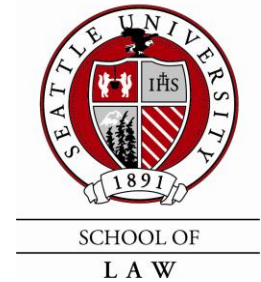


RESEARCH AND RECOMMENDATIONS REGARDING THE KING COUNTY CIVIL RIGHTS COMMISSION

SEPTEMBER 24, 2019



Introduction and Scope of Project

In the spirit of its namesake, Rev. Dr. Martin Luther King Jr., King County strives to lead local governments in the protection and enforcement of human and civil rights. In an effort to remain at the forefront of combatting abuses and protecting its residents, King County is examining its current structure for addressing such concerns to ensure it is leveraging its significant authority to advance fair treatment for all King County residents.

The Chair of the King County Council (Councilmember Rod Dembowski) and the Chair of the Law and Justice Committee (Councilmember Larry Gossett) of the King County Council approached the Fred T. Korematsu Center for Law and Equality (Korematsu Center)¹ seeking research assistance and recommendations regarding approaches for restructuring its existing Civil Rights Commission. The two councilmembers were primarily interested in learning more about how to broaden the reach of the County's Commission and how they might enhance protections for King County residents.

The councilmembers were particularly interested in efforts made to enhance human and civil rights protections that extend not only to those involved in the internal workings and dealings of the County, but also to residents living and working in the County at large.

The questions posed to the Korematsu Center included:

- What authority could the County grant to a human and civil rights governing body?
- What structure could the County adopt for a human and civil rights governing body?
- What policy areas could the revamped human and civil rights body consider addressing?
- What is the scope of the County's legal authority to enact and enforce ordinances impacting residents' human and civil rights?

In addressing these questions, it is helpful to understand some of the background and history motivating the interest in expanding human and civil rights protections in King County.

¹ The Korematsu Center is housed at the Seattle University School of law and works to advance justice and equality through research, advocacy, and education. The Korematsu Center does not in this document, or elsewhere, express the official views of Seattle University.

Background and History²

I. HISTORY AND COMPOSITION

In 1976, the King County Affirmative Action Committee was established, and was replaced in November 1995 by the King County Civil Rights Commission.³ In July 2006, the size of the Commission was reduced from 16 members to 12 members to align with a charter amendment that reduced the number of county council districts to nine.⁴ The Commission was established to serve in an advisory capacity to the executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority and woman owned businesses, and access to public accommodations to ensure the consistent application of all county ordinances, rules, and regulations concerning these programs. The Commission is also tasked with reviewing and conducting informal investigations of complaints that relate to violations of county ordinances related to discrimination. The Office of Civil Rights under the County Executive has been tasked with providing staff support to the Commission.⁵

King County Code (KCC) Chapter 3.10 requires that the Commission “*be composed of twelve members, one nominated from each council district by the county councilmember and three at-large members appointed by the executive.*”⁶ Currently, 4 of the 12 positions are active; 4 positions expired in June 2019, and the remaining 4 positions have been vacant since 2015.

KCC also requires that the Commission “*meet no less often than quarterly and as designated by the chair if deemed necessary.*”⁷ According to the Civil Rights Commission’s website, the Commission met four times in 2018; however, the Commission has yet to meet in 2019. KCC also requires that the Commission “*report to the county council committee-of-the-whole semi-annually.*”⁸ The last briefing received by the County Council was on June 2010, when the Council was briefed on the Civil Rights Commission 2009 Annual Report.

II. OFFICE OF CIVIL RIGHTS

The King County Office of Civil Rights is responsible for providing staff support to the Civil Rights Commission, along with other duties, including enforcing non-discrimination ordinances;⁹

² This section was prepared with the assistance of King County Council policy staff.

³ King County Ordinance 12058.

⁴ King County Ordinance 15548.

⁵ King County Code (KCC) § 2.16.035 (H).

⁶ KCC § 3.10.020.

⁷ KCC § 3.10.070.

⁸ KCC § 3.10.030 (F).

⁹ KCC Chapters 12.17, 12.18, 12.20 and 12.22. Of note, KCC Chapter 12.16 (Discrimination and Equal Employment Opportunity in employment by contractors, subcontractors) and Chapter 12.19 (Discrimination in county contracts related to benefits) are also included as county non-discrimination ordinances; however, these two chapters are not enforced and investigated by either the Civil Rights Commission or the Office of Civil Rights.

assisting departments in complying with legislation and rules regarding access to county programs, facilities, and services for people with disabilities; serving as the county Americans with Disabilities Act coordinator relating to public access; and serving as the county federal Civil Rights Act Title VI coordinator.¹⁰

The Office of Civil Rights currently staffs 2.0 FTEs with an annual budget of \$238,000, compared to 5.5 FTEs with an annual budget of \$817,000 in 2012. Some of the reduction in staff was due to county budget reductions. In addition, the Office of Civil Rights has been reorganized from the County's Executive Office to the Department of Executive Services to its current home in the Office of Equity and Social Justice. Through the 2017-2018 Biennial Budget,¹¹ the Council moved the functions of the Office of Civil Rights to the Office of Equity and Social Justice which administratively changed the Office of Civil Rights to a Civil Rights Program. King County Proposed Ordinance 2018-0485 was transmitted by the County Executive to formally codify this administrative change; however, the Council has not taken action on this item. Current and past support staff of the Civil Rights Commission and current Civil Rights Commissioners have expressed that such staff reductions and staff reorganizations have provided inconsistent staff support to the Commission since 2012.

III. KEY ACTIVITIES

As stated above, the Commission was tasked with reviewing and conducting informal investigations of complaints that relate to violations of county non-discrimination ordinances. Table 1 below shows the number of cases that were reported to the Commission and the number of cases closed from 2013 through 2018. The Office of Civil Rights has stated that data on the number of cases reported from 2013 through 2016 is unavailable. The Office of Civil Rights also stated that the number of reported and closed cases may have decreased over time due to annexations and incorporations that have occurred in the County over the years.¹² Because the jurisdiction of the County's non-discrimination ordinances is limited to unincorporated King County, this would reduce the area over which the County has jurisdictional responsibility. The Office speculates that the housing and employment locations that earlier might have been the subject of complaints are now within the jurisdiction of cities that may or may not have local civil rights protections and enforcement. Further, the Office points out that in 2008, 79% of residents in unincorporated King County owned their homes. However, according to the National Fair Housing Alliance 2016 Trends Report, 91.4% of all fair housing complaints filed in 2015 involved rental housing. Therefore, complaints alleging fair housing violations in unincorporated King County equated to an average of five cases filed per year from 2014 through 2017.

¹⁰ KCC § 2.16.035 (H).

¹¹ King County Ordinance 18409.

¹² King County Office of Performance, Strategy, and Budget states that population for unincorporated King County decreased by 24% from 2010 (325,002) to 2018 (247,240).

The Office of Civil Rights continues to be the primary contact for inquiries and/or complaints related to discrimination in the County. Based on data collected by the Office, approximately 70% of the 670 inquiries and/or complaints received from December 2016 through May 2018 were not under the purview of the County. The Office states that such inquiries and/or complaints are referred to the appropriate jurisdiction which include Washington State, municipalities within King County, and sometimes other counties in the state. The Office has attributed this to the public's unawareness of how civil rights are enforced between jurisdictions. The Office has stated that since it became a program under the Office of Equity and Social Justice, the Office has made an effort to clean-up its website and include an intake form to educate the public and limit non-county related inquiries and/or complaints. The Office has stated that the number of non-county inquiries and/or complaints have decreased since this effort. The Office also states that starting in June 2018, the Office stopped tracking non-county inquiries and/or complaints and received 47 inquiries and/or complaints that were under the purview of the County.¹³ It is unknown whether inquiries and/or complaints in municipalities within King County have increased since June 2018.

The Office of Civil Rights also conducted outreach and trainings on Fair Housing and Americans with Disabilities Act (ADA) compliance as part of a U.S. Department of Housing and Urban Development (HUD) contract. Table 1 shows the number of outreach activities and trainings that were conducted from 2013 through 2018. According to the Office of Civil Rights, as of 2018, the County no longer contracts with HUD and therefore the outreach activities and trainings for county residents have ended.

Table 1. Activities of the Civil Rights Commission from 2013 through 2018.

Activities	2013	2014	2015	2016	2017	2018
Outreach and Trainings for Fair Housing and ADA	58	87	27	34	13	0
Reported Cases for Investigation	n/a	n/a	n/a	n/a	325	88
Closed Cases	35	9	21	34	24	13

The Commission has historically been active in community engagement by establishing relationships with other regional human and civil rights commissions, meeting and networking with community organizations, and educating the communities and the public at large on the work of the Commission. Annual work plans from 2014 through 2017 indicate the Commission's commitment to such activities each year; however, it is uncertain whether such activities were conducted and continue to occur.

¹³ 47 inquiries and/or complaints within a 12 month timeframe (June 2018 – July 2019) compared to 190 inquiries and/or complaints within an 18 month timeframe (Dec 2016 – May 2018).

Over the last ten years, the Commission was the primary advisory body on county policies relating to Equity and Social Justice, the Office of Law Enforcement and Oversight (OLEO), Martin Luther King Jr. county logos, and immigrant and refugee communities. However, as these policies have become a priority for the County, many of these activities have been delegated to the newly established OLEO Community Advisory Committee, the Immigrant and Refugee Commission, and the newly established Office of Equity and Social Justice. Based on feedback from prior support staff of the Office of Civil Rights, the key activities of the Commission and the Office of Civil Rights have been the planning and implementation of the County's Rev. Dr. Martin Luther King Jr. annual celebration.¹⁴

As mentioned above, currently only 4 of the 12 Commission positions are active and the last Civil Rights Commission briefing received by the County Council was on June 2010 where the Council was briefed on the Commission's 2009 Annual Report.

