



Legislation Details (With Text)

File #:	2020-0039	Version:	2
Type:	Motion	Status:	Passed
File created:	1/8/2020	In control:	Metropolitan King County Council
On agenda:		Final action:	1/8/2020
Enactment date:	1/8/2020	Enactment #:	15567
Title:	A MOTION relating to the organization of the council; amending Motion 11105 (part), as amended, and OR 1-040, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended and OR 2-030, Motion 11122, Section G, as amended, and OR 2-040, Motion 11122, Section H., as amended, and OR 2-050, Motion 10651, Section VII, as amended, and OR 3-030 and Motion 15446, Section III, and OR 3-033 and repealing Motion 11122, Section B, as amended, and OR 2-010.		
Sponsors:	Claudia Balducci		
Indexes:	Council		
Code sections:			
Attachments:	1. Motion 15567, 2. 2020-0039 Title Amendment T1		

Date	Ver.	Action By	Action	Result
1/8/2020	1	Metropolitan King County Council	Hearing held/closed and passed as amended	Pass

A MOTION relating to the organization of the council; amending Motion 11105 (part), as amended, and OR 1-040, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended and OR 2-030, Motion 11122, Section G, as amended, and OR 2-040, Motion 11122, Section H., as amended, and OR 2-050, Motion 10651, Section VII, as amended, and OR 3-030 and Motion 15446, Section III, and OR 3-033 and repealing Motion 11122, Section B, as amended, and OR 2-010.

WHEREAS the council has specified by motion the chairs, vice-chairs and members of council committees and provided for any changes to these positions to be made by adoption for a formal legislative motion, and

WHEREAS, the charter provides that the council shall elect one of its members as chair, and Motion 10651, Section II, as amended, and OR 1-010 provides that the council shall elect a chair who shall serve at the

pleasure of the council for a term of one year, unless otherwise ordered by the council, and

WHEREAS, the council has specified by motion the chairs, vice-chairs and members of council committees and provided for any changes to these positions to be made by adoption of a formal legislative motion;

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

I. Motion 11105 (part), as amended, and OR 1-040 are each amended to read as follows:

Chair and vice-chairs elected. For the year ((2019)) 2020 and until a successor is elected, the council elects Councilmember ((~~Red Dembowski~~)) Claudia Balducci as council chair, Councilmember ((~~Claudia Balducci~~)) Joe McDermott as council vice-chair of policy development and review and Councilmember Reagan Dunn as council vice-chair of regional coordination.

II. Motion 11122, Section B, as amended, and OR-2-010 are hereby repealed.

III. Motion 11122, Section D, as amended, and OR 2-020 are each 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. **Budget and fiscal management committee** shall consider and make recommendations on: the county revenue and expenditure fiscal structural gap; capital and operating budget appropriations; the sale and lease of real property to or by the county; debt and investment proposals; bond issues; the office of economic and financial analysis; levies ((~~including parks and emergency medical services~~)) unless referred to another committee; and financial policies.

1. The committee shall develop recommendations on policy direction for the biennial budget, based on the recommendations of other council committees and taking into account the estimated fiscal impacts of state and federal legislation.

2. In respect to consideration of the county's proposed biennial budget, all members of the council not assigned to the budget and fiscal management committee shall be considered ex officio voting members of the

committee.

B. Committee of the whole. The committee of the whole shall consider: issues of interest to the entire council, including appointments to the state legislature and department directors and key subordinate units in the executive branch; the annual legislative program; legislation before the federal, state and local governments that affect King County; the King County Strategic Plan; oversight of Harborview Medical Center; solid waste including waste to energy; arts and culture and associated levies, if any; the Puget Sound Taxpayer Accountability Account; gun safety; the immigrant and refugee commission; issues related to the census; the charter review commission; homelessness, including the King County Regional Homelessness Authority; and other program and policy matters. The committee of the whole shall conduct town hall meetings on issues of significance.

