
4318 officer to the executive or ((his/her)) designee. Any refusal to submit to a drug test will  
4319 be immediately reported by the collection site to the executive or ((his/her)) designee. If  
4320 employees test positive as previously explained, said employees will be notified by the  
4321 medical review officer that they have seventy-two hours following this notification in  
4322 which to request, at their own expense, that a split urine specimen be tested by another  
4323 laboratory certified by the ((S))state Department of Health and Human Services. In the  
4324 event that the split sample test is negative, the employee will be reimbursed for the test.  
4325 Failure to request testing of the split specimen within seventy-two hours of being notified  
4326 of a positive test by the medical review officer will result in the test results from the

4327 original specimen being accepted as the final test results. Provided, that there will be  
4328 only one random testing pool for all King County employees covered by the provisions of  
4329 this chapter. Independent contractors will have the option of participating in one random  
4330 testing pool for all their employees who perform safety sensitive functions covered by  
4331 this chapter.

4332         SECTION 104. Ordinance 12413, Section 8, and K.C.C. 3.46.080 are each  
4333 hereby amended to read as follows:

4334         The executive or ((~~his/her~~)) designee is authorized to enter into agreements with  
4335 alcohol and drug testing services providers as required for the implementation of this  
4336 chapter.

4337         SECTION 105. Ordinance 7112, Section 6, as amended, and K.C.C. 4.10.060 are  
4338 each hereby amended to read as follows:

4339         The investment instruments in which county funds shall be invested shall be  
4340 selected solely by the manager of the finance and business operations division or ((~~his or~~  
4341 ~~her~~)) designee and fully reported to the executive finance committee on a monthly basis  
4342 at a minimum. Any losses on investments including all investments of the county  
4343 treasury shall be reported by the manager of the finance and business operations division  
4344 to all members of the executive finance committee immediately upon discovery.

4345 Investments shall be chosen from those which are now or may hereafter be legally  
4346 permitted, with the aim of maximizing return to the county while safeguarding county  
4347 funds, providing the liquidity needed to meet county obligations in timely fashion, and  
4348 complying with such other county policy directives as now exist or may be hereafter  
4349 adopted.

4350            SECTION 106. Ordinance 7112, Section 9, as amended, and K.C.C. 4.10.090 are  
4351 each hereby amended to read as follows:

4352            At the direction of the executive finance committee, with the agreement of the  
4353 fund manager, the manager of the finance and business operations division or (~~his or~~  
4354 ~~her~~) designee, may pool monies for specific fund investments with other monies directed  
4355 for specific fund investments by a fund manager under the first paragraph of RCW  
4356 36.29.020, as now or hereafter amended, monies in the residual treasury cash and monies  
4357 directed for investment by other municipal corporations. Interest earnings and any losses  
4358 shall be apportioned pro rata, after payment of investment service fees to the county  
4359 current expense fund, to each of the funds participating in the pooled investment.

4360            SECTION 107. Ordinance 12076, Section 37, as amended, and K.C.C. 4.10.120  
4361 are each hereby amended to read as follows:

4362            All prior actions of the executive finance committee and the manager of the  
4363 finance and business operations division (~~or his or her predecessor~~) taken in connection  
4364 with investment directives and policies, investment decisions, and the allocation of  
4365 investment earnings, as they relate to the investment of county funds, are hereby ratified.

4366            SECTION 108. Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035  
4367 are each hereby amended to read as follows:

4368            County employees shall be held accountable and responsible for all of the various  
4369 personal property assigned to them during the course of their employment with the  
4370 county.

4371            A. Written documentation, by employee, of all changes in assigned capitalized  
4372 items from the department or agency inventory reports will be recorded at the time of the

4373 occurrence and kept in each county department or agency.

4374           B. The fleet administration division shall provide a report of losses to the county  
4375 council, county administrative officer and office of risk management.

4376           C. The fleet administration division shall recommend to the department or  
4377 agency director or manager corrective action for all capitalized items lost or misplaced  
4378 due to employee negligence or misconduct.

4379           D. If the director or manager determines an employee to be negligent in ~~((his or~~  
4380 ~~her))~~ the care of the property assigned to ~~((him or her))~~ the employee or if a terminated  
4381 employee fails to return personal property assigned to ~~((him or her))~~ the employee, then  
4382 the county may pursue any remedy available at law for recovery of loss of property. If a  
4383 career service employee is disciplined, that employee has the right to the full protection  
4384 of the county disciplinary-grievance process as established by applicable union  
4385 bargaining agreements and the county code provisions and administrative guidelines for  
4386 the career service.

