



## Legislation Text

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**File #:** 2008-0028, **Version:** 2

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Clerk 01/23/2008

A MOTION relating to the organization of the council; designating councilmembers and committee functions and staff and hiring guidelines; and amending Motion 10651, Section III, as amended, and OR 1-020, Motion 10651, Section IV, as amended, and OR 1-030, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended, and OR 2-030, Motion 10651, Section VIII, as amended, and OR 3-040 and Motion 11327, Section II, as amended, and OR 3-101.

WHEREAS, the council designates the functions for the councilmembers and council committees by adoption of a formal legislative motion, and

WHEREAS, the council designates certain staff and hiring guidelines by adoption of a formal legislative motion;

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

I. Motion 10651, Section III, as amended, and OR 1-020 are each hereby amended to read as follows:

**OR 1-020. Powers and duties of the chair.**

A. The chair, with their consent, shall appoint councilmembers to regional committees, standing committees, administrative committees, special committees and outside committees as required or as deemed necessary to efficiently conduct the business of the council. The council recognizes that its committee structure, membership and chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only by formal legislative motion adopted by a majority of the members at a council meeting.

B. The chair shall have the responsibility and general direction for the council's resources, budget, operation and organizational structure. The chair shall be responsible for the general oversight of legislative branch employees, except personal staff of councilmembers. The council chief of staff and policy staff director shall be responsible for the overall management and administration of legislative branch employees as specified in OR 3-030.

C. The chair of the council shall not enter into a consultant contract for more than twenty-five thousand dollars without first being authorized to do so by council motion. All consultants shall comply with the King County code of ethics.

D. The chair shall regularly consult in the exercise of her or his duties with the vice-chairs. The chair, in consultation with committee chairs, shall direct the necessary coordination of staff. The council's chief of staff and the policy staff director shall report to the chair. The chair may exercise any power conferred upon the chief of staff or policy staff director.

E. The chair shall be a member of the employment and administration committee.

II. 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 and administration shall serve as the chair of the committee of the whole.

C. The vice-chair of policy and administration shall also serve as a member of the employment and administration committee. The chair of the employment and administration committee 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, other than employment decisions that are made by the chair of the employment and administration committee as provided in OR 2-030.

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

**A. Capital budget committee** shall review capital improvement proposals and programs, including financial plans, revenues and expenditures; provide capital project oversight; review and consider the sale and lease of real property; and consider and make recommendations on capital budget appropriations and on debt and investment proposals, levies, fees and taxes ((and on capital budget appropriations)) relating to capital expenditures.

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.))~~ **C. Growth management and natural resources committee** shall consider and make recommendations on policies and issues 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 such as benchmarking and land capacity, 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 and issues 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)); and the restoration of Puget Sound.~~

~~((E-))~~ **D. 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-))~~ **E. Operating budget, fiscal management and ((mental health)) select issues committee** shall, in consideration of the operating budget: review and monitor the operating budget, including financial plans, revenues, expenditures, quarterly reports((s)) 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 concerning noncapital expenditures. 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))~~ shall consider and make recommendations on matters pertaining to two particular issues before the council:

1. The 2007 United States Department of Justice report concerning the King County jail and the county's ongoing response to the issues addressed in that report; and

2. Matters relating to the county's mental illness and drug dependency action plan and revenues raised

by the King County mental health additional sales and use tax authorized in Ordinance 15949.

~~((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.) F. Transportation committee** shall consider and make recommendations on policies relating to: transportation; planning; roads; engineering; and public transportation.

**G. 2009 budget review and adoption committee** shall convene for the purpose of reviewing and making recommendations on the executive's proposed 2009 annual budget. All members of the council shall be considered ex officio voting members of the committee for the duration of the committee's review of the executive's proposed 2009 annual budget. The chair of the 2009 budget review and adoption committee shall appoint members to an operating budget panel and to a capital budget panel.

**H. Utilities and parks committee** shall consider and make recommendations on: policies and programs, other than those relating to any one or more of land use development, comprehensive planning and development regulations, relating to parks and open space; recreation programs; regional trails; cultural resources; and utility services including wastewater treatment and water quality and quantity, solid waste management, recycling services, utility annexations, utility comprehensive plans and franchises and cable communications and telecommunications issues.

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, with two members from the majority party and two members from the minority party.

**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 interns and councilmembers' personal staff, and except for minor personnel decisions, which may be made by the chair of the employment and administration committee in accordance with subsection B.5. of this section. 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.3. of this section, or minor personnel decisions, which follow the process stated in subsection B.5. of this section. Employment and administration committee recommendations on personnel decisions shall be developed in consultation with appropriate committee chairs and, where applicable, the policy staff director and the chief of staff.