C. Community, health and housing services committee.

1. The committee shall consider and make recommendations on policies relating to:
 - a. health and housing services provided to the community by county agencies and branches, including, but not limited to, domestic violence facilitators, court navigators and community courts,
 - b. public health programs, including those related to the protection, promotion and provision functions of the department of public health, including the structure of the public health centers;
 - c. affordable housing, including therapeutic and low-income housing;
 - d. human services programs, including review of human services-related levies; and
 - e. economic development including equity and pay disparity.
2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

D. Government accountability and oversight committee.

1. The committee shall consider and make recommendations on:
 - a. improving the efficiency, cost effectiveness and performance of all branches of county government

(legislative, executive and judicial);

b. enhancing oversight, accountability and transparency in King County government, the annual county audit program and federal, state or county audit reports, the administration of the Public Records Act, capital projects oversight, the Puget Sound Emergency Radio Network, strategic planning, performance measurement and performance management, management organizational structure and technology management; and

c. general government oversight, including customer service, worker safety, the department of assessments; elections; records and licensing; animal control; cable communications; the county fair; King County international airport; risk management; veterans, and executive services such as telecommunications, facilities management, purchasing and real property management.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

~~((C. **Health, housing and human services committee.**~~

~~1. The committee shall consider and make recommendations on policies relating to:~~

~~a. public health programs, including those related to the protection, promotion and provision functions of the department of public health, including the structure of the public health centers;~~

~~b. affordable housing, including therapeutic and low-income housing;~~

~~c. human services programs, including review of human services-related levies, and civil rights and social justice;~~

~~d. economic development including equity and pay disparity;~~

~~e. homelessness crisis response system reforms; and~~

~~f. gender equity.~~

~~2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.~~

~~D.))~~ E. Law and justice committee.

1. The committee shall consider and make recommendations on policies relating to law, safety, criminal justice and emergency management programs, ~~((excluding those related to alternatives to incarceration and))~~ including those related to: public safety; adult detention; juvenile justice and youth services; superior and district courts; judicial administration; prosecuting attorney; public defense; emergency medical services; office of law enforcement oversight; bail reform; pretrial services ~~((including))~~; alternatives to incarceration; and civil rights.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

~~((E.))~~ F. Local services ~~((, regional roads and bridges))~~ committee.

1. The committee shall consider and make recommendations on policies relating to:

- a. surface water management and water supply;
- b. unincorporated and rural areas, including agriculture and rural services;
- c. local government;
- d. permitting and zoning ~~((including winery and marijuana related legislation))~~;
- e. county roads and bridges;
- f. levies to support county roads and bridges;
- g. emergency management including disaster response, emergency preparedness and emergency

planning ~~((and the Puget Sound emergency radio network))~~ as it pertains to the unincorporated areas;

~~((g.))~~ h. local services provided by the sheriff; ~~((and))~~

~~((h.))~~ i. utility annexations and water and sewer district plans; and

j. local parks and trails.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

F. Mobility and environment committee.

1. The committee shall consider and make recommendations on:

a. transportation, including passenger ferries, regional trails and public transportation including spending plans for new revenue, if any, and fares and fare equity policies;

b. the environment, including:

(1) salmon recovery and barriers to recovery such as culverts;

(2) resource((s)) lands, excluding agriculture;

(3) energy;

(4) water quality, including wastewater; and

(5) ((trails and)) regional parks and open space; and

c. growth management, including regional planning and the Comprehensive Plan.

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

Employment and administration committee.

A. ~~((Membership requirements. The employment and administration committee shall consist of five members. The chair of the council shall be a member of the committee.~~

B.)) Duties.

1. ~~((General duties.))~~ In accordance with this section OR 2-030, the committee shall oversee employment-related issues in the legislative branch, excluding all decisions for those positions and employees serving councilmembers' personal, district support and constituent services functions.

2. ~~((Administrative decisions. In consultation with the chief of staff, the committee shall))~~ The employment and administrative committee shall consider and make recommendations on:

a. ~~((recommend to the council for adoption of))~~ administrative and personnel-related policies;

b. ~~((recommend to the council for adoption of))~~ changes to the organization chart established in OR 3-030.A.;

- c. ~~((recommend to [the] council))~~ classification specifications and compensation ranges; ~~((and))~~
- d. ~~((recommend to [the] council))~~ job descriptions for all positions in the legislative branch~~((:))~~;
- ~~((3-))~~ e. ~~((H))~~ hiring chief officers and independent agency officers~~((The committee shall establish the)), in accordance with a hiring process ((for chief officers and independent agency officers, as well as make hiring recommendations to the council concerning these positions)) established by the committee that may include forming a subcommittee to implement the hiring process.~~ The committee may consult with the board of appeals on its hiring of the executive director and staff of the board of appeals and the committee may express its preference; and
- f. censure related to alleged violations by a councilmember of any antiharassment or discrimination policy.

~~((4. Performance evaluations of chief officers and independent agency officers.))~~ 3. The council chair, in consultation with the committee, shall provide oral and written expectations and counseling regarding employee performance for chief officers and independent agency officers. The chair of the council, with committee input, shall establish a process for periodically evaluating the chief officers and independent agency officers for their performance in performing job duties and achieving goals.

