



Legislation Text

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Clerk 4/2/2007

A MOTION relating to the organization of the council; and amending Motion 10651, Section IV, as amended, and OR 1-030, Motion 11122, Section B, as amended, and OR 2-010, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended, and OR 2-030, Motion 10651, Section VI, as amended, and OR 3-010, Motion 10651, Section VII, as amended, and OR 3-030, Motion 10651, Section VIII, and OR 3-040, Motion 11327, Section II, as amended, and OR 3-101, Motion 8868, Sections 1-2, as amended, and OR 3-110 and rescinding Motion 11122, Section I, as amended, and OR 2-060, Motion 12434, Section III, and OR 2-070 and Motion 10002, Sections A-C, as amended, and OR 4-101.

WHEREAS, the King County Charter provides that the county council "shall be responsible for its own organization and for the employment and supervision of those employees," and

WHEREAS, the council desires to ensure that the capital budget committee has oversight of the county's capital budget, capital improvement proposals and programs, capital supplemental appropriations and debt and investment proposals, levies, fees and taxes, and

WHEREAS, the organizational motions need to be amended to reflect necessary changes to reflect internal policies and the council's rules in K.C.C. chapter 1.24 and to make technical changes for consistency;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

I. Motion 10651, Section IV, as amended, and OR 1-030 are each hereby amended to read as follows:

Powers and duties of the vice-chairs.

A. The vice-chairs shall exercise the duties, powers and prerogatives of the council chair in the event of the chair's absence, consistent with the order set forth in OR 1-010.B.

B. The vice-chair of policy shall serve as the chair of the committee of the whole.

C. The vice-chair of employment and administration shall serve as the chair of the employment and administration committee. The vice-chair of employment and administration shall issue, upon recommendation of the employment and administration committee and with the approval of a majority of the council, all employment decisions for legislative branch employees except interns and the councilmembers' personal staff. The vice-chair of employment and administration shall convene the employment and administration committee ((as needed)).

~~((D. The vice chair of regional affairs shall serve as the chair of the regional policy committee.))~~

II. Motion 11122, Section B, as amended, and OR 2-010 are each hereby amended to read as follows:

Committee of the whole - functions. The council may go into committee of the whole at any time. The committee of the whole shall consider: issues of interest to the entire council, including the annual work program and appointments to the state legislature and to the executive branch; the annual legislative program; agendas for council meetings; and other program and policy matters. The committee of the whole shall be responsible for conducting regular town hall meetings on issues of significance. For the purposes of K.C.C. chapter 3.16, the committee of the whole is designated as the committee responsible for establishing labor policy. The committee of the whole shall consider labor policy issues at least ~~((quarterly))~~ annually.

III. Motion 11122, Section D, as amended, and OR 2-020 are each hereby amended to read as follows:

Standing ~~((€))~~committees - functions. In addition to any committee otherwise established by law, the committees of the metropolitan King County council and their respective functions are established as follows:

A. Capital budget committee shall review capital improvement proposals and programs, including financial plans, revenues and expenditures; provide capital project oversight; and consider and make

recommendations on debt and investment proposals, levies, fees and taxes and on ((all)) capital budget appropriations.

The auditor's office shall report to the capital budget committee when performing its large capital construction proposals oversight function in accordance with the 2007 Budget Ordinance, Ordinance 15652, Section 1.F.8.

B. External affairs committee shall consider and make recommendations to the council on legislation before the federal, state and local governments that affects King County. The committee shall meet regularly with all branches of King County government to review legislation and policies that affect them and to coordinate the county's response to issues from other levels of government.

C. General government and labor relations committee shall:

1. Consider and make recommendations on policies relating to management organizational structure; customer service; the efficiency, cost effectiveness and performance of county departments, including: assessor; personnel; purchasing; civil rights and compliance; real property management; general services; records and elections; facilities management; risk management; safety and worker's compensation; and cooperative extension community services;
2. Consider and make recommendations to the full council on the annual audit program;
3. Consider and make recommendations to the full council on labor agreements;
4. Perform the functions of the labor implementation committee as specified in K.C.C. chapter 3.16;
5. Consider and make recommendations relating to information technology, cable communications and telecommunications issues;
6. Consider and make recommendations relating to constitutional and human rights, discrimination, civil and criminal liability, ethics and campaign practices; and
7. Consider and make recommendations relating to the King County international airport.