IV. RECENT HAPPENINGS

In 2018, the County Executive drafted a proposed ordinance to establish an Equity, Civil Rights and Social Justice Commission to replace the existing Civil Rights Commission. At that time, the draft was shared with some members of the King County Council, but it was not formally transmitted to the King County Council for consideration. The Office of Equity and Social Justice stated that the integration of the Office of Civil Rights and the Office of Equity and Social Justice provided new opportunities to infuse equity and social justice recommendations into post-civil rights investigations, and to support policies and practices that prevent discrimination, thus prompting an opportunity to establish the proposed Equity, Civil Rights and Social Justice Commission. On July 16, 2019, the executive formally transmitted to the Council a proposed ordinance to establish the Equity, Civil Rights and Social Justice Commission.¹⁵

As a response to the County Executive's proposal, the King County Council Chair and the Chair of the Law and Justice Committee of the King County Council saw this as an opportunity to research leading practices on civil rights commissions in local jurisdictions across the United States. Those members engaged with Seattle University's Korematsu Center for Law and Equality to assist in conducting the research.

¹⁴ KCC Chapter 2.47.

¹⁵ King County Proposed Ordinance 2019-0333.

Research Findings and Recommendations

I. HUMAN AND CIVIL RIGHTS GOVERNING BODIES

In response to the questions posed by the councilmembers, the Korematsu Center has engaged in research examining approaches taken by other local jurisdictions around the country,¹⁶ as well as the legal landscape, to develop recommendations to accomplish the stated goals of the King County councilmembers. As part of this review, the Center focused on reviewing the authority, structure, and covered policy areas of equivalent bodies in other local jurisdictions. Recommendations are provided within this discussion and are recapped at the end.

A. *Authority of the Civil Rights Body*

In reviewing the commissions of other jurisdictions, one of the factors examined was the degree of authority granted to the body to execute its mission. There were generally two models among the jurisdictions examined: (1) advisory commissions that report to the local legislative body and/or executive and that do not have the authority to take action related to issues the body identifies, but that advise the elected officials on how to proceed; and (2) commissions that are granted additional authority to take action related to civil rights issues in the jurisdiction through enforcement powers such as investigation, hearings, and imposition of remedies for civil rights violations. There are advantages and disadvantages to each approach. Non-advisory commissions generally have broad authority to directly address human and civil rights violations throughout their jurisdictions. However, doing so requires significant resources and the political will to undertake these goals. On the other hand, advisory commissions require relatively fewer material resources from the jurisdiction, as they are typically composed of volunteer commissioners with few to no dedicated staff. However, the impact that such commissions are able to have in concrete cases of civil rights abuses, or even in gathering and analyzing input from residents, is necessarily more limited.

Under current law, the King County Civil Rights Commission serves in an advisory capacity, offering advice and recommendations to the executive and council on a variety of civil rights issues.^{17,18} The Commission is tasked with: reviewing and making recommendations regarding the County's affirmative action plan; monitoring and reviewing civil rights ordinances and policies; proposing new legislation; raising community awareness and involvement on civil rights

¹⁶ The jurisdictions examined are: City of Chicago; Cook County, Illinois; City of Los Angeles; City of Minneapolis; New York City; City of Portland, Oregon; City and County of San Francisco; and the City of Seattle. See Appendix 1 for more detailed information regarding researched jurisdictions.

¹⁷ KCC § 3.10.030.

¹⁸ The Portland Human Rights Commission also serves in an advisory capacity; it is the only jurisdiction examined to retain this structure. Portland Municipal Code § 3.129.020. Los Angeles also had an advisory commission until it established a new commission by ordinance passed in the spring of 2019. See Los Angeles Administrative Code § 22.1200 (amending Los Angeles Administrative Code § 22.81-.95).

issues; and reporting to the County Council semi-annually.¹⁹ The Commission is also tasked with reviewing the procedures and processes utilized by the Office of Civil Rights to make a finding of “no reasonable cause,” when requested by a complainant.²⁰ As part of this process, the Commission may hold informal fact-finding sessions and may make recommendations to the county executive.²¹ The Commission is also empowered to adopt procedures and standing committees to ensure its proper functioning.²²

The Commission does not have any authority to conduct investigations, to enforce the County’s civil rights ordinances, to issue penalties, or to directly review findings made in civil rights investigations. Rather, under current King County Code, the Office of Civil Rights (now known as the Civil Rights Program), and not the Civil Rights Commission, is tasked with investigating and enforcing complaints of discrimination in contracting, fair employment, unfair housing practices, and public accommodations.²³ In pursuit of these duties, the Office of Civil Rights has the power to conduct discovery, issue subpoenas, issue findings, initiate settlement processes, impose monetary penalties, compel compliance, and refer matters to the prosecuting attorney for further action.²⁴

Where the goal is to provide civil rights protections for local residents engaged in both private and public dealings, the commissions of other jurisdictions tend to have a significant degree of authority to execute their missions. In researching other jurisdictions where this is the case, the commissions as a whole had the authority to: (1) investigate and adjudicate complaints of discrimination and other civil rights violations; (2) work with other government agencies and jurisdictions; and (3) engage with the community.

On the whole, jurisdictions with a more robust civil rights program have granted greater authority to their civil rights commissions to implement the jurisdictions’ laws. Several of the jurisdictions examined, including Chicago, Cook County, Los Angeles, New York, and San Francisco,²⁵ have established enforcement commissions, granting them the authority to investigate complaints of civil rights violations and to enforce civil rights ordinances.²⁶ Under the local ordinances, the commissions are tasked with duties such as conducting discovery, issuing

¹⁹ KCC § 3.10.030 (A)-(F).

²⁰ KCC § 3.10.040.

²¹ *Id.*

²² KCC § 3.10.050.

²³ See KCC §§ 12.17 (Discrimination in Contracting), 12.18 (Fair Employment Practices), 12.20 (Open Housing); and 12.22 (Discrimination in Places of Public Accommodations).

²⁴ *Id.*

²⁵ The Seattle Ethics and Elections Commission has a similar grant of authority, though its scope relates to oversight of elections and whistleblower investigations, rather than civil rights. See Seattle Municipal Code §§ 3.70.010, .100.

²⁶ See Chicago Municipal Code § 2-120-480; Cook County, IL Code of Ordinances § 42-34; Los Angeles Administrative Code 22.1210; NY City Charter §40-904; San Francisco Charter § 4.107.

subpoenas, engaging in settlement negotiations, and imposing penalties.²⁷ While commissions are empowered to carry out these duties via ordinance, these functions are most often delegated to staff via applicable rules or regulations.²⁸

In other jurisdictions, such as Minneapolis and Seattle,²⁹ the civil rights commissions are not charged with investigation and enforcement, but are granted the authority and duty to review decisions made by the offices charged with those functions. They therefore retain oversight of the investigation and enforcement process and are ultimately charged with determining the fairness of the outcomes.

Many of these jurisdictions have also prioritized community outreach and engagement as part of the work of the commissions. In New York City, the Commission on Human Rights is divided into two bureaus: the Law Enforcement Bureau and the Community Relations Bureau. The Community Relations Bureau is tasked with educating the public about the law and “cultivat[ing] understanding and respect among the City’s many diverse communities through ... Community Service Centers and numerous educational and outreach programs.”³⁰ Chicago, Minneapolis, and San Francisco have also tasked their commissions with community level engagement, through activities such as public hearings, research, and outreach, to ascertain the issues impacting various groups and potential means for addressing such issues.³¹

Regardless of the configuration, these jurisdictions have empowered their commissions with greater authority and responsibility than King County’s current advisory commission, both in terms of investigation and enforcement, as well as community engagement. Although the commissioners in these jurisdictions also serve as volunteers, granting greater authority to the commissions has the benefit of attracting commissioners who are committed to guaranteeing civil rights protections to residents through application of the law, and of creating a greater degree of independence for the commission by delegating to it meaningful powers and duties. Even where these duties are delegated to staff, the commission retains the ultimate authority to carry out the responsibilities owed to the local constituents.

²⁷ *See id.*

²⁸ *See, e.g.,* Cook County, IL Code of Ordinances §42-34(a)(9).

²⁹ *See* Minneapolis, MN Code of Ordinances §§ 141.40, 141.50; Seattle Municipal Code § 3.14.931.

³⁰ <https://www1.nyc.gov/site/cchr/about/inside-cchr.page>.

³¹ *See* Chicago Administrative Code §§ 2-120-500 (establishing advisory councils to commission to serve as community liaisons), 2-120-515 (commission to conduct research, public forums, educational programs, and public hearings); Minneapolis, MN City Charter § 141.40(6) (commission to conduct public meetings and hearings); Minneapolis, MN Code of Ordinances § 14.80(a)(10) (Department of Civil Rights to develop and conduct community education programs); San Francisco Charter § 4.107 (4)-(5) (work with community groups and make recommendations to address issues in the community), San Francisco Administrative Code § 12A.5 (a), (c), and (d) (hold public hearings, prepare educational materials, consult and maintain contact with variety of groups in community).

Recommendation #1: Grant greater authority to the Civil Rights Commission to implement the County's civil rights laws.