~~((5. Discipline of chief officers and independent agency officers.))~~ 4.a. The council chair, in consultation with the committee, shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues of a chief officer or an independent agency officer that persist, following an oral or written statement of expectations or counseling.

b. It is the responsibility of the council chair, when appropriate, to recommend to the committee for approval either suspension without pay or termination of chief officers or independent agency officers.

c. Following a suspension without pay of more than ten working days or termination hearing decision, a chief officer or independent agency officer subject to the committee's suspension without pay or termination decision may, within five business days of being notified of the decision, appeal the decision to the

council. An appeal is filed by delivering a notice of appeal to the clerk of the council.

d. A decision of the council to suspend without pay or terminate a chief officer or independent agency officer is final.

e. The chair of the council, with consultation of the committee, may execute a settlement agreement with a chief officer or independent agency officer.

f. A written disciplinary action may not be issued before completion of review of it by legal counsel or the civil division of the office of the prosecuting attorney. For the purposes of this subsection ~~((B.5.))~~ A.4., "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or termination of an employee.

~~((6. Motions for censure. The committee shall consider and make recommendations to the council on motions for censure related to alleged violations by a councilmember of any antiharassment or discrimination policy.))~~

~~((C.))~~ **B. Committee ~~((decisions))~~ recommendations and actions.**

1. ~~((All e))~~ Committee ~~((decisions authorized by this section))~~ recommendations on matters set out in subsection A.2. of this section shall be ~~((contained in a written decision report))~~ presented to the council as a motion for its consideration.

2. ~~((All committee recommendations authorized by this section shall be contained in a written recommendation report and, if approved by the committee, shall be forwarded to the council for consideration on an employment and administration committee consent agenda.~~

3. ~~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 before adoption of the employment and administration committee consent agenda.~~

4. ~~The~~ For actions authorized under subsection A.3. and 4. of this section, the chair of the

employment and administration committee shall issue notice to the affected employee upon final action of the committee or council.

((D-)) C. 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 identified as such and separated from nonexempt records.

((E-)) D. Construction of section. Nothing in this section is to be construed to alter the at-will status of legislative branch employees. This section designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are different than this section, the collective bargaining agreement shall prevail.

((F-)) E. Definitions. For the purposes of this section OR 2-030:

1. "Administrative services staff" are those legislative branch employees assigned to communications, government relations, administration and clerk blocks in the organization chart, Attachment A to Motion 15446.
2. "Chief officers" includes the chief of staff and chief legal counsel;
3. "Directors" includes the clerk of the council, the communication director, the director of government relations, the director of municipal relations, the director of operations, the director of equity and social justice and the chief policy officer;
4. "Independent agency officers" includes the auditor, the director of law enforcement oversight, the hearings examiner, the King County Flood Control District executive director and the director of the office of citizen complaints/tax advisor, which is also known as the ombuds.
5. "Legislative services staff" are those legislative branch employees assigned to the legislative services block in the organization chart, Attachment A to Motion 15446 .

V. Motion 11122, Section G, as amended and OR-2-040 are each amended to read as follows:

Chairs and vice-chairs. The council designates the following councilmembers as chairs and vice-chairs of the standing committees created in this motion and the regional committees established in the King

County Charter.

~~((Committee of the whole:~~

~~Chair: Joe McDermott.~~

~~Vice-chair: Jeanne Kohl-Welles.))~~

Budget and fiscal management committee:

Chair: ~~((Claudia Balducci))~~ Jeanne Kohl-Welles.

Vice-chair: ~~((Kathy Lambert))~~ Rod Dembowski.

Committee of the whole:

Chair: Joe McDermott.

Vice-chair: Reagan Dunn.

Community, health and housing services committee:

Chair: Kathy Lambert.

Vice-chair: Jeanne Kohl-Welles.

Employment and administration committee:

Chair: ~~((Rod Dembowski))~~ Claudia Balducci.

Vice-chair: ~~((Reagan Dunn))~~ Joe McDermott.

Government accountability and oversight committee:

Chair: Pete von Reichbauer.

Vice-chair: ~~((Larry Gossett))~~ Claudia Balducci.

~~((Health, housing and human services committee:~~

~~Chair: Jeanne Kohl-Welles.~~

~~Vice-chair: Dave Upthegrove.))~~

Law and justice committee:

Chair: ~~((Larry Gossett))~~ Girmay Zahilay.

Vice-chair: Kathy Lambert.

Local services(~~((regional roads and bridges committee))~~):

Chair: (~~((Kathy Lambert))~~) Reagan Dunn.

Vice-chair: (~~((Claudia Balducci))~~) Kathy Lambert.