D. Growth management and natural resources committee shall consider and make

recommendations on policies relating to land use development, comprehensive planning, development regulations, regulatory reform and recommendations to the department of development and environmental services (DDES). In respect to consideration of updates of the Comprehensive Plan, all members of the council not assigned to the growth management and natural resources committee will be considered ex officio voting members of the committee. The chair of the committee may refer various portions of the Comprehensive Plan to panels of members. The chair of the committee may employ the various standing committees as panels. The panels shall transmit their recommendations to all councilmembers for their consideration as regular or ex officio members of the growth management and natural resources committee before the committee refers the annual update of the Comprehensive Plan to the full council.

The committee shall consider and make recommendations relating to: market rate housing and housing affordability; Growth Management Planning Council ("GMPC"), including GMPC task forces, timelines, products ((f))such as benchmarking and land capacity((h,)) and Countywide Planning Policies; Potential Annexation Areas; boundary review board; planned action environmental impact statements and related phased state Environmental Policy Act review; and the Puget Sound Regional Council; and development and land use regulations necessary to either implement salmon recovery or comply with the Endangered Species Act, or both.

The committee shall consider and make recommendations relating to subarea planning community councils and other unincorporated self-government strategies.

The committee shall consider and make recommendations on policies relating to: natural resources; cultural resources; recreation programs; issues relating to the Endangered Species Act; parks; open space; agricultural lands; resource lands; utility services including wastewater treatment, solid waste management, flood control and surface water and stormwater management; utility annexations; utility comprehensive plans and franchises; and water quality and water quantity issues.

E. Law, justice and human services committee shall:

1. Consider and make recommendations on policies relating to: public safety; adult detention; juvenile justice programs; youth services; the superior and district courts; judicial administration; prosecuting attorney; and public defense; and

2. Consider and make recommendations on matters relating to personal and environmental health; mental health; developmental disabilities; alcoholism and substance abuse; emergency medical services; human services; families and children; women's programs; and aging programs.

F. Operating budget, fiscal management and mental health committee shall, in consideration of the operating budget: review and monitor the operating budget, including financial plans, revenues, expenditures, quarterly reports, and operating programs; monitor the financial status of county funds; consider and make recommendations to all operating supplemental appropriations; and consider and make recommendations on debt and investment proposals, levies, fees and taxes. The committee shall consider and make recommendations on municipal annexations and incorporations and on all briefings and actions related to Motion 12320 regarding mental health, chemical dependency and therapeutic court services and the mental health recovery plan.

In addition to these functions, the operating budget, fiscal management and mental health committee shall convene for the purpose of reviewing and making recommendations on the executive's proposed 2008 annual budget. All members of the council shall be considered voting members of the committee for the duration of the committee's review of the executive's proposed 2008 annual budget. The chair of the operating budget, fiscal management and mental health committee shall appoint members to an operating budget panel, chaired by the vice-chair of the operating budget, fiscal management and mental health committee and a capital budget panel, chaired by the chair of the capital budget committee. The vice-chair of the capital budget committee shall be the vice-chair of both panels. The operating budget panel and the capital budget panel shall review the executive's proposed 2008 annual budget and make recommendations to the operating budget, fiscal management and mental health committee.

G. Transportation committee shall consider and make recommendations on policies relating to: transportation; planning; roads; engineering; and public transportation.

IV. Motion 10651, Section V, as amended, and OR 2-030 are each hereby amended to read as follows:

Employment and administration committee.

A. Membership requirements - duties. The employment and administration committee shall consist of four members and two alternates. Two members and one alternate shall be from the majority party and two members and one alternate shall be from the minority party. The only time an alternate may vote is when a regular member of the same party is absent. A quorum of the employment and administration committee shall consist of three committee members.

The council vice-chair of employment and administration shall chair the committee.

B. Duties and process.

1. Administrative committee. The employment and administration committee is an administrative committee of the council.

2. Personnel decisions. The employment and administration committee shall make recommendations to the council concerning decisions for legislative branch employees, except for councilmembers' personal staff. Personnel decisions include decisions to hire, to fill vacancies, to make staffing adjustments, to assign or reassign staff, to adjust staff pay, to analyze future hiring needs and to make other necessary employment decisions. Personnel decisions do not include termination or disciplinary decisions, which follow the process stated in subsection B.2 of this section. Employment and administration committee recommendations on personnel decisions shall be developed in consultation with appropriate committee chairs. Personnel decisions shall be contained in a written recommendation report that shall, upon signature of three committee members, be sent to the council. The council shall consider the recommendation reports from the committee on an employment and administration committee consent agenda.

