



## Legislation Details (With Text)

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**Title:** AN ORDINANCE relating to the forecast council; amending Ordinance 11980, Section 2, as amended, and K.C.C. 2.10.020, Ordinance 12550, Section 1, as amended, and K.C.C. 2.14.010, Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017, Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030, Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 16339, Section 17, and K.C.C. 3.12F.010, Ordinance 12077, Section 7, as amended, and K.C.C. 3.24.020, Ordinance 12014, Section 56, as amended, and K.C.C. 3.24.170, Ordinance 11687, Section 4, and K.C.C. 3.42.030, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 and adding a new chapter to K.C.C. Title 2.

**Sponsors:** Larry Gossett, Larry Phillips

**Indexes:** Economic Forecast Council, Finance

**Code sections:** 2 -, 2.10.020 -, 2.14.010 -, 3.04.017 -, 3.04.030 -, 3.04.050 -, 3.12.010 -, 3.12F.010 -, 3.24.020 -, 3.24.170 -, 3.42.030 -, 4.04.030 -, 4.04.040 -

**Attachments:** 1. 16391.pdf, 2. 3-16-09 Amendment Package.pdf, 3. REVISED Staff Report, 4. Staff Report 03-03-09

Date	Ver.	Action By	Action	Result
3/16/2009	2	Metropolitan King County Council	Hearing Held	
3/16/2009	2	Metropolitan King County Council	Passed as Amended	Pass
3/3/2009	1	Budget and Fiscal Management Committee		
3/2/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/17/2009

AN ORDINANCE relating to the forecast council; amending Ordinance 11980, Section 2, as amended, and K.C.C. 2.10.020, Ordinance 12550, Section 1, as amended, and K.C.C. 2.14.010, Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017, Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030, Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 16339, Section 17, and K.C.C. 3.12F.010, Ordinance 12077, Section 7, as amended, and K.C.C.

3.24.020, Ordinance 12014, Section 56, as amended, and K.C.C. 3.24.170, Ordinance 11687, Section 4, and K.C.C. 3.42.030, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 and adding a new chapter to K.C.C. Title 2.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 12 of this ordinance should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. There is hereby established the forecast council. The forecast council shall, with input from the office of economic and financial analysis and according to the process in section 8 of this ordinance, adopt official county economic and revenue forecasts that must be used as the basis for the executive's budget proposals. The forecast council may also assign additional economic and financial studies to the office of economic and financial analysis.

NEW SECTION. SECTION 3. The forecast council shall be composed of the executive, two county councilmembers and a county employee with knowledge of the budgeting and financial management practices of the county. County councilmembers shall be appointed annually by the chair of the county council. The county employee shall be appointed by the executive. New appointments to the forecast council shall be made by January 31 and shall not be subject to confirmation.

NEW SECTION. SECTION 4. There is hereby established the office of economic and financial analysis, to be administered by the chief economist.

NEW SECTION. SECTION 5. The chief economist shall be appointed by unanimous vote of the forecast council following a selection and screening process as described in section 6 of this ordinance.

NEW SECTION. SECTION 6.

- A. The forecast council shall conduct an open and competitive process to select the chief economist.
- B. The selection process shall include at least the following:
  - 1. Review and update, if necessary, of the chief economist's job classification description;

2. Advertisement of the availability of the position;

3. Establishment of an ad hoc chief economist screening committee, with an equal number of representatives from the executive and legislative branches, responsible for the screening and preliminary interviewing of candidates; and

4. Final interview and selection of appointee by the forecast council.

C. The chief economist screening committee shall be appointed by the forecast council. Only county employees may be appointed to the screening committee.

D. The screening committee shall screen, interview and score applicants for the chief economist position, making a slate of the top ranking candidates for the forecast council's consideration. At the forecast council's discretion, the screening committee may also be formed to make recommendations to the forecast council on any decision to reappoint the chief economist.

NEW SECTION. SECTION 7. The chief economist shall serve a term of five years, or for a specified period less than five years set by a unanimous vote of the forecast council at the time of appointment, unless removed at any time by vote of three members of the forecast council, and shall be reconsidered for reappointment at the end of the term of office. The forecast council may appoint an interim chief economist whenever the term of the chief economist expires or the office otherwise is vacant.

NEW SECTION. SECTION 8.

A. The chief economist shall prepare and submit to the forecast council the following:

1. Annually, by March 1 or by an earlier alternate date approved by a majority of the forecast council, proposed preliminary economic and revenue forecasts for the county's ensuing fiscal year;

2. At least one hundred seventy days before the end of each year, or by an earlier alternate date approved by a majority of the forecast council, an updated economic and revenue forecast for the county's ensuing fiscal year; and

3. Additional economic and financial studies as assigned by the forecast council.

B. A forecast may be adopted or revised by a vote of the majority of the forecast council within fifteen days of its submittal by the chief economist. If the forecast is not adopted or revised by a vote of the majority of the forecast council by then, the forecast shall be deemed adopted.