4387           E. The fleet administration division shall be the sole agency responsible for  
4388 inventorying and disposing of county personal property.

4389           SECTION 109. Ordinance 12045, Section 16, as amended, and K.C.C. 4.56.170  
4390 are each hereby amended to read as follows:

4391           A. Applications to lease county real property shall be submitted to the facilities  
4392 management division.

4393           B. The right is reserved by the county to require that a deposit of a reasonable  
4394 amount accompany all applications or bids to lease county real property. If a deposit is  
4395 required, all deposits upon the same lease shall be of equal amount. The deposit shall be

4396 in the form of a certified check or cashier's check, or may be paid in cash. In case the  
4397 lands applied for are leased at the time of application, the deposit shall be returned to the  
4398 applicant; but if the party making application fails or refuses to comply with the terms of  
4399 ~~((his/her))~~ the application and to execute the lease, the deposit shall be forfeited to the  
4400 county, and deposited in the current expense fund.

4401 SECTION 110. Ordinance 17293, Section 45, and K.C.C. 4A.10.235 are each  
4402 hereby amended to read as follows:

4403 "Designee" means the person appointed by a group member to participate on ~~((his~~  
4404 ~~or her))~~ the group member's behalf at any given meeting. A designee may be a  
4405 councilmember, departmental director or staff person, as determined by a group member  
4406 to represent them.

4407 SECTION 111. Ordinance 17929, Section 20, as amended, and K.C.C.  
4408 4A.100.070 are each hereby amended to read as follows:

4409 A.1. Any departments or agencies, except the council, with unanticipated  
4410 expenditures shall submit to the executive a statement of unanticipated expenditures. The  
4411 statement shall specify any request for supplemental appropriation by program, project,  
4412 object of expenditure or any combination thereof. The executive shall review the  
4413 requests in accordance with the department's or agency's work plan and determine  
4414 whether to submit a supplemental appropriation request.

4415 2. If during the fiscal period the executive determines that revenues will be less  
4416 than the expenditure amounts included in the appropriations ordinance, the executive  
4417 shall revise the expenditures of departments or agencies funded from those revenue  
4418 sources to prevent the making of expenditures in excess of revenues. If the executive

4419 determines that the fund has unrestricted reserves, the executive may use these reserves to  
4420 avoid making expenditure reductions; however, the use of reserves may not reduce the  
4421 fund balances below target reserve amounts. If the use of reserves exceeds five percent  
4422 of the total appropriation, the council shall be notified in the quarterly management and  
4423 budget report. An expenditure shall not be made from any portion of an appropriation  
4424 that has been assigned to a reserve status except as provided in this section.

4425       B. All unexpended appropriations in noncapital appropriation ordinances lapse at  
4426 the end of the fiscal period.

4427       C. The executive may transfer appropriation authority from an emergent need  
4428 contingency project to support a cost increase for a capital project in the same fund in  
4429 accordance with the procedures in K.C.C. 4A.100.080.

4430       D.1. Except as provided in this subsection, an agency shall not expend or contract  
4431 to expend any money in excess of amounts appropriated. A contract made in violation of  
4432 this subsection is null and void. An officer, agent or employee of the county knowingly  
4433 responsible for such a contract is personally liable to anyone, including the county,  
4434 damaged by ~~((his or her))~~ the officer, agent or employee's action.

4435       2. An agency may contract to expend money in excess of existing  
4436 appropriations when:

4437       a. the contract commits the county to expend funds beyond the biennium and  
4438 the contract includes a cancellation clause that provides:

4439               ~~((i))~~ (1) the contract may be unilaterally terminated by the county for lack  
4440 of appropriation; and

4441               ~~((ii))~~ (2) the costs associated with such a termination, if any, shall not

4442 exceed the appropriation for the biennium in which termination occurs;

4443           b. the contract commits the county to expend funds beyond the biennium and  
4444 the council, at the request of the executive, adopts an ordinance permitting the county to  
4445 enter into the contract;

4446           c. the contract implements a grant awarded to the county before the  
4447 appropriation of grant funds, including appropriations that must be made in future years,  
4448 if the council has received prior notice of the grant application and if either of the  
4449 following conditions are met: all of the funds to be appropriated under the contract will  
4450 be from the granting agency; or all financial obligations of the county under the contract  
4451 are subject to appropriation; or

4452           d. the contract is an emergency contract as authorized by K.C.C. 2.93.080.