To increase the authority and efficacy of its civil rights program, King County should follow the example of the majority of other jurisdictions surveyed and grant to the Commission the power to investigate and enforce the County's anti-discrimination³² laws, converting the Commission from an advisory body to an enforcement body. This would include giving the Commission the power to investigate complaints by seeking documents and testimony, issuing subpoenas, holding hearings, engaging in efforts to conciliate, and imposing penalties. Even if the Commission ultimately delegates these duties to its staff, granting the Commission this additional authority signals an increased commitment to protect the civil rights of King County residents and employees and creates distance and independence of process from political county offices.

As an alternative, the County should grant oversight and review powers to the Commission. Entrusting the commission with the duty to hear appeals from decisions made by an office charged with investigations and enforcement, would provide an important check on the decisions of county employees and would encourage investment from commissioners in the implementation of the county's laws. While the Commission currently has some degree of review power, it is limited to the "process and procedures" utilized, rather than substantive review of the decision itself.

King County's Civil Rights Commission should also be granted more explicit authority to engage with stakeholders in the community. This could entail working directly with other agencies at the state or local level working on similar issues, and with municipalities within the County regarding partnerships to enhance civil rights protections for those within the county.³³ The Commission could also undertake a broader effort to engage in community outreach to determine the needs of county residents as they relate to the work of the Commission.³⁴

To ensure the Commission and staff are insulated from the politics inherent in elected government, the County should consider the Commission's degree of independence. Some

³² "Anti-discrimination" is used throughout this report to refer to laws and policies aimed at combatting discriminatory practices. King County uses the term "non-discrimination" in its code to similar effect.

³³ See discussion in Part II regarding the possibility of entering into Interlocal Agreements with municipalities to provide investigation and enforcement functions for those without the resources to do so on their own.

³⁴ See more discussion below, at 17-18, regarding the importance of engaging directly with the community to help guide the direction of the Commission and the County in its efforts to expand to new policy areas.

jurisdictions, such as Cook County, have taken extra steps to explicitly ensure the independence of the body by including the following language in its enabling ordinance:

The organization and administration of the Cook County Commission on Human Rights shall be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the Commission on Human Rights.³⁵

Recommendation #2: Include language in the enabling law of the Commission that explicitly establishes the independence and objectivity of the work of the Commission and its staff.

Including a statement regarding the independence of the Commission indicates to the public the commitment of the jurisdiction to protect and maintain an independent system of investigation and enforcement of human and civil rights laws in its purview. Such a statement can send a powerful message regarding the priorities of the jurisdiction.

B. Structure of the Civil Rights Body

In addition to enhancing the authority granted to civil rights bodies, it is also important to consider the appropriate structure to best carry out the goals of establishing an independent and effective commission. Aspects of the structure to take into account are: the enabling law; the composition and appointment process for commission members; the relationship of the commission with staff; and the name of the commission.

The King County Civil Rights Commission is established by ordinance.³⁶ As noted above, it is an advisory commission composed of 12 volunteer members, one from each council district and three at-large members. Those from the districts are nominated by the councilmember serving that district and the at-large members are appointed by the executive. All members are appointed by the county executive and confirmed by the council.³⁷ The ordinance provides that the executive will appoint appropriate staff for the Commission,³⁸ which currently consists of 2.0 FTE in the Civil Rights Program in the Office of Equity and Social Justice. The ordinances do not establish an executive level leadership position to lead the work of the office.

³⁵ Cook County, IL Code of Ordinances § 42-34.

³⁶ KCC § 3.10.010.

³⁷ KCC § 3.10.020; *see also* KCC § 2.28.0015.

³⁸ KCC § 3.10.060.

In comparison, the enabling laws, composition of the commissions, leadership structures, and names of other jurisdictions offer possible pathways for the King County Council as it considers changes.³⁹

1. Enabling Law

There was a split among the jurisdictions examined between those who instituted their civil and human rights commissions by passing an ordinance versus those who incorporated the body into the city or county charter.⁴⁰ For those commissions included in the charter, there is typically an additional ordinance or set of rules that provide more detail for the configuration and authority of the commission and corresponding office.⁴¹

There are some obvious advantages and disadvantages to both of these options, which should be weighed in deciding which direction to take. While amending the charter can be a lengthy and involved process, including the Commission in a charter provision would have the benefit of institutionalizing the Commission as part of the fundamental operations of county government. If included in the charter, the Commission may be more insulated from future changes and divestment of authority, because of the steps required to amend the charter. As a result, if included in the charter, the Commission may be more insulated from future changes and divestment of authority. On the other hand, to the extent the County sees a need to address the role of the Commission more quickly, the Council can fairly easily propose and consider a new ordinance that includes the desired changes, which, if passed, would allow reconfiguration on a much faster timeline. However, in contrast to the charter review process, it could leave the Commission open to future changes and reconfigurations that the Council may wish to avoid if the goal is to maximize the independence of the Commission.

³⁹ In particular, the Council might look to the City of Los Angeles which has undertaken a process very similar to that which King County is now exploring. In the spring of 2019, the mayor of Los Angeles signed a new Civil Rights Ordinance which, in part, creates a Civil and Human Rights Commission with an executive director and staffed office to conduct investigations and enforcement activities. Los Angeles Ordinance No. 186134. Through this process, Los Angeles has gone from an advisory commission to one with significant independence and authority to address civil rights violations in that jurisdiction. The Los Angeles ordinance became effective in June 2019; because this change is so recent, no information is currently available regarding the implementation process for Los Angeles. Even so, it may be valuable to reach out to counterparts within the Los Angeles local government to learn more about the process they recently completed, and any lessons learned from their experience.

⁴⁰ Five jurisdictions have established their commissions via ordinance: Chicago, Cook County, Los Angeles, Portland, and Seattle (both the Human Rights Commission and the Ethics and Elections Commission). The other three, Minneapolis, New York City, and San Francisco, are included in the jurisdiction's charter. For an internal example of a charter-based enforcement body, see the King County Office of Law Enforcement Oversight. King County Charter Art. 1, § 265.

⁴¹ See *e.g.*, Minneapolis, MN Code of Ordinances Ch. 139; NY City Administrative Code Title 8; San Francisco Administrative Code Ch. 12A.

Recommendation #3: Establish the Commission’s permanence through a new provision in the county charter.

Because the King County Council Chair and the Law and Justice Committee Chair have expressed a strong desire to ensure the independence and enduring commitment to the protection of civil rights in King County, an amendment to the county charter should be sought. While it would require extra effort, should the County desire to implement changes sooner, the Council could seek to pass an ordinance with the preferred changes as soon as reasonably possible, and then seek an amendment to the charter in the future. Other jurisdictions have converted their enabling laws from ordinance to charter. In 2018, New York City converted from ordinance to charter when it passed an amendment to its charter to include its Commission on Human Rights in its governing document.⁴² King County could consider making the changes in stages if the timeliness concerns are great.

2. Composition and Appointment Process

The commissions of other jurisdictions examined came in a number of configurations. Each of the jurisdictions has a group of 10 to 25 appointed commissioners who serve as volunteers for a specified term of years, and many of them take into consideration the representation of protected groups in selecting commissioners.⁴³ None of the jurisdictions reviewed has a system similar to King County’s, where composition is based in part on geographic representation of the jurisdiction.

In terms of the appointment process, commissioners were either appointed directly by the executive or by a combination of the legislative body and the executive. In jurisdictions where the executive has the authority to make appointments, typically the council must approve or confirm the appointments.⁴⁴ Only two of the jurisdictions, New York City and San Francisco, provide for appointments by the mayor with no participation of the legislative branch.⁴⁵ The City of Minneapolis and the City of Seattle have implemented an appointment process more similar to what exists in King County, in which the executive and legislative branches each appoint a

⁴² NY City Charter Ch. 40. Before this, an enabling ordinance set out the powers, duties and composition of the Commission on Human Rights. See NY City Administrative Code §§ 8-103–8-107 (repealed eff. 10/16/2018).

⁴³ Chicago Municipal Code § 2-120-490 (19 members); Cook County, IL Code of Ordinances § 42-34 (a)(1) (11 members, diversity and community input considered); Los Angeles Municipal Code § 22.1200 (7 members, experience with minority and marginalized communities considered); Minneapolis, MN Code of Ordinances § 141.20 (21 members); NY City Charter § 903 (15 members); Portland City Code § 3.129.010 (11 to 15 members, “representation from reasonably broad spectrum of community” considered); San Francisco Charter § 4.107 (11 members) and San Francisco Administrative Code § 12A.4 (members to be “broadly representative of the general public”); and Seattle Municipal Code § 3.14.920 (21 members to include representatives of protected communities).

⁴⁴ See Chicago Municipal Code § 2-120-490; Cook County, IL Code of Ordinances § 42-34(a)(1); Los Angeles Administrative Code § 22.1200(b), Los Angeles Charter § 502.

⁴⁵ See NY City Charter § 903; San Francisco charter §§ 4.107 and 3.100(18).

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specified number of commissioners, subject to approval by the other branch.⁴⁶ Seattle's Human Rights Commission and Ethics and Elections Commission also incorporate the participation of the other commission members in appointing new members by reserving seats for appointment by the commission itself.⁴⁷

Recommendation #4: To ensure independence and representation, create a balanced process for appointment of commissioners that takes into account the representation and input of protected communities.

The County currently has a fairly balanced approach to appointment of commissioners, with the involvement of both the executive and council members.⁴⁸ The County should consider including a provision in the code section related to composition that requires those appointing new members to take into account the diversity of communities and to seek input from affected communities.⁴⁹ Vesting the responsibility to nominate and appoint commissioners in multiple people and branches of government enhances the independence of the body and has the potential to lead to a more diverse and representative commission.

3. Staffing and Executive Leadership

Each of the commissions reviewed has staff employed by the jurisdiction who are assigned to support the commission or, more often, to carry out the day-to-day operations of the commission.