C. The preliminary forecast shall be used as the basis for the executive's preliminary budget preparation including preparation of the status quo budget, budget instructions to departments, and preliminary review of departmental submittals to the executive. The updated forecast shall be used as the basis for the executive's proposed budget. The most-current forecast shall be used as the basis for budget amendments.

NEW SECTION. SECTION 9. The chief economist shall perform economic and revenue forecasts, and shall conduct special studies at the request of the forecast council. In the course of performing this work, the chief economist shall have full and unrestricted access to and authority to examine any and all property and records contained in any form that are related to the financial and operational matters of any department, agency, program or other entity that receives appropriations or funding of any type from the county.

NEW SECTION. SECTION 10.

A. The forecast council shall review and approve annually a work program prepared by the chief economist for the office of economic and financial analysis. The work program shall include all economic and revenue forecasts and any recommended special studies to be conducted and managed by the chief economist.

B. The forecast council may amend the approved annual work plan to meet special circumstances as they might arise. However, a forecast council-initiated change to the work plan shall not be made that adversely affects a forecast or study in progress without considering the recommendation of the chief economist.

NEW SECTION. SECTION 11.

A. All reports, including forecasts, studies and work programs, produced by the office shall be filed with the clerk of the county council for distribution to all forecast council members.

B. Upon approval by the forecast council, all final reports shall be filed with the clerk of the county

council for distribution to each county councilmember and the executive.

NEW SECTION. SECTION 12. The chief economist, with consultation of the forecast council, may employ staff, clerical personnel or use of services of consultants as may be necessary for the conduct of the office of economic and financial analysis. The staff and clerical personnel shall serve at the pleasure of the forecast council and are thus exempt from career service.

SECTION 13. Ordinance 11980, Section 2, as amended, and K.C.C. 2.10.020 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

A. "Accountability" means a process to set priorities, measure performance, and inspire the workforce to improve the overall performance and customer service of county government. County leadership should relentlessly follow up on commitments made in strategic and business plans and should also regularly monitor results over time to verify that change is real and sustainable.

B. "Agency" means the legislative branch, prosecuting attorney's office, superior court, district court, sheriff's office ~~((and))~~, the assessor's office and the office of economic and financial analysis.

C. "Benchmarks" means internal or external points of comparison to help understand performance results and should be used to help set targets and provide context for county results.

D. "Business plan" means a plan that reflects how individual agencies, departments, divisions or offices will contribute to achievement of the goals identified in the strategic plan during the next one to two years. The business plan provides an opportunity for continuous monitoring of the strategic plan. In addition to stating the agency's vision, mission and goals, the business plans shall identify internal and external change dynamics and strategies and evaluate how they will affect budget priorities and program direction. Business plans should be aligned with the budget and should provide performance measures that support budget decisions.

E. "Executive branch departments and offices" means all county departments and offices directly

reporting to the county executive.

F. "Goals" means the results that the organization plans to achieve within a defined period of time.

G. "King County" or "countywide" means all county agencies and executive branch departments and offices.

H. "Mission statement" means the purpose of the organization. The purpose shall be described in terms of the outcomes or results the organization intends to achieve.

I. "Objectives" means the identification of some of the specific ways in which goals are to be achieved.

J. "Operational master plan" means the comprehensive plan for an agency setting forth how the organization will operate now and in the future. An operational master plan builds on an organization's strategic plan and shall include analysis of agency strategies, alternatives and their lifecycle costs to accomplish defined goals and objectives, performance measures, projected workload, needed resources, implementation schedules and general cost estimates. The operational master plan shall also address how the organization will respond in the future to changed conditions. K.C.C. 4.04.200 requires that an operational master plan is done in conjunction with the directors of the office of management and budget and the office of strategic planning and performance management. The completed operational master plan includes an implementation plan and schedule and feeds into capital planning efforts for an organization.

K. "Outcomes" means results that are expected to be achieved and assessed by the use of performance measures that can indicate a rate of change over time. They measure the extent to which goals and objectives have been achieved.

L. "Performance management" means the systemic use of performance measurement information to help set performance goals, allocate and prioritize resources, inform decision making about program performance, policy and budget, to evaluate results achieved and to report on the success of meeting goals.

M. "Performance measure" means a quantifiable, enduring measurement of the amount, quality, efficiency or effectiveness of products or services produced by an agency, department, office or program.

N. "Performance measurement" means the identification and ongoing monitoring and reporting of program or agency results, particularly progress toward preestablished goals.

O. "Strategic plan" means a plan that clarifies the strategic direction on where an organization will be in five years and how it intends to get there. A strategic plan should define the current status of the organization, including its vision, mission and goals. It should also identify strengths, weaknesses, opportunities and challenges, both internal and external, that will either advance or impede the execution of the plan. A strategic plan should include prioritized strategies and actions that describe how goals will be achieved given the projected opportunities and challenges. The strategic plan should also include a monitoring plan that describes, tracks and evaluates key outcomes to be achieved and high-level performance measures relevant to the stated goals.