4453           3. In accordance with Section 495 of the King County Charter, real property  
4454 shall not be leased to the county for more than one year unless it is included in a capital  
4455 budget appropriation ordinance.

4456           4.a. Any lease or license for the possession or use of real property by the county  
4457 with a term, including any potential options, extensions or renewals, longer than five  
4458 years must be approved by the council before execution by the executive.

4459           b. Any decision to extend a lease or license for the possession or use of real  
4460 property by the county beyond a cumulative total of five years, whether memorialized  
4461 through an option, extension, amendment, or new lease or license, must be approved by  
4462 the council before execution by the executive.

4463           c. Any lease or license for the possession or use of real property by the county  
4464 that requires more than fifty thousand dollars in tenant improvement or other alterations

4465 to the real property for the benefit of the county must be approved by the council before  
4466 execution by the executive.

4467 E. A capital project budget and phases of a capital project shall be prepared by  
4468 the user agency. The capital project shall be managed by the implementing agency.

4469 F. Ongoing review of capital projects for which moneys have been appropriated  
4470 shall be coordinated by the office of performance, strategy and budget or its successor.  
4471 For capital projects involving more than one agency, representatives from the agencies  
4472 shall consult with the office of performance, strategy and budget or its successor. The  
4473 office of performance, strategy and budget shall review capital projects for compliance  
4474 with scope, budget and schedule.

4475 SECTION 112. Ordinance 12076, Section 4, as amended, and K.C.C.  
4476 4A.110.010 are each hereby amended to read as follows:

4477 A. The director of the office of performance, strategy and budget, or its successor  
4478 shall maintain a fiscal note process and shall update formats for fiscal notes as needed to  
4479 provide for the requirements of this section, adopted comprehensive financial  
4480 management policies and any other information required by the council.

4481 B. A fiscal note shall identify the incremental fiscal impact of a motion or  
4482 ordinance that would directly or indirectly increase or decrease revenues or expenditures  
4483 incurred by the county. A fiscal note shall include the estimated revenue and expenditure  
4484 impact of any legislation for the current biennium, for the prior biennium and for the two  
4485 subsequent biennia.

4486 C. If proposed legislation authorizes the execution of a contract or interlocal  
4487 agreement that extends beyond two subsequent biennia, the legislation's fiscal note shall

4488 document the impact through the end of the term of the proposed contract or interlocal  
4489 agreement, either in fiscal terms or by using a narrative regarding the long term impacts.  
4490 A fiscal note shall accompany any request for expenditure authority transmitted by the  
4491 executive, but a fiscal note may be omitted when the executive certifies in writing with  
4492 ((his)) the transmittal that the legislation has no significant fiscal impact on either the  
4493 operating budget or the capital budget, or both.

4494 D. All fiscal notes shall include:

- 4495 1. A brief descriptive title of the proposed legislation;  
4496 2. An explanation of how the revenue or expenditure impacts were developed.

4497 The explanation shall include, but not be limited to, quantifiable data that illustrates a  
4498 significant workload increase or decrease caused by adoption of the proposed legislation  
4499 major assumptions made in preparing the fiscal note;

4500 3. For a program anticipated to be funded by any dedicated non-general fund  
4501 revenue source, the fiscal note shall denote anticipated collection schedules for the non-  
4502 general fund revenue. For a new fee or a fee change, in addition to the requirements of  
4503 K.C.C. 2.99.030, the fiscal note shall identify the fee and include the rates proposed. For  
4504 a regulatory fee, the fiscal note shall include an analysis of the county costs associated  
4505 with performing the regulatory function;

4506 4. An updated financial plan or plans shall accompany the fiscal note if the  
4507 expenditure impact of the proposal results in a positive or negative change of five percent  
4508 or more in the fund financial plan.