~~((2-))~~ 3. Terminations and disciplinary decisions. The employment and administration

committee makes decisions on discipline and termination, including layoffs. If three committee members vote for a termination or disciplinary action the decision is final, except when an employee exercises the right of an appeal to the full council. An employee who has been either suspended without pay of two weeks or more or terminated may appeal the decision of the employment and administration committee to the council. The appeal must be filed with ten calendar days of written notice of the suspension or termination being sent to the employee. An appeal is accomplished by delivering a notice of appeal to the clerk of the council. Nondisciplinary terminations are subject to appeal in the same manner as disciplinary terminations.

~~((3-))~~ 4. Nothing in this process is to be construed to alter the at-will status of legislative branch employees. This process is designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are contrary to this process, the collective bargaining agreement controls.

C. Recommendations to the council chair. The employment and administration committee may consider and make recommendations to the council chair regarding management organization structure and legislative branch customer service. The committee may monitor and make recommendations on the legislative branch budget.

D. Removal of recommendations from consent agenda. Upon the request of any member present before the council, any specific recommendation from the employment and administration committee shall be removed from the consent agenda and considered separately by the council prior to adoption of the employment and administration committee consent agenda. The council may then by a majority vote make whatever orderly disposition of the matter it deems appropriate.

E. Motions for censure. The employment and administration committee shall consider and make recommendations on motions for censure related to alleged violations of any antiharassment policy by a councilmember.

F. Personnel records as confidential. To the extent permitted by law, personnel records which would be exempt from public disclosure shall continue to be treated as confidential and records or portions thereof which are exempt shall be conspicuously identified as such and separated from nonexempt records.

V. Motion 11122, Section I, as amended, and OR 2-060 are each hereby rescinded.

VI. Motion 12434, Section III, and OR 2-070 are each hereby rescinded.

VII. Motion 10651, Section VI, as amended, and OR 3-010 are each hereby amended to read as follows:

Use of councilmembers' district accounts.

A.1. All salaries for a councilmember's personal staff shall be paid out of the councilmember's district account.

2. The cost of benefits for personal staff shall be paid out of the ~~((council's))~~ central ~~((administration))~~ council account for up to four personal staff per district. The cost of benefits for each personal staff member above four for a councilmember shall be paid out of that councilmember's district account.

B.1. All expenditures for mail originating from an individual councilmember's office shall be paid for out of that councilmember's district account, except for mailings of ten items or less, which may be paid for out of the ~~((council's))~~ central ~~((administration))~~ council account.

2. A councilmember shall not send any mass mailing that is deposited in the mail between ~~((June 30))~~ the date the councilmember has filed a declaration and affidavit of candidacy with the records, elections and licensing services division and election day in any year in which an election is to be held to fill the councilmember's office. However, mailings may be made after the last day for filing for office if the councilmember has not filed for the office. For the purposes of this subsection B.2, "mass mailing" means any mailing of more than two hundred pieces that contains essentially identical messages and that is prepared or sent by or on behalf of an individual councilmember at council expense.

C. All expenditures for rent, office equipment and furniture, utilities and telephones to support a

councilmember's district office shall be paid out of the councilmember's district account.

D. All travel expenditures incurred by councilmembers or personal staff shall be paid for out of the councilmember's district account, except that councilmember travel relating to legislative advocacy or travel that is likely to provide financial benefits to the county may be paid out of the ~~((council's))~~ central ~~((administration))~~ council account, subject to approval of the chair of the council within the chair's discretion.

E. All other expenditures for community meetings, training, newspaper advertising, nonnewspaper advertising or other related activities as determined by the councilmember shall be paid out of the councilmember's district account.

F. Whenever questions about expenditures may arise, a councilmember shall consult with the chief of staff, legal counsel or the council administrator as necessary in considering whether a specific expenditure is authorized by this rule OR 3-010.

VIII. Motion 10651, Section VII, as amended, and OR 3-030 are each hereby amended to read as follows:

Legislative branch organization - organization chart ~~((--chief of staff--policy staff director))~~. ~~((A-Organization chart.))~~ The legislative branch shall be organized in accordance with the ~~((attached))~~ organization chart ~~((dated March 2, 1998)),~~ Attachment A to this motion.