For commissions that have the power to investigate and adjudicate civil rights complaints,⁵⁰ the commissions have staff and executive leaders appointed to carry out the day-to-day functions of the commission. In the majority of jurisdictions, the staff were part of the commission,⁵¹ while in others they were part of a separate, but related, office.⁵² All of the enforcement jurisdictions provide for the appointment of an executive leader, either as a full-time and compensated chair

⁴⁶ See Minneapolis, MN Code of Ordinances § 141.2(a)-(b); Seattle Municipal Code §§ 3.14.920(B) (appointment to Human Rights Commission), 3.70.020 (appointment to Ethics and Elections Commission).

⁴⁷ See Seattle Municipal Code §§ 3.14.920(B) (Human Rights Commission), 3.70.020 (Ethics and Elections Commission).

⁴⁸ KCC § 3.10.020. Furthermore, the process for appointment of commissioners generally is specified in a separate section of the code. KCC § 2.28.0015.

⁴⁹ See e.g., Cook County, IL Code of Ordinances § 42.34(a)(1).

⁵⁰ Portland, which has the only advisory commission reviewed and does not have any system for investigation or enforcement, has one staff person assigned to assist the commission. See Portland City Code §3.129.030.

⁵¹ See Chicago Municipal Code § 2-120-490; Cook County, IL Code of Ordinances § 42-34(a)(6); Los Angeles Administrative Code § 22.1220; NY City Charter §§ 903, 905(g); San Francisco Administrative Code §12A.4(b); Seattle Municipal Code § 3.70.100(G) (Ethics and Elections Commission).

⁵² See Minneapolis, MN Code of Ordinances § 141.80 (Department of Civil Rights); Seattle Municipal Code § 3.14.900 (Office for Civil Rights).

of the commission (who also serves as a member of the commission),⁵³ an executive director of the commission,⁵⁴ or executive director of a related office.⁵⁵ Whether the staff is part of the Commission or part of a separate, but related, office does not appear to affect the nature of its work or its ability to carry out tasks.

The Seattle Ethics and Elections Commission (EEC) provides a compelling example of a staffing model that allows for independence in the work of the EEC and sufficient resources to carry out the stated functions. The EEC is entrusted, among other duties, with investigation and enforcement of the City's Code of Ethics, Campaign Code, and Whistleblower Protection Code.⁵⁶ These functions are carried out by EEC staff, under the direction of an executive director.⁵⁷ Whereas in many jurisdictions the executive director is appointed by the mayor or county executive,⁵⁸ the EEC is charged with appointing its own executive director and with confirming staff hired by the executive director.⁵⁹ The appointment of the executive director is confirmed by the city council, and the executive director may be removed for cause upon majority vote of the commission.⁶⁰

Recommendation #5: To ensure independence, create a new position of executive director of the Commission who would be responsible for the day-to-day operations of the Commission and for the appointment and supervision of staff.

Following the example of the Seattle EEC, the executive director should be appointed by, and accountable to, the Commission to maintain independence from political influence. Including a provision that the executive director may be removed only for cause further insulates the work of the commission staff from political pressures.

⁵³ See Chicago Municipal Code § 2-120-490; NY City Charter §§ 903.

⁵⁴ See Cook County, IL Code of Ordinances § 42-34(a)(6); Los Angeles Administrative Code § 22.1220; San Francisco Administrative Code §12A.4(b); Seattle Municipal Code § 3.70.150 (Ethics and Elections Commission).

⁵⁵ See Minneapolis, MN Code of Ordinances § 141.80(c); Seattle Municipal Code § 3.14.910.

⁵⁶ Seattle Municipal Code §§ 3.70.10; 3.70.100(D).

⁵⁷ Seattle Municipal Code § 3.70.160.

⁵⁸ See Chicago Municipal Code § 2-120-490; Cook County, IL Code of Ordinances § 42-34(a)(6); Los Angeles Administrative Code § 22.1220; (subject to confirmation of council); Minneapolis, MN Code of Ordinances § 141.80(c) (subject to confirmation by council); NY City Charter §§ 903; Seattle Municipal Code § 3.14.910 (subject to confirmation by council).

⁵⁹ Seattle Municipal Code §§ 3.70.100(G); 3.70.150; *see also* San Francisco Administrative Code §12A.4(b) (commission chair appoints executive director with approval of majority of commission).

⁶⁰ Seattle Municipal Code §§ 3.70.150(B), (D).

Recommendation #6: Reestablish an independent staff, led by the executive director and separate from other offices in the executive branch, supported by sufficient funding and resources to accomplish the goals and workload contemplated by the ordinances.

Should the County choose to increase the authority of the Commission to investigate and enforce related civil rights laws, as well as to make policy recommendations, a team of employees with the capacity to undertake these responsibilities is essential. It is clear from the examination of other jurisdictions that those who have committed resources to these activities, by way of increased staffing, have more robust programs and outcomes. If the County truly wants to reinvigorate its civil rights program, it must commit sufficient resources and must invest in identifying strong leadership, at both the commission and executive leadership levels, to redevelop such a program.

Based on staffing models of commissions of other jurisdictions, a comprehensive staff for the Commission would include – in addition to an executive director – at a minimum, a civil rights investigator, an attorney, a policy analyst, a program manager, and administrative staff.⁶¹ The number of FTEs for each position type would depend on the level of authority that would be granted to the Commission, the number of new policies that the Commission would proactively pursue, expansion of protected classes, the level of community engagement, and the number of cases. According to Council staff, the annual cost of such staff would be approximately \$875,000.^{62, 63}

4. Name

Historically, bodies established to address racial conflict, inequality, and discrimination in local communities often included “human relations” in their names.⁶⁴ This label was so widely accepted that in the late 1990s, the United States Department of Justice, Community Relations Service issued “Guidelines for Effective Human Relations Commissions.”⁶⁵ More recently, however, most jurisdictions have moved away from the language of “human relations,” and have moved toward incorporating a human rights and/or civil rights emphasis into the name of commissions focused on discrimination and equality. Six of the eight jurisdictions reviewed

⁶¹ Research and analysis related to staffing models provided by King County Council policy staff.

⁶² Based on county personnel costs: Executive Director = \$200,000; Civil Rights Investigator = \$160,000; Attorney = \$160,000; Policy Analyst = \$130,000; Program Manager = \$125,000; Administrative Staff = \$100,000.

⁶³ See Appendix 2 for an inventory of staffing models of commissions of other jurisdictions and the county’s Office of Law Enforcement Oversight (OLEO).

⁶⁴ Some of the jurisdictions reviewed retain this wording in the titles of their commissions, including the Chicago Commission on Human Relations and the recently replaced Los Angeles Human Relations Commission.

⁶⁵ See <https://www.justice.gov/archive/crs/pubs/gehrc.htm>.

include “human rights,”⁶⁶ and three incorporate “civil rights” into the names of their commissions or related offices.⁶⁷ Some jurisdictions, such as Portland, have also made an explicit commitment to refer to the United Nations Universal Declaration of Human Rights to inform their work.⁶⁸ Because the field of human rights is broader, but encompasses civil rights, including a reference to human rights in the name of the commission may signal a commitment by the jurisdiction to thinking expansively about its role in advancing the rights of its residents.

Recommendation #7: Consider whether renaming the Commission to incorporate both civil rights and human rights into the name will enhance community engagement and inclusion in the work of the Commission by indicating the County’s commitment to protecting the rights of all residents.

By including “human rights” in the name of the Commission, the County could acknowledge the changing nature of its community, and its commitment to including and promoting the rights of all. While such a change is unlikely to impact the day-to-day work of the Commission, it could serve to communicate to the community the broad vision the County takes in protecting the rights of its residents. Should the County consider changing the name, it should retain the reference to civil rights in the name of the Commission. In light of this County’s strong connection to Martin Luther King Jr., after whom the county is named, it seems fitting to retain that reference.

C. *Policy Areas to Address*

King County’s code currently focuses on addressing discrimination in six main policy areas: (1) Equal Employment Opportunity in King County government, its contractors, subcontractors, and vendors;⁶⁹ (2) Discrimination in Contracting Practices in King County Government and Unincorporated King County (UKC);⁷⁰ (3) Fair Employment Practices in King County government and UKC;⁷¹ (4) Discrimination in Employee Benefits by County Contractors;⁷² (5) Discrimination in Housing in UKC;⁷³ and (6) Discrimination in Public Accommodations in UKC.⁷⁴ Through these

⁶⁶ These are: Cook County Commission on Human Rights; Los Angeles Civil and Human Rights Commission; New York City Commission on Human Rights, Portland Human Rights Commission; San Francisco Human Rights Commission; and Seattle Human Rights Commission.

⁶⁷ See, e.g., Los Angeles Civil and Human Rights Commission; Minneapolis Commission on Civil Rights; and Seattle Office for Civil Rights.

⁶⁸ See Portland City Code § 3.129.020.

⁶⁹ KCC § 12.16.

⁷⁰ KCC § 12.17.

⁷¹ KCC § 12.18.

⁷² KCC § 12.19.

⁷³ KCC § 12.20.