Mobility and environment committee:

Chair: (~~((Dave Upthegrove))~~) Rod Dembowski.

Vice-Chair: Pete von Reichbauer.

Regional policy committee:

Chair: Pete von Reichbauer.

Regional transit committee:

Chair: (~~((Claudia Balducci))~~) Dave Upthegrove.

Regional water quality committee:

Chair: Kathy Lambert.

VI. Motion 11122, Section H., as amended, and OR 2-050 are each amended to read as follows:

Memberships. The council designates the following councilmembers, in addition to the chairs and vice-chairs, as members of the standing committees created in this motion and the regional committees established in the King County Charter.

Budget and fiscal management committee:

Members: Claudia Balducci (~~((Rod Dembowski))~~), (~~((Jeanne Kohl-Welles,))~~) Kathy Lambert, Joe McDermott, Dave Upthegrove, Girmay Zahilay.

Committee of the whole:

Members: All councilmembers.

Community, health and housing services committee:

Members: Reagan Dunn, Joe McDermott, Dave Upthegrove, Girmay Zahilay.

Employment and administration committee:

Members: ~~((Claudia Balducci, Larry Gossett, Jeanne Kohl-Welles.))~~ All councilmembers.

Government accountability and oversight committee:

Member(s): Rod Dembowski(~~(, Jeanne Kohl-Welles))~~.

~~((Health, housing and human services committee:~~

~~Members: Claudia Balducci, Rod Dembowski, Larry Gossett, Kathy Lambert.))~~

Law and justice committee:

Members: Rod Dembowski, Reagan Dunn, ~~((Joe McDermott,))~~ Jeanne Kohl Welles, Dave Upthegrove.

Local services~~((, regional roads and bridges))~~ committee:

Members: ~~((Reagan Dunn, Larry Gossett))~~ Claudia Balducci, Girmay Zahilay.

Mobility and environment committee:

Members: Claudia Balducci, ~~((Rod Dembowski))~~, Kathy Lambert, Jeanne Kohl-Welles, Joe McDermott, Dave Upthegrove, Girmay Zahilay.

Regional policy committee:

Members: Rod Dembowski, Jeanne Kohl-Welles.

Alternate: ~~((Larry Gossett))~~.

Regional transit committee:

Members: Joe McDermott, ~~((Dave Upthegrove))~~ Girmay Zahilay.

Alternate: Claudia Balducci

Regional water quality committee:

Members: Claudia Balducci ~~((Rod Dembowski))~~, Reagan Dunn.

Alternate:

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

Legislative branch organization.

A. **Organizational chart.** The legislative branch shall be organized in accordance with the organization chart, Attachment A to Motion 15446. The chief of staff shall prepare and file with the clerk of the council a revised organization chart to replace Attachment A to Motion 15446 when the organization of the legislative branch is changed either by any employment and administration committee decision or by any ordinance, motion, or personnel decision adopted by the council.

B. **Chief of staff.** There shall be a council chief of staff who reports to the chair, and shall be accountable and responsive to all councilmembers. The chief of staff is responsible for the efficient overall management and administration of the administrative and legislative services staff as they are defined in OR 2-030. All directors, as defined in OR 2-030, shall report to the chief of staff. The chief of staff is also responsible for monitoring the independent agencies of the council. The chief of staff shall be the council's bargaining lead for all legislative branch bargaining units.

C. **Chief policy officer.** There shall be a chief policy officer who, as a director, reports to the chief of staff and shall be responsive to all councilmembers. As the chief policy officer is the direct report for the legislative services staff, the chief policy officer is responsible for: the efficient overall management and administration of the legislative services staff; development and administration of analytic standards; committee lead and support assignments; and legislative and policy assignments for analysis.

D. **Chief legal counsel.** There shall be a chief legal counsel who reports to the chair and shall be accountable and responsive to all councilmembers for the provision of legal services to the council, councilmembers, and administrative and legislative services staff. The chief legal counsel is responsible for the efficient overall management and administration of the legal services staff, outside counsel and coordination with the prosecuting attorney's office.

E. **Independent agency officers.** For all the independent agencies, identified in the organization chart, Attachment A to Motion 15446, their officers shall be appointed by the council and each independent agency

officer shall be accountable and responsible for the efficient overall management and administration of their agencies. The independent agencies, their officers, managers and staff are subject to the policies and procedures of the legislative branch.