~~((B. Chief of staff. There shall be a council chief of staff who reports to the chair, but shall be responsive to all councilmembers. The chief of staff is responsible for the efficient overall management and administration of the following components of the legislative branch, with the exception of personal staff and committee staff: the clerk, the administrator, governmental relations and communications staff and is also responsible for monitoring the independent agencies of the council. The chief of staff is a resource for personal and committee staff. In addition, the chief of staff, at the direction of the council and in consultation with appropriate committee chairs, may coordinate with the policy staff director the work of committee staff, legal counsel and others as needed on significant issues.~~

~~C. Policy staff director. There shall be a policy staff director who shall report to the chair, but shall be responsive to all councilmembers. The policy staff director is responsible for the efficient overall management and administration of the committee staff. Committee chairs and members are responsible for providing policy direction to committee staff by, among other things, setting priorities, establishing committee agendas and directing the work of committee staff. In addition, the policy staff director, at the direction of the council and in consultation with appropriate committee chairs, may coordinate with the chief of staff the work of committee staff, legal counsel and others as needed on significant issues.~~

~~D. Job descriptions for the chief of staff and the policy staff director shall be adopted by the council by motion.~~

~~E. In accordance with Motion 10651, Section VII, and OR 3-030, the position description for the chief of staff, Attachment A to Motion 11372, is adopted.))~~

IX. Motion 10651, Section VIII, and OR 3-040 are each hereby amended to read as follows:

Staff guidelines.

A. For the purposes of this section, unless the context clearly requires otherwise:

1. "Administrative staff" means the council chief of staff and staff who report directly or indirectly to the council chief of staff; and

2. "Central staff" means the policy staff director, staff who reports directly or indirectly to the policy staff director and staff assigned to a standing or regional committee;

B. Ethical considerations. In common with all county employees and officials, legislative branch employees and elected officials shall comply with the ~~((provisions of the))~~ King County code of ethics, K.C.C. chapter 3.04. Employees shall familiarize themselves with the content of the code of ethics ~~((code))~~ and in the event they identify any issue of possible concern they shall promptly seek advice from their supervisor, the council chief of staff, the policy staff director, the administrator or the legal counsel or shall seek an advisory opinion from the board of ethics.

~~((B-))~~ C. Lobbying restriction on ~~((program and))~~ administrative and central staff and on the legal counsel to the council.

1. ~~((No program or a))~~ Administrative or central staff or the legal counsel to the council shall not in any way seek to influence the passage or rejection of any matter under consideration by the council or any committee of the council, except where an employee within the scope of his or her duties is required to make a recommendation or is specifically asked by a councilmember to give a recommendation on the particular matter.

2. With respect to contacts involving the news media related to the political or policy aspects of county business, ~~((program and))~~ administrative and central staff and the legal counsel of the council are encouraged first to refer such matters to the committee chair or councilmember with jurisdiction over the subject matter.

~~((C-))~~ D. Reporting relationships and assignments.

1. ~~((Committee))~~ Central staff work for and are accessible to all ~~((nine))~~ councilmembers. They receive direction from the committee chair and members of the committee to which they are assigned and are subject to the administrative supervision of the policy staff director.

2. Lead ~~((committee))~~ central staff function as the supervisors for the ~~((committee))~~ central staff assigned to their respective committees. Subject to the confidentiality rules ~~((below))~~ in subsection F. of this section, ~~((committee))~~ central staff are expected to keep lead staff informed about their assignments and any issues that may arise.

3. Reports from staff shall make clear the sponsoring member or committee.

~~((D-))~~ E. Scope of ~~((W))~~ work.

1. ~~((Council committee))~~ Central staff's first priority is to support committee work responsibilities as established by the council and carried out under the direction of the committee chair. Their second priority is to support committee members' work requests. Their third priority is to support non~~((-))~~committee members'

work requests related to the work of the committee. Their fourth priority is to accomplish all other work requests from councilmembers. The committee chair shall make reasonable provisions for each priority.

2. If ~~((committee))~~ central staff believe that a work request cannot be accomplished consistent with the above priorities, they should discuss the issue with the committee chair and, if not resolved, they then may discuss the issue with the policy staff director.

~~((E.))~~ F. Confidentiality.

1. Councilmembers may request a staff member to perform work and keep the nature of the work confidential.

2. Consistent with the reporting relationship and assignment rules ~~((above))~~ in subsections B. through E. of this section, ~~((committee))~~ central staff are expected to inform lead staff about the amount of time required to perform the work.