4509 E. The director of the office of performance, strategy and budget, or its successor,  
4510 shall provide a fiscal note on any proposed legislation whenever a fiscal note is requested

4511 by a councilmember. In addition, the director shall provide additional fiscal impact  
4512 information regarding the proposed legislation upon request by a councilmember. The  
4513 requested fiscal note or information shall be returned within five working days of the  
4514 request to the requesting councilmember and shall be filed with the clerk of the council's  
4515 office for distribution to all councilmembers, for distribution to lead staff of the budget  
4516 and fiscal management committee, or its successor committee, and for inclusion with the  
4517 legislation.

4518 SECTION 113. Ordinance 18203, Section 1 and K.C.C. 4A.200.148 are each  
4519 hereby amended to read as follows:

4520 A. There is hereby created the best starts for kids fund.

4521 B. The fund shall be a first tier fund. It is a special revenue fund.

4522 C. The director of the department of community and human services shall be the  
4523 manager of the fund.

4524 D.1. The fund shall account for the proceeds of the property tax levy approved by  
4525 the voters of King County, in accordance with Ordinance 18088 on November 3, 2015, in  
4526 excess of the levy limitation contained in chapter 84.55 RCW. The six-year levy  
4527 commencing in 2016, has been approved by the voters for the express purpose of paying  
4528 costs as outlined in Ordinance 18088, Section 5.

4529 2. Out of the first year's levy proceeds:

4530 a. nineteen million dollars shall be used to plan, provide and administer a  
4531 youth and family homelessness prevention initiative; and

4532 b. such sums as are necessary to provide for the costs and charges incurred by  
4533 the county that are attributable to the election.

4534           3. The remaining levy proceeds shall be used to plan, provide and administer the  
4535 provision of a wide range of strategies to:

4536           a. improve health and well-being outcomes of children and youth, as well as  
4537 the families and the communities in which they live, including, but not limited to, by  
4538 ensuring adequate services and supports for pregnant ~~((women))~~ individuals and  
4539 newborns; access to safe and healthy food; support for hospitals and other mental health  
4540 providers in King County to provide children and youth with access to mental health  
4541 services; and developmental screening for children and youth;

4542           b. prevent and intervene early on negative outcomes, including, but not limited  
4543 to, chronic disease, mental illness, substance abuse, homelessness, domestic violence and  
4544 incarceration;

4545           c. reduce inequities in outcomes for children and youth in the county; and

4546           d. strengthen, improve, better coordinate, integrate and encourage innovation  
4547 in health and human services systems and the agencies, organizations and groups  
4548 addressing the needs of children and youth, their families and their communities.

4549           4. Of the eligible expenditures described in subsection D.3. of this section:

4550           a. fifty percent shall be used to plan, provide and administer strategies focused  
4551 on children and youth under five years old and their caregivers, pregnant ~~((women))~~  
4552 individuals and for individuals or families concerning pregnancy. Of these moneys, not  
4553 less than forty-two million eight hundred thousand dollars shall be used to provide health  
4554 services, such as maternity support services and nurse family partnership home visiting  
4555 program services;

4556           b. thirty-five percent shall be used to plan, provide and administer strategies

4557 focused on children and youth ages five through twenty-four years old;

4558           c. ten percent shall be used to plan, provide and administer communities of  
4559 opportunity; and

4560           d. five percent shall be used to plan, fund and administer the following:

4561           (1) evaluation and data collection activities;

4562           (2) activities designed to improve the delivery of services and programs for  
4563 children and youth and their communities;

4564           (3) services identified in subsection D.3. of this section provided by  
4565 metropolitan park districts in King County. Of these moneys identified in this subsection  
4566 D.4.d.(3), an amount equal to the lost revenues to the metropolitan park districts resulting  
4567 from prorationing as mandated by RCW 84.52.010, up to one million dollars, shall be  
4568 provided to those metropolitan park districts if authorized by the county council by  
4569 ordinance; and

4570           (4) services identified in subsection D.3. of this section provided by fire  
4571 districts, in an amount equal to the lost revenues to the fire districts in King County  
4572 resulting from prorationing, as mandated by RCW 84.52.010, for those services, to the

4573 extent the prorationing was caused solely by the levy and if authorized by the county  
4574 council by ordinance.  
4575

Ordinance 18618 was introduced on 11/20/2017 and passed by the Metropolitan King County Council on 12/4/2017, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Well  
and Ms. Balducci  
No: 0  
Excused: 0



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 14<sup>th</sup> day of DECEMBER, 2017.

Dow Constantine, County Executive

Attachments: None

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CLERK  
KING COUNTY COUNCIL