⁷⁴ KCC § 12.22.

laws, the County provides important protections to its employees, contractors, subcontractors, vendors, and residents of unincorporated areas of the County. However, as discussed in a prior section, the Office of Civil Rights is tasked with investigating and enforcing complaints of discrimination in contracting, fair employment, unfair housing practices, and public accommodations, while Equal Employment Opportunity and discrimination in employee benefits by county contractors are under the authority of other county departments.^{75, 76}

The commissions of other jurisdictions cover a wide range of policy areas. As a general matter, like King County, they are focused primarily on advising on and enforcing the jurisdiction's anti-discrimination ordinance(s), usually in the areas of employment and housing. Also like King County, the anti-discrimination ordinances in these jurisdictions tend to address discrimination occurring not only in housing and employment in which the jurisdiction is directly involved, but also housing and employment discrimination between private actors.⁷⁷

1. Addressing Discrimination in New Ways

While traditional anti-discrimination work remains the focus, many jurisdictions with independent commissions have also begun to think about preventing discrimination proactively by passing ordinances aimed at addressing inequalities at the front end. The commissions and associated offices of such jurisdictions are later tasked with enforcing many of these new ordinances, in addition to the more traditional anti-discrimination ordinances. Some examples of the policy areas the newer ordinances address are:⁷⁸

- Living wage
- Minimum wage
- Earned sick leave
- Fair chance⁷⁹ – housing and employment
- Sanctuary city
- Secure scheduling
- Hotel employee health and safety
- Domestic worker protections
- Priority/local hire

⁷⁵ See KCC §§ 12.16.010 (A) and 12.16.115; § 12.19.040.

⁷⁶ As the County considers the larger changes to its civil rights enforcement scheme, the County could consider whether consolidating enforcement of all provisions relating to non-discrimination makes sense. Examination of the enforcement mechanisms of these specific provisions is beyond the scope of the research conducted for this report.

⁷⁷ See e.g., Cook County, IL Code of Ordinances §§ 42-35 (employment), 42-38 (housing); NY City Administrative Code § 8-107 (1), (5) (employment and housing); San Francisco Police Code §§ 3303-3304 (employment and housing).

⁷⁸ See Appendix 1 for information regarding which jurisdictions have engaged in the various policy areas.

⁷⁹ Limiting ability of employers and landlords to screen applicants based on criminal record status.

In determining the new policy areas to address, jurisdictions often consider issues that have a disproportionate impact on groups who have historically lacked power in the community. While the ordinances do not always directly address discrimination in the traditional way, they are often aimed at addressing inequality that manifests in less visible ways. Because these policies are geared toward addressing negative impacts on the community, it is essential to engage in a meaningful process to get input and buy in from affected groups as to both the existing problems and the potential solutions.

Recommendation #8: Engage in a robust stakeholder process to determine the need for new policies to address inequity proactively and propose related legislation.

There is great potential for King County to explore ways to address human and civil rights related issues that its residents face. Because of the likelihood of overlap, the Commission should seek to share information, and potentially resources, with Office for Law Enforcement Oversight, the Community Advisory Committee for Law Enforcement Oversight, the Immigrant and Refugee Commission, Women’s Advisory Board, Section 504/ADA Advisory Committee, the Office of Equity and Social Justice, and any other related county boards and commissions in its efforts to engage with the community and to develop policy priorities. Finding out what is important to impacted communities is essential for these policies to have maximum impact.

2. Expanding Protected Classes

In addition to passing proactive ordinances to prevent discrimination, many jurisdictions have also expanded the reach of their protections to benefit additional classes of people.⁸⁰ The table below demonstrates the classes of people currently protected in King County, and additional protected classes found in other jurisdictions for the county to consider including in its ordinances.

Table 2. Protected classes in King County and new protections to consider

CURRENTLY PROTECTED IN KING CO.	OTHER POSSIBLE PROTECTIONS
Sex	Ancestry
Race	Parental/familial status
Color	Military discharge status
Marital status	Source of income
National origin	Professional training or education
Religious affiliation	Housing status
Disability	Alienage or citizenship status

⁸⁰ See Appendix 1 for information regarding which jurisdictions have expanded their protections to new classes.

Sexual orientation Gender identity or expression Age	Caregiver status Uniformed service Status as victim of DV, sex offenses, or stalking Conviction or arrest record
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Recommendation #9: Consider expanding protections to additional classes of people to ensure equal treatment for broader segments of the population.

While King County law provides protections based on a fairly wide range of characteristics, as evidenced by the chart above, there may be other groups not traditionally covered by civil rights laws that experience discrimination on the basis of some status, characteristic, or membership in a group. King County should endeavor to determine, through outreach and community stakeholder engagement, whether its residents would benefit from expanding the scope of protection under existing laws, or under new laws the county considers.

3. Affirmative Action

The County may also wish to design a plan for implementing recent changes to the law in Washington regarding affirmative action. Late last year, the Legislature passed Initiative 1000,⁸¹ effectively overturning the changes made twenty years earlier via I-200 and allowing governments to implement remedial plans to address discrimination or underrepresentation of disadvantaged groups.⁸²

In 1998, Washington voters passed I-200, an initiative which prohibited preferential treatment in public education, employment and contracting, effectively foreclosing the ability of governments to implement affirmative action plans.⁸³ While I-200 prohibited discrimination on the basis of protected characteristics,⁸⁴ it also prohibited governments, including county governments, from giving preferential treatment on the basis of these characteristics when making decisions related to hiring for public employment, admitting students to public educational institutions, or granting of public contracts.⁸⁵

⁸¹ Initiative Measure No. 1000, passed April 28, 2019, (2019 Wash. Sess. Laws C 160), <http://lawfilesex.leg.wa.gov/biennium/2019-20/Pdf/Initiatives/Initiatives/INITIATIVE%201000.SL.pdf>.

⁸² While I-1000 reinstates the ability of governments to implement affirmative action plans, the changes do not reinstate the exact same state of the law that existed before I-200. Should the County choose to implement a new affirmative action plan, it should seek the advice of counsel as to the scope and limitations of the new law.

⁸³ Initiative Measure No. 200, approved November 3, 1998 (codified at RCW 49.60.400), <https://www.sos.wa.gov/elections/initiatives/text/i200.pdf>.

⁸⁴ RCW 49.60.400(1).

⁸⁵ *Id.*

In passing I-1000, the Legislature has reversed, in part, the changes that I-200 made. While quota systems are not allowed,⁸⁶ I-1000 allows governments to “remedy[] discrimination against, or underrepresentation of, disadvantaged groups as documented in a valid disparity study or proven in a court of law,”⁸⁷ and specifically allows affirmative action laws that do not use a protected characteristic as the sole determining factor to select a lesser qualified candidate.⁸⁸

However, the permanence of the changes made through I-1000 are still uncertain. Referendum 88, seeking a vote to veto the initiative and prevent reinstatement of affirmative action in Washington, has been certified by the Secretary of State to appear on the ballot in November 2019.⁸⁹ Until the vote takes place later this year, the future of affirmative action in Washington remains uncertain. If the public rejects Referendum 88 and the new law stands, it is still somewhat likely that it will be subject of litigation and may remain uncertain for the foreseeable future.

It should be noted that King County does have in place affirmative action policies related to ensure equal employment opportunities and a diverse workforce for county government⁹⁰ and for its contractors.⁹¹ The County’s current Civil Rights Commission is also tasked to review the affirmative action plan and make recommendations on amendments to the county executive, and report to the County Council on whether the County has consistently met or exceeded affirmative action goals.⁹²

Recommendation #10: Update affirmative action policy based on the scope of the new state law.

After the outcome of the vote on Referendum 88 is determined, the County should seek advice of counsel regarding the scope of its authority to enact new affirmative action ordinances, and to implement local affirmative action programs under the new law. If the law is eventually implemented as currently written, it provides the opportunity for the County to update its existing law and develop a meaningful program to address historic inequalities in the community.

⁸⁶ I-1000, 2019 Wash. Sess. Laws c 160, § 4.

⁸⁷ *Id.* § 3(8).

⁸⁸ *Id.* § 9; see also *id.* § 11(d) (defining “preferential treatment”).

⁸⁹ See <https://www.sos.wa.gov/elections/initiatives/petition-status.aspx>.

⁹⁰ KCC § 3.12.180.

⁹¹ KCC § 12.16.040.

⁹² KCC § 3.10.030.

II. LEGAL AUTHORITY FOR EXPANDING THE SCOPE OF THE CIVIL RIGHTS BODY

King County is a “home rule” county⁹³ with the power to determine its own form of government and to administer its own affairs,⁹⁴ so long as all laws adopted by the County are consistent with state law.⁹⁵ The Washington Constitution grants significant police power⁹⁶ to home rule jurisdictions, effectively delegating all regulatory powers to local governments, so long as they are of local concern, are reasonable, and do not conflict with state law.⁹⁷

Local governments may exercise police power in areas covered by federal or state law, even where the local regulation is broader and more inclusive than the corresponding statute.⁹⁸ Local governments, in exercising their police power to promote the general welfare, may legislate to protect human and civil rights and to ban discrimination in their jurisdictions, provided that such action is not preempted by, or in conflict with, state law.⁹⁹ For King County, the state law most likely to be at issue with regard to addressing human and civil rights violations in the county is the Washington Law Against Discrimination (WLAD).¹⁰⁰ This state anti-discrimination law prohibits discrimination based on a wide range of protected characteristics¹⁰¹ in a variety of arenas,¹⁰² and is enforced by the Washington State Human Rights Commission.¹⁰³

There is little concern that local anti-discrimination laws contemplated by King County would be preempted by the WLAD. Courts have long acknowledged that local governments may enact anti-discrimination provisions,¹⁰⁴ and one section of the WLAD specifically allows counties and first class cities with populations over 125,000 to enact anti-discrimination ordinances providing remedies for any form of discrimination covered under the WLAD.¹⁰⁵ While there are some

⁹³ King County Charter, art. 1, § 110 (“The county shall have all of the powers which it is possible for a home rule county to have under the state constitution.”). See Wa. Const. art. XI, § 4 (“Any county may frame a “Home Rule” charter for its own government subject to the Constitution and laws of this state... After adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law.”).