3. If ~~((committee))~~ central staff believe that a work request by a councilmember is contrary to adopted council rules or violates the staff's professional ethics, the staff may consult with the policy staff director and for this purpose may disclose to the director information necessary to identify the problem. The director shall also maintain confidentiality.

~~((F.))~~ G. Staff assistance. ~~((Committee))~~ Central staff are encouraged to seek the assistance of the policy staff director to resolve any concerns regarding performance of their assigned duties.

X. Motion 11327, Section II, as amended, and OR 3-101 are each hereby amended to read as follows:

Hiring. The council wishes to formalize its process for outreach, recruitment and hiring as described in this section.

A. A job announcement will be prepared by the council administrator and will be distributed by the county personnel department to the county's standard distribution list and will be posted on the Internet. The job announcement should include a job description, salary, minimum qualifications, the standard "EEO" notice encouraging women and minorities to apply, and application instructions. Appropriate employment resources

to recruit persons from minority groups should be used in order to attract as many minority applicants as possible.

B. Positions will remain open for a reasonable period of time.

C. Applications will be screened according to written objective work-related criteria established from the job description. Oral interviews will be scheduled with an interview team selected by the council administrator. The oral interview has a two-fold purpose: 1. to give the applicant a more detailed description of the job, ~~((and))~~ the council and the staff; and 2. to examine in a structured fashion the experience and qualifications of the applicant. The oral interview may be supplemented by additional tests of an applicant's abilities such as writing samples and analytical exercises.

D.1. The council administrator will assess the results of the interview~~((/))~~ and testing process and will recommend the top candidates to the employment and administration committee.

2. The employment and administration committee may choose to consider other candidates than those recommended by the council administrator. The employment and administration committee will recommend a candidate to the council for final selection. After the employment and administration committee has made a recommendation, the council may choose to consider other candidates than those recommended by the employment and administration committee.

E. In cases where ~~((a))~~ any new vacancy in the legislative branch occurs within six months of the recruitment process described ~~((above))~~ in subsections A., B., C. and D. 1. of this section, the administrator may ~~((use the results of the))~~ consider any applicants from a previous recruitment process to select ~~((finalists))~~ top candidates for recommendation to the ~~((council))~~ employment and administration committee to fill the vacant position.

F. The only exceptions to this procedure will be for internal promotions or reassignments of legislative branch employees and for the recruitment and hiring of current county employees, interns, clerical employees, CTV operations specialists and temporary employees.

G. A preference shall be given to an applicant for any position who is presently on the staff of the legislative branch who has already demonstrated the capability to perform the duties of the position satisfactorily.

H. The authority for hiring temporary employees for ~~((positions lasting))~~ sixty days or less is delegated to the chief of staff.

XI. Motion 8868, Sections 1-2, as amended, and OR 3-110 are each hereby amended to read as follows:

Policies and procedures against sexual harassment and discrimination - policy statement.

A. The metropolitan King County council promotes a respectful, nondiscriminatory work environment, free of behavior which is illegal and/or which contributes to interpersonal conflicts, poor performance~~((;))~~ or poor morale. Therefore, the metropolitan King County council prohibits:

1. Sexual harassment;

2. Discrimination or harassment of, or inappropriate conduct toward, any employee on the basis of his or her race, color, sex, marital status, sexual orientation, religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical disability; and

3. Retaliation.

B. This policy applies to members of the council, ~~((council members' personnel))~~ councilmembers' personal staff~~((;))~~ and all employees of the legislative branch. Violations of this policy may lead to censure or discipline, up to and including discharge.

C. This policy is supplemental to other procedures available under federal, state, and county laws, including but not limited to the Whistleblower Ordinance ~~((;))~~, K.C.C. chapter ~~((42))~~ 3.42~~((;))~~, the Ethics Code ~~((;))~~, K.C.C. chapter 3.04~~((;))~~ and the Fair Employment Practices Code ~~((;))~~, K.C.C. chapter 12.18~~((;))~~. Employees are encouraged to report pursuant to this policy, but shall continue to have the right to utilize other formal complaint procedures established by law.

The ~~((attached))~~ policies and procedures against sexual harassment and discrimination in the legislative

branch in Attachment B to this motion are hereby adopted.

XII. Motion 10002, Sections A-C, as amended, and OR 4-101 are each rescinded.

XIII. This motion takes effect on the effective date of Ordinance ----- (Proposed Ordinance 2007-0147).

none