3. Personnel decisions shall be contained in a written recommendation report and may be voted out of committee upon: a. the receipt of the signature of three committee members during a meeting of the committee; or b. subject to signature by a quorum of the committee members in accordance with K.C.C. 1.24.055.C (Rule 6.C). Once the necessary signatures are obtained, recommendation reports from the committee shall be forwarded to the council for consideration on an employment and administration committee consent agenda. The chair of the employment and administration committee 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 staffs.

4. 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 within 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.

5. Minor personnel decisions.

a. The chair of the employment and administration committee shall make all minor personnel decisions as set forth in this subsection B.5. Minor personnel actions are:

(1) authorizing recruiting for a vacated or newly created position;

(2) increasing or reducing the hours assigned to a current position up to the total budgeted hours for the position, as reflected in the Staff and Salary Detail Report maintained by the council administrator;

(3) reassigning an employee employed within a legislative branch agency of the county auditor, board of appeals/equalization, hearing examiner, ombudsman/tax advisor or civic television to another position in the same agency and pay range;

(4) hiring a temporary or a term-limited temporary employee to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less;

(5) extending the employment period of a temporary or a term-limited temporary employee hired to perform clerical or technical functions, up to a total of the maximum period allowed by ordinance or two years, whichever is less; and

(6) approving a carryover of excess vacation leave under K.C.C. 3.12.190 because of cyclical



workloads, work assignments or other reasons as may be in the best interests of the county.

b. Requests for minor personnel decisions shall be made in writing to the employment and administration committee chair via the council administrator. Requests may be made only by councilmembers, legislative branch agency managers, the council administrator or a staff member who is supervised directly by the chair of the council. The council administrator shall promptly provide the employment and administration committee chair with a copy of the request and the administrator's recommendation for approval, disapproval or modification of the request.

c. Action on a requested minor personnel decision shall be in writing, signed by the chair of the employment and administration committee. The council administrator shall file the original of the decision action with the clerk of the council, and shall provide copies of the decision action to the agency manager or supervisor, affected employee and members of the employment and administration committee.

6. 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 10651, Section VIII, as amended, 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))~~ Policy staff" means the policy staff director(~~(;)~~) and staff who reports directly or indirectly to the policy staff director (~~((and))~~), including 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 King County code of ethics, K.C.C. chapter 3.04. Employees shall familiarize themselves with the content of the code of ethics 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.

C. Lobbying restriction on administrative and central staff and on the legal counsel to the council.

1. Administrative or (~~((central))~~) policy 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. This restriction does not apply to the chief of staff to the council pursuant to previously adopted council action.

2. With respect to contacts involving the news media related to the political or policy aspects of county business, administrative and ~~((central))~~ policy 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.

D. Reporting relationships and assignments of policy staff.

1. ~~((Central))~~ Policy staff work for and are accessible to all councilmembers and the policy staff director. They receive policy direction from the committee chair and members of the committee to which they are assigned ~~((and))~~ or the policy staff director if not otherwise assigned. All policy staff are subject to the administrative supervision of the policy staff director. Any shifts in staff resources allocated to a committee may be made only with the approval of the committee chair or, in extraordinary circumstances, with the approval of the employment and administration committee.

2. In order to ensure maximum effectiveness of the resources of policy staff and ensure that the Charter-based needs of the council are met, administrative supervision includes: overall coordination of all policy staff work plans; developing and implementing an ongoing equitable performance evaluation system that provides accountability of staff work product; developing, conducting and overseeing training and development programs, plans and processes for policy staff that link assessment of policy staff work with staff's professional development and growth.

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

~~((3-))~~ 4. Reports from staff shall make clear the sponsoring member or committee.

E. Scope of work.

1. ~~((Central))~~ Policy 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 noncommittee 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 ~~((central))~~ policy 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))~~ with the policy staff director, subject to the limitations identified in subsection F. of this section concerning confidentiality.

F. Confidentiality.

1. Councilmembers may request ~~((a))~~ an administrative staff or a policy staff member to perform work and keep the nature of the work confidential. Unless otherwise instructed by the councilmember requesting confidential work, administrative staff shall apprise the chief of staff as to the general nature of and time required to perform a confidential work request, and policy staff shall apprise the policy staff director as to the general nature of and time required to perform a confidential staff request.

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

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

of staff shall also maintain confidentiality.

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

VI. 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, 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 any new vacancy in the legislative branch occurs within six months of the recruitment process described in subsections A., B., C. and D.1. of this section, the administrator may consider any applicants from a previous recruitment process to select top candidates for recommendation to the 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 sixty days or less is delegated to the chief of staff.

For the purposes of this subsection, "sixty days" means

sixty actual days of work or no more than four hundred twenty hours of work, whichever is less.