⁹⁴ Hugh Spitzer, “Home Rule” vs. “Dillon’s Rule” for Washington Cities, 38 Seattle U. L. Rev. 809, 810 (2015).

⁹⁵ Krane, D. et al. eds, Home Rule in America: A Fifty-State Handbook 437 (2001).

⁹⁶ Const. art. XI, § 11. See also Spitzer, *supra*, at 825 (“This is a strong home rule provision, with a direct, self-executing constitutional delegation of all regulatory powers to counties, cities, and towns, except to the extent those regulations conflict with preempting state law.”).

⁹⁷ Spitzer, *supra*, at 825.

⁹⁸ *Id.* at 828.

⁹⁹ 2 Antieau on Local Government Law § 29A.02 (2)(a) (2d ed.); 7 McQuillin Mun. Corp. § 24:414 (3d ed.).

¹⁰⁰ RCW 40.60.010, et seq.

¹⁰¹ RCW 40.60.030(1) (providing the right to be free from discrimination on the basis of “race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability”).

¹⁰² *Id.* (areas covered by right to be free from discrimination include: employment, public accommodations, real estate transactions, credit transactions, insurance transactions, commerce, and breastfeeding).

¹⁰³ See RCW 49.60.010, et seq.

¹⁰⁴ Cities and Towns—Discrimination—Remedies—Establishment of Anti-Discrimination Programs by Cities and Towns, Wash. AGO 1981 No. 14, 1981 WL 129668 (October 5, 1981).

¹⁰⁵ RCW 49.60.330; *City of Tacoma v. Franciscan Found.*, 94 Wn. App. 663, 666-67 (1999).

limitations to the County's ability to create new anti-discrimination law,¹⁰⁶ the County will have fairly wide breadth to act in this area.

In the same manner, the County will have latitude to enact proactive ordinances, intended to prevent, rather than redress, discriminatory outcomes, subject to the same restrictions. Before it does so, however, the County will need to undertake an analysis to determine whether the area in which it seeks to act is preempted by or in conflict with either federal or state law.

In terms of geographical scope, counties generally have the authority to enact ordinances to cover their own dealings in employment and contract in unincorporated areas of the county.¹⁰⁷ Where an incorporated municipality has not passed a law in an area in which the county has acted (e.g., incorporated town located within county does not have its own anti-discrimination ordinance), it is unclear whether the county has the power to enforce county law in that locale. While there is little to no legal authority analyzing the question, because of the general rules governing the scope of the county's jurisdiction, it is fairly safe to say that the county may not assert its authority or police power in incorporated cities and towns.¹⁰⁸ Therefore, the recommended course in these instances would be to explore entering into inter-local agreements (ILAs) with municipalities located within King County that do not have the resources to enforce their own civil rights laws.¹⁰⁹

According to the Washington State Attorney's Office, currently 4 of the 39 municipalities within King County have adopted local laws that provide additional civil rights protections within their jurisdictions.¹¹⁰ This includes the cities of Bellevue, Kirkland, Redmond, and Seattle. With the exception of Seattle, which supports an Office of Civil Rights, investigation and enforcement of

¹⁰⁶ For instance, the county will not be allowed to enact any ordinance that contradicts the WLAD. In *City of Tacoma v. Franciscan Foundation*, employees of a hospital operated by a religious institution in the City of Tacoma brought suit under a local anti-discrimination ordinance. 94 Wn. App. at 665. The ordinance extended anti-discrimination provisions to religious nonprofit organizations, though the WLAD specifically exempts such organizations from its definition of employer. *Id.* at 666-67. The court held that the ordinance conflicted with the WLAD because the statute explicitly addressed the issue indicating an affirmative policy choice to exempt religious groups from the law's reach, and found that the Tacoma ordinance contravened the policy choice. *Id.* at 669-70.

¹⁰⁷ See 1 Antieau on Local Government Law § 24.08 (1) (2d ed.) ("The general rule is that local government power is internal, unless external powers are expressly conferred by the state legislature or necessarily implied.")

¹⁰⁸ See *id.* at (3) ("In the absence of express grants, extraterritorial police power will not ordinarily be implied.") In Washington, where there is a dispute about which subunit of government controls in a given situation, the court must look to the intent of the legislature in the applicable area to determine which has the paramount authority. See *City of Everett v. Snohomish Cty.*, 112 Wn.2d 433, 436, 440-41 (1989). Therefore, where there is a statute enabling local government to act, the court will look to the legislative intent to decide whether a governmental unit is subject to the ordinance of another local government. *Id.* at 441.

¹⁰⁹ The King County Charter allows the county to "agree by contract or otherwise to participate jointly or in cooperation with any one or more other governments, governmental agencies, and municipal corporations, and to share the costs and responsibilities of such powers, functions and services." King County Charter, art. 1, § 120. See also RCW 36.115 et seq. (statutory scheme providing for creation of service agreements between local governments).

¹¹⁰ <https://www.atg.wa.gov/local-laws-and-enforcement-agencies>.

local laws are limited to the code enforcement programs/departments of the respective jurisdictions. In addition, based on data collected by the King County Office of Civil Rights from December 2016 through May 2018, approximately 43% of inquiries and/or complaints received by the Office of Civil Rights was under the purview of municipalities within King County. Although 18% of the inquiries and/or complaints received were related to those municipalities with civil rights laws, the remaining 25% of the inquiries and/or complaints received were related to those municipalities with no civil rights laws in place. Of those municipalities, Auburn, Burien, Federal Way, Kent, and Renton had the highest number of inquiries and/or complaints.

Recommendation #11: Explore interlocal agreements with municipalities located within the County that do not have the resources to enact or enforce their own civil rights laws.

In these circumstances, the municipality would adopt into its code the language of the civil rights protections provided in King County Code. Then the two jurisdictions would enter into an ILA for King County to provide the service of investigating and enforcing the civil rights laws. The County has engaged in a similar arrangement with incorporated municipalities through the regional preservation program adopted and administered by the King County Landmarks Commission.¹¹¹ As part of this arrangement, the Landmarks Commission has included a seat on the commission for one “special member ... appointed from each municipality within King County which has entered into an interlocal agreement with King County[.]”¹¹² If the County decides to pursue ILAs with incorporated municipalities, it could similarly consider providing for some form of representation of these municipalities on the Commission, either through direct membership or through a special advisory body.

In the event that the County does not enter into ILAs with such municipalities, while they would not benefit from additional civil rights protections implemented by the County, the residents of those cities and towns would continue to enjoy the significant protections and enforcement mechanisms afforded by both federal and state law.

¹¹¹ KCC § 20.62; see <https://www.kingcounty.gov/services/home-property/historic-preservation/regional-preservation.aspx>.

¹¹² KCC § 20.62.030 (A)(3).

III. RECOMMENDATIONS RECAP

Through the process of conducting this research, some common practices for ensuring an effective approach to protecting human and civil rights have become apparent. Following is a reiteration of the recommended actions for the county to take to reaffirm its commitment to protecting the civil and human rights of King County residents:

Recommendation #1: Grant greater authority to the Civil Rights Commission to implement the County's civil rights laws.

Recommendation #2: Include language in the enabling law of the Commission that explicitly establishes the independence and objectivity of the work of the Commission and its staff.

Recommendation #3: Establish the Commission's permanence through a new provision in the county charter.

Recommendation #4: To ensure independence and representation, create a balanced process for appointment of commissioners that takes into account the representation and input of protected classes.

Recommendation #5: To ensure independence, create a new position of executive director of the Commission who would be responsible for the day-to-day operations of the Commission and for the appointment and supervision of staff.

Recommendation #6: Reestablish an independent staff, led by the executive director and separate from other offices in the executive branch, supported by sufficient funding and resources to accomplish the goals and workload contemplated by the ordinances.

Recommendation #7: Consider whether renaming the Commission to incorporate both civil rights and human rights into the name will enhance community engagement and inclusion in the work of the Commission by indicating the County's commitment to protecting the rights of all residents.

Recommendation #8: Engage in a robust stakeholder process to determine the need for new policies to address inequity proactively and propose related legislation.

Recommendation #9: Consider expanding protections to additional classes of people to ensure equal treatment for broader segments of the population.

Recommendation #10: Update affirmative action policy based on the scope of the new state law.

Recommendation #11: Explore interlocal agreements with municipalities located within the County that do not have the resources to enact or enforce their own civil rights laws.

RESEARCH AND RECOMMENDATIONS REGARDING THE
KING COUNTY CIVIL RIGHTS COMMISSION
SEPTEMBER 24, 2019

Appendix 1

[Chicago Commission on Human Relations](#)

Authority

[Commission on Human Rights Enabling Ordinance: Ordinance: 2-120-480, et seq.](#)

Structure

Commission consisting of the chairs of eight advisory councils focusing on specific demographics (ex. Council on Women, Council of Latino Affairs, etc.) and fifteen additional members appointed by the mayor and approved by the city council. Each advisory council consists of 21 members appointed by the mayor and approved by the city council. Commission members are appointed to staggered three year terms. The mayor selects one person to serve as chairperson who is responsible for day-to-day operations of the commission and its staff.

Commission is independent agency and has paid chairperson (also a commissioner) who oversees paid "assistants" including designated investigators who handle the day-to-day work of investigation, etc.