F. King County Flood Control District executive director. The King County Flood Control District executive director shall report to the county councilmember who serves as the chair of the King County Flood Control District. The executive director shall be accountable and responsive to all councilmembers who serve on the King County Flood Control District board of supervisors. The executive director is responsible for the efficient overall management and administration of the King County Flood Control District and the flood control district administration unit and its employees. The executive director is subject to the policies and procedures of the legislative branch.

VIII. Motion 15446, Section III, and OR-3-033 are each amended to read as follows:

Duties and responsibilities of chief officers and independent agency officers.

All chief officers and independent agency officers shall fulfill the following duties and responsibilities:

A. Hiring.

1. Employee recruitment. When beginning a hiring process, chief officers and independent agency officers shall:

- a. consult with the council chair and vice chairs before beginning recruitment of vacated or newly created positions and anticipated vacancies;
- b. establish hiring processes for each vacancy and newly created position; and
- c. if interviews of candidates are a part of the hiring process, chief officers shall include at least two representatives from district staff in staff interview panels.

2. Hiring decisions. When implementing hiring decisions, chief officers and independent agency officers:

- a. shall consult with the council chair and vice chairs about the hiring decision before extending an

offer of employment for director level positions as defined in OR 2-030.F.3.;

b. shall make hiring decisions for all positions that report to the respective chief officer or independent agency officer as they appear in the organization chart, Attachment A to Motion 15446;

c. may extend an offer of employment to any person who applied for a legislative branch position in the prior six months for a current vacancy without undertaking a full recruitment process;

d. may appoint or extend the appointment of interns, and temporary or term limited employees for up to a total of the maximum period allowed by the King County ~~((e))~~Code; and

e. shall, by written report, advise the employment and administration committee of decisions made in accordance with this section.

B. Staffing. Employee-related decisions shall be implemented as follows for the following circumstances:

1. Staff assignments. The chief of staff shall annually brief the employment and administration committee on legislative branch staff assignments, which shall be based on the following:

a. Independent agency staff assignments shall be made by the independent agency officer or designee;

b. Legislative services staff assignments shall be made by the chief policy officer or designee;

c. Legal staff assignments shall be made by the chief legal counsel or designee; and

d. Administration services staff assignments shall be made by the chief of staff or designee;

2. Reclassifications. Chief officers and independent agency directors shall make decisions regarding reclassification, promotion to a higher step within the same classification and range~~((f))~~, or withholding of a step increase ~~((of a))~~ for legislative branch employees who report to the respective chief officer or independent agency director as they appear in the organizational chart, Attachment A to motion 15446;

3. Work schedule decisions. Day-to-day work schedule decisions shall be made by direct supervisors, managers and their directors or officers. The chief officer may increase or decrease the full-time-equivalent

level of an employee that on either a permanent or limited term duration within the budgeted appropriation. In the event of a temporary decrease in the full-time-equivalent level of an employee as an accommodation, the chief of staff may approve the temporary adjustment and inform the employment and administration committee at the next regularly scheduled meeting of the committee; and

4. Leave carryover decisions. The chief (~~(of staff)~~) officers and independent agency officers may authorize the 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 and with appropriate documentation.

C. **Performance evaluations.** Chief officers, directors and independent agency officers shall periodically evaluate employees who report to each respectively for their performance in achieving job duties and goals. The chief of staff shall annually brief the employment and administration committee regarding findings and results related to legislative branch performance evaluations.

D. **Employee discipline.** When administering employee discipline:

1. Chief officers, directors and independent agency officers shall provide oral and written expectations and counseling regarding employee performance issues as they may arise;

2. Chief officers, directors and independent agency officers, shall, when appropriate for employees that report to each respectively, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues that persist, following an oral or written statement of expectations or counseling;

3. The chief (~~(of staff)~~) officers and independent agency officers shall make decisions regarding suspension without pay or termination of an employee;

4. The decision of the chief officer or independent agency officer to suspend an employee without pay for ten working days or less is final;

5. An employee subject to a chief officer's or independent agency officer's suspension without pay for more than ten working days or termination decision may, within five business days, request a hearing before the

employment and administration committee to mitigate or change the decision. A hearing is requested by delivering a written notice of appeal to the clerk of the council;

6. Following a committee decision on a suspension without pay of more than ten working days or termination hearing decision, an employee may, within five business days, appeal the decision to the council.

An appeal is requested by delivering a written notice of appeal to the clerk of the council;

7. The decision of council to suspend without pay or terminate an employee is final;

8. The chair of the council, in consultation with the employment and administration committee, may execute a settlement agreement with a current or former employee; and

9. A written disciplinary action may not be issued before review by legal counsel or the civil division of the office of the prosecuting attorney. For the purpose of this subsection D.9., "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or termination of an employee.