Specific Roles

- Commission advises and consults with mayor and city council of all matters involving prejudice or discrimination based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income or professional training or education from an accredited institution and recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance;
- Develop and implement programs to train city employees in methods of dealing with intergroup relations, in order to develop respect for equal rights and to achieve equality of treatment regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income;
- Require the assistance of the various departments and agencies of the city government in identifying and eliminating discriminatory activities;
- Investigate complaints to determine whether there is substantial evidence that a violation of Chapter 2-160 or 5-8 has occurred, and issue a written determination whether there is substantial evidence that a violation has occurred;
- Conduct hearings on complaints under subsection (e) of this section, if the commission determines that there is substantial evidence that a violation has occurred. Hearings may be conducted by the commission, a member thereof, or a hearing officer appointed for that purpose. A hearing must be commenced within 90 days after the determination of substantial evidence that a violation has occurred. All testimony shall be under oath, and shall be either recorded or transcribed;
- Attempt to settle or adjust any complaint by conciliation at any time that the complaint is pending;
- Issue subpoena for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings authorized under this section, if there is reason to believe that a violation has occurred and the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation;
- Seek judicial enforcement of its subpoenas, orders and decisions;
- Issue such other rules and regulations as may be necessary to implement its powers, including rules for briefing and oral argument in conjunction with hearings, defaulting of parties and dismissal of complaints for failure of a party to cooperate with the commission;
- Enter into intergovernmental agreements with any or all of the Cook County, State of Illinois and United States governmental entities which administer and enforce laws similar to the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, for the purpose of more efficiently and effectively carrying out the goals of those ordinances.

Subjects of Ordinances Enforced

[Chicago Human Rights Ordinance: 2-160-010, et seq.](#)

- Traditional anti-discrimination - employment, credit transactions, consular ID

Protected Classes

Race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income or professional training or education from an accredited institution.

[Cook County Commission on Human Rights](#)

Authority

[Cook County Human Relations Ordinance § 42-34](#)

Structure

Eleven member board appointed by the President of the Cook County Board of Commissioners, subject to the advice and consent of the Cook County Board of Commissioners. Board members serve three year terms. The Commission is part of the Cook County Human Rights Department and has executive director and staff responsible for day-to-day operations and to aid in investigations.

Specific Roles

- The Commission on Human Rights enforces the Cook County Human Rights Ordinance, The Cook County Living Wage Ordinance, The Cook County Minimum Wage Ordinance, and the Cook County Earned Sick Leave Ordinance
- The Commission enforces ordinances through a variety of means, including rulemaking, investigating complaints by members of the public, and mediating those disputes when possible or conducting hearings to award compensatory damages, injunctions and other relief when necessary
- The Commission can issue judicially enforceable subpoenas for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings
- Hearing officers (licensed attorneys) shall conduct hearings on complaints brought under this article
- If the Commission concludes at any time following the filing or issuance of a complaint that in order to carry out the purposes of this article a civil action to preserve the status quo or to prevent irreparable harm is advisable, then the Commission may pursue a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint
- Commission is also responsible for advising the Cook County President and Board of Commissioners, producing an annual report, conducting research and educational programs, and may, with written permission of the Cook County Board of Commissioners, enter into agreements with other governmental entities

Subjects of Ordinances Enforced

- [Human Rights Ordinance: traditional anti-discrimination](#)
- [Living Wage Ordinance](#)
- [Minimum Wage Ordinance](#)
- [Earned Sick Ordinance](#)

Protected Classes

Race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income (including use of a housing choice voucher), housing status, or gender identity

Los Angeles Civil and Human Rights Commission¹	
Authority	
	Los Angeles Administrative Code § 22.1200-1231.
Structure	
	Seven member commission appointed by the mayor and confirmed by the city council. Commissioners serve staggered five year terms and commissioners with experience in a relevant area are preferred. The Commission is supported and advised by an Executive Director, who is charged with the day-to-day operations and investigation and enforcement duties of the commission. The Executive Director also appoints additional staff.
Specific Roles	
	<ul style="list-style-type: none"> • Advise on City’s anti-discrimination efforts and make recommendations to Mayor and City Council regarding adoption of new anti-discrimination laws. • Implement anti-discrimination laws. • Adopt administrative rules and procedures and promulgate regulations to carry out the purposes of the ordinance. • Request subpoenas, on behalf of Executive Director. • Appoint an employee to serve as secretary. • Coordinate with other public agencies. • Executive director investigates complaints of violations of the code with the assistance of commission employees.
Subjects of Ordinances Enforced	
	Civil and Human Rights Law, Los Angeles Municipal Code § 51.00, et seq. – anti-discrimination law covering employment, housing, education, and commerce.
Protected Classes	
	Actual or perceived race, color, ethnicity, creed, age, national origin, religion, citizenship status, gender, gender identity or expression, sexual orientation, disability, medical condition, genetic information, marital status, partnership status, employment status, income status, military status or veteran status.
Note	
	Los Angeles passed its Civil and Human Rights Law and created its new Civil and Human Rights Commission in the spring of 2019. Prior to this time, Los Angeles had an advisory commission with no investigation or enforcement powers.

¹ Website not yet developed.

[Minneapolis Commission on Civil Rights](#)

Authority

[Minneapolis Code of Ordinances, Title 7, Chapter 141.10](#)

Structure

Twenty-one member commission, of which no less than six and no more than eight are to be lawyers. Fourteen members are appointed by the mayor and seven by the city council. Members serve staggered two year terms. Mayoral appointments are subject to city council approval, and city council appointments are subject to mayoral veto. Commission is an extension of the city Department of Civil Rights. Investigations handled by the Minneapolis Department of Civil Rights Complaint Investigation Division which provides evidence to the Commission.

Specific Roles

- Seek to prevent and eliminate bias and discrimination prohibited under this title
- Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may best be attained and sustained, and publish results of such research and studies
- Advise the mayor, the city council and departments or agencies of government with respect to matters relating to the commission's purposes
- Conduct public meetings and forums, and gather and disseminate information to governmental agencies and to the public
- Director of Department of Civil Rights investigates initial complaints and makes a determination as to whether there is probable cause to believe the allegation of discrimination are well founded. If the director or a review committee, following an appeal, makes a determination of probable cause, the director shall immediately endeavor to eliminate the acts or practices complained of by conciliation and persuasion. If the director cannot do so, then the director shall refer the complaint to the commission.
- Once commission receives a complaint, the presiding commissioner can issue subpoenas
- If the commission finds a violation, it can issue an order directing the respondent to cease and desist from the discriminatory act or practice found to exist and order any respondent found to be in violation to pay a civil penalty to the City of Minneapolis "

Subjects of Ordinances Enforced

- Anti-discrimination ordinance - covers: business, educational institutional, employment and labor orgs., lending, professional orgs., property rights, real estate services., public accommodations, public services.
- Police conduct oversight;
- Small and underutilized business programs;
- Prevailing wage;
- Sick and safe time; and
- Minimum wage.

Protected Classes

Race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age, marital status, status with regard to a public assistance program, or familial status

[New York City Commission on Human Rights](#)

Authority

[New York City Charter, Chapter 40: New York City Human Rights Commission](#)
[Administrative Code of New York, Title 8](#)

Structure

Commission is an independent agency of the city government. The NYC Commission on Human Rights is staffed by legal, community relations, policy, communications, human resources, finance, operations, administrative and information technology staff members.

The commission is divided into two major "bureaus,"—Law Enforcement and Community Relations. The Law Enforcement Bureau is responsible for the intake, investigation, and prosecution of complaints alleging violations of the law. The Community Relations Bureau provides public education about the Human Rights Law and helps cultivate understanding and respect among the City's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs. The commission is led by eleven commissioners, one of whom is the chair.

Specific Roles

- The commission may at any time issue subpoenas requiring attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence relating to any matter under investigation or any question before the commission
- The commission can initiate its own investigation or conduct an investigation in connection with the filing of a complaint
- The commission may demand that the subject of an investigation (i) preserve those records in the possession of such person or persons which are relevant to the determination of whether such person or persons have committed unlawful discriminatory practices or other unlawful acts, and (ii) continue to make and keep the type of records made and kept by such person or persons in the ordinary course of business within the year preceding such demand which are relevant to the determination of whether such person or persons have committed unlawful discriminatory practices
- Once the commission determines that there is probable cause to support a complaint (unless the complaint is commission initiated in which case no showing of probable cause is necessary), the commission conducts a hearing then issues a decision and, where appropriate, an order
- The commission can order the hiring, reinstatement or upgrading of employees; the award of back pay and front pay; admission to membership in any respondent labor organization; admission to or participation in a program, apprentice training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; evaluating applications for membership in a club that is not distinctly private, without unlawful discrimination; selling, renting or leasing, or approving the sale, rental or lease of housing accommodations, land or commercial space or an interest therein, or the provision of credit with respect thereto without unlawful discrimination; payment of compensatory damages to the person aggrieved by such practice or act; and payment of the complainant's reasonable attorney's fees, expert fees, and other costs.

Subjects of Ordinances Enforced

- [Human Rights Law](#) - employment, housing, public accommodations, retaliation, discriminatory harassment, bias-based profiling by law enforcement.

Protected Classes

Race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, uniformed service, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record.

Portland Human Rights Commission
Authority
Portland Ordinance 184880
Structure
The Commission consists of 11 to 15 members appointed by the mayor and confirmed by the city council to staggered three-year terms. The Commission is an all-volunteer advisory body that is part of the City of Portland Office of Equity and Human Rights which provides one staff person for the commission appointed by the Office of Equity and Human Rights. Funding comes from the "Office of Equity" budget. The Office of Equity and Human Rights consists of a Director and "such other employees as the Council may provide."
Specific Roles
<ul style="list-style-type: none"> • Commission is tasked with promoting the rights provided for by the United Nations Universal Declaration of Human Rights • "Address and advocate" on "human and civil rights issues affecting Portlanders, including community and police relations, human trafficking, homelessness, immigrant rights, housing discrimination, and employee rights. • Explicitly states that the commission is guided by the principles embodied in the United Nations Universal Declaration of Human Rights • Awards Emily G. Gottfried Human Rights Awards • Hosts community roundtable
Subjects of Ordinances Enforced
No enforcement powers
Protected Classes
N/A

[San Francisco Human Rights Commission](#)

Authority

[San Francisco Charter § 4.107 \(Executive Branch section\)](#)

Structure

The SFHRC is a department of the County of San Francisco and consists of an eleven-person commission with commissioners appointed by mayor to four-year terms. The mayor also has the power to remove commissioners. The commission also has an office led by an executive director which includes policy analysts, investigator/mediators, and community relations staff. The executive director of the commission has the powers and duties of an executive branch department head. The director is selected by the mayor from candidates provided by the commission.

Specific Roles

- Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.
- Commission may investigate complaints of unlawful discrimination against any person;
- Ensure the civil rights of all persons;
- Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented and report on the implementation of such plans;
- Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community groups and others to eliminate discrimination and the result of past discrimination by furnishing information, guidance and technical assistance;
- Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;
- Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and
- Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.

Subjects of Ordinances Enforced

- [Article 33: non-discrimination in housing, employment and public accommodations;](#)
- [Article 38: non-discrimination based on HIV status;](#)
- [Article 49: Fair Chance Ordinance \(criminal records in housing and employment\);](#)
- [Art. 1.2: non-discrimination in housing against families with children;](#)
- [Non-discrimination in contracts;](#)
- [Sanctuary city ordinance;](#)
- [LGBT Youth Sensitivity Training](#)

Protected Classes

Race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight or height; criminal history

Seattle Human Rights Commission

Authority

[Seattle Municipal Code § 3.14.931](#)

[Human Rights Commission: Ordinance - SMC 3.14.920](#)

[Office of Civil Rights: Ordinance - SMC 3.14.900](#)

Structure

Consists of 21 representative residents of Seattle appointed to serve in an advisory capacity to the Mayor, City Council, Seattle Office for Civil Rights, and other Seattle City departments in matters affecting human rights. Eight commissioners are appointed by the Mayor, eight are appointed by the City Council, and four are appointed by the Commission. The 21st member joins the Commission each year through Get Engaged, a leadership development program for 18-29 year-olds. Commissioners are appointed to a two year term and serve without pay.

Commission is associated with the Seattle Office for Civil Rights which conducts investigations and makes initial determination as to whether civil rights ordinances have been violated. Commission hears appeals from investigations and determinations.

Specific Roles

- Consult with and make recommendations to the Director of the Office for Civil Rights and other City departments and officials with regard to the development of programs for the promotion of equality, justice, and understanding among all citizens of the City
- Consult with and make recommendations to the Director of the Office for Civil Rights with regard to problems arising in the City which may result in discrimination because of race, religion, creed, color, national origin, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, ancestry, honorably discharged veteran or military status, genetic information, the presence of any disability, alternative source of income, participation in a Section 8 or other subsidy program, right of a mother to breastfeed her child, or the use of a service animal by a disabled person, and to make such investigations and hold such hearings as may be necessary to identify such problems
- Recommend policies to all departments and offices of the City in matters affecting civil rights and equal opportunity, and recommend legislation for the implementation of such policies
- The Seattle Human Rights Commission hears appeals after the Seattle Office for Civil Rights (SOCR) or Office of Labor Standards has received and investigated charges of discrimination that have been filed and the office has issued a Finding and Determination (employment, housing and public accommodation cases)

Subjects of Ordinances Enforced

Human Rights Commission hears appeals from SOCR and Office of Labor Standards.

[SOCR Ordinances:](#)

- Anti-discrimination - Employment, housing
- Fair chance housing
- Public accommodations
- Fair contracting
- All-gender restrooms
- Conversion therapy on minors ban

[Office of Labor Standards ordinances:](#)

- Paid Sick and Safe Time
- Fair Chance Employment
- Minimum Wage
- Wage Theft
- Secure Scheduling
- Hotel Employees Health and Safety Initiative
- Domestic Workers Ordinance

Protected Classes

Race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability; criminal records (employment and housing)

Appendix 2

The following table provides an inventory of staffing models of commissions of other jurisdictions and the County’s Office of Law Enforcement Oversight (OLEO). OLEO was included to illustrate a staff model of an independent body that has recently been established by the County through a charter amendment.

Staffing models of commission of other jurisdictions.¹

Jurisdiction	No. of FTEs	Position Types	2019 Est. Annual Cost
King County Office of Law Enforcement Oversight	7.0	Director, Deputy Director, Policy Analysts, Law Enforcement Analysts, Office Manager	\$1.2 million ²
Seattle Ethics and Elections Commission	6.0	Executive Director, Assistant to the Executive Director, IT Professional, Campaign Finance and Lobbying Auditor and Trainer, Web Developer, Ethics and Whistleblower Advisor, Trainer and Investigator	\$1.7 million ³
Seattle Human Rights Commission / Office of Civil Rights	31.0	Director, Deputy Director, Administrative Staff, Civil Rights Investigators, Enforcement Staff, Policy Advisors, Communications Staff, Racial and Social Justice Initiative Support Staff	\$4.9 million ⁴
San Francisco Human Rights Commission	13.4	Executive Director, Deputy Director of Policy Division, Policy Director, Policy Analysts, Program Managers, Communication Manager, Discrimination Division Staff, Staff Support for Advisory Committees	\$2.2 million ⁵

¹ This table was provided by King County Council policy staff.

² King County 2019 Annual Budget. Source: King County EPM system.

³ The City of Seattle Budget does not delineate expenditures by personnel costs so the total may include other operational costs. However, this excludes the costs of the Democracy Vouchers Program. Source: <http://www.seattle.gov/financedepartment/documents/ETH.pdf>.

⁴ The City of Seattle Budget does not delineate expenditures by personnel costs so the total may include other operational costs. Source: <http://www.seattle.gov/financedepartment/documents/OCR.pdf>.

⁵ City of San Francisco Budget Book 2017 Final. http://sfmayor.org/sites/default/files/CSF_Budget_Book_2017_Final_CMYK_LowRes.pdf.

Jurisdiction	No. of FTEs	Position Types	2019 Est. Annual Cost
Cook County, IL Human Rights Commission / Department of Human Rights and Ethics	9.2	Director, Deputy Director, Legal Counsel, Public Information Officer, Ethics Investigators, Human Rights Investigators, Legislative Coordinator, Administrative Staff	\$0.82 million ⁶
Chicago Human Rights Commission	12.0	Commissioner, Deputy Commissioners, Hate Crime Victim Advocate, Human Relations Investigators, Director of Human Rights Compliance, Administrative Assistants, Staff support for Advisory Council on Gender and LGBT Issues, Staff support for Advisory Council on Equity	\$1.1 million ⁷
City of Los Angeles Civil and Human Rights Commission	N/A	N/A	\$3.0 million ⁸
County of Los Angeles Human Relations Commission	19.0	Executive Director, Assistant Executive Director, Human Relations Consultant, Human Services Administrators, Intergroup Relations Specialists, Dispute Resolution Program Manager, Administrative Staff	\$1.9 million ⁹

⁶ 2019 Cook County Annual Appropriation Bill Volume 2: Line Item Budget. <https://www.cookcountyil.gov/file/8484/download?token=YSlyfHU1>.

⁷ City of Chicago 2019 Budget: <https://chicago.legistar.com/View.ashx?M=F&ID=6829840&GUID=6B59C6DB-EDF6-4DAF-AE0E-AB88B1DD6C58>.

⁸ According to the City of Los Angeles, the annual operating cost of the commission-which would include staff from the City Attorney's Office-would be just over \$3 million if the commission is preempted from enforcing the California Fair Employment and Housing Act and more than \$9.7 million if it is not preempted. The City of Los Angeles has appropriated \$500,000 in 2019 to fund startup costs of the Civil and Human Rights Commission: <http://cao.lacity.org/budget19-20/2019-20BlueBookVol2.pdf>.

⁹ County of Los Angeles 2019-2020 Recommended Budget Volume I: <https://ceo.lacounty.gov/wp-content/uploads/2019/04/2019-20-Recommended-Budget-Volume-I-Online-Final.pdf>.

Jurisdiction	No. of FTEs	Position Types	2019 Est. Annual Cost
City of Minneapolis Office of Civil Rights / Civil Rights Commission	32.0	List of position types were unavailable, however, the Office of Civil Rights include the following units: Office of Police Conduct Review, Contracts Compliance Division, Complaint Investigations Division, Civil Rights Equity Division, and Labor Standards Enforcement	\$3.4 million
City of Portland, OR Office of Equity and Human Rights / Human Rights Commission	13.0	Director, Management Analysts, Program Manager, Program Coordinators, Program Specialists, Administrative Staff	\$1.7 million ¹⁰
New York City, NY	49.0	Commissioner, Deputy Commissioners, Chief of Staff, General Counsel, Director of Mediation and Conflict Resolution, Community Service Center Directors, Supervising Attorneys of Law Enforcement Bureau, Communications and Marketing Staff, HR and IT Support Staff, Executive Director of Operations	\$5.6 million ¹¹

¹⁰ City of Portland Oregon 2019-2020 Adopted Budget Citywide Summaries and Bureau Budgets: <https://www.portlandoregon.gov/cbo/article/738382>.

¹¹ The City of New York Adopted Budget Fiscal Year 2020 Supporting Schedule: <https://www1.nyc.gov/assets/omb/downloads/pdf/ss6-19.pdf>.