P. "Targets" means a quantified statement of what level of performance a program or agency plans to achieve. Targets help to evaluate performance and should be based on baseline data, regulatory or industry standards, policy decisions, program evaluation, or the performance of comparable organizations or benchmarks.

Q. "Vision" means the vision statement that describes what the agency, department, office or program would like to achieve by delivering on the stated mission. The vision should be stable and can be very long-term and difficult to achieve. The vision shall be specific to the mission of the organization.

SECTION 14. Ordinance 12550, Section 1, as amended, and K.C.C. 2.14.010 are each hereby amended to read as follows:

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

A. "County agency" means any office, division or department of the county assessor, the office of the prosecuting attorney, the office of economic and financial analysis or the executive, legislative or judicial branches.

B. "Personal data" means any information concerning a citizen that, because of name, identifying

number, mark or description, can be readily associated with a particular individual, including information contained in printouts, forms, written analyses or evaluations.

C. "Personal identifying data" means social security number, date of birth or mother's maiden name.

SECTION 15. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are each hereby amended to read as follows:

All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

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

1. Solicits, commands, encourages or requests another person to commit it; or
2. Aids or agrees to aid such other person in planning or committing it.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

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

1. Any decision, determination, finding, ruling or order; and
2. Any grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

D. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, but does not include employees of the county's judicial branch. "County employee" also includes county elected officials and members of county boards, commissions, committees or other multimember bodies, but does not include officials or employees of the



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

E. "Department" means:

1. In the executive branch, an executive department or administrative office that reports to the executive or the county administrative officer, as applicable;
2. The department of assessments;
3. The office of the prosecuting attorney;
4. In the legislative branch, the council together with any subordinate legislative branch agency;
5. The department of judicial administration; ~~((and))~~
6. The department of public safety; and
7. The office of economic and financial analysis.

F. "Doing business with the county" or "transactions with the county" means to participate in any proceeding, application, submission, request for ruling or other determination, contract, claim, case or other such particular matter which the county employee or former county employee in question believes, or has reason to believe:

1. Is, or will be, the subject of county action;
2. Is one to which the county is or will be a party; or
3. Is one in which the county has a direct and substantial proprietary interest.

G. "Gift" means anything of economic value, but shall not include campaign contributions regulated by the provisions of chapter 42.17 RCW, the charter and ordinances implementing them, informational materials exclusively for official or office use, memorials, trophies and plaques of no commercial value, gifts of twenty dollars or less for bona fide, nonrecurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

H. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the

child of an employee's domestic partner, and other dependent relatives if living in his or her household.

I. "Ombudsman" means the director of the office of citizen complaints established pursuant to Section 260 of the King County Charter and K.C.C. chapter 2.52, or his or her designee.

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

K. "Person" means any individual, partnership, association, corporation, firm, institution or other entity, whether or not operated for profit. The term does not include governmental units of the state of Washington or the United States unless so specified.

L. "Respondent" means the person against whom a complaint is filed or an investigation is conducted.

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

N. "Thing of value" means anything of tangible worth which is not compensation or a gift.

SECTION 16. Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030 are each hereby amended to read as follows:

A. No county employee shall engage in any act which is in conflict with the performance of official duties. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

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

county intended to purchase, sell or lease such property or service;

2. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;

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

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

5. Participates in, influences or attempts to influence, directly or indirectly, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a financial interest in or with said person;

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

a. the employee knows or has reason to believe that the offer of employment was or is intended, in

whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the employee during the course of county employment or to influence county action pertaining to the business; or

b. the employee has responsibility for a matter upon which the person is doing or seeking to do business with the county unless the employee has first disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the board of ethics and a copy of which is maintained by the appointing authority, a method of providing for an alternative decisionmaker with regard to matters involving such person for which the employee otherwise would have responsibility;

7. Within one year of entering county employment awards a county contract or participates in a county action benefiting a person that formerly employed him or her, provided, that participation other than contract award may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and that such authorization shall be filed with the board of ethics and a copy maintained by the appointing authority;

8. Is an employee, agent, officer, partner, director or consultant of any person doing or seeking to do business with the county, unless such relationship has been disclosed as provided by this chapter;

9.a. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties. In addition, the following employees must obtain the prior written consent of their highest ranking supervisor authorizing either new or continued employment, or the acceptance of any compensation or any thing of value for services performed outside King County government:

(1) the county administrative officer, the chief officer of each executive department or administrative office as defined by the provisions of the charter, the manager of each division of such

department or office, and all persons who report directly to such individuals;

(2) all nonelected council employees, provided that the personal staff of each individual councilmember shall obtain such consent from such councilmember;

(3) all nonelected employees of the prosecuting attorney;

(4) all nonelected employees of the department of judicial administration; ~~((and))~~

(5) all nonelected employees of the department of assessments; and

(6) the chief economist of the office of economic and financial analysis.

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

10. Enters into a business relationship outside county government with any other employee for whom he or she has any supervisory responsibility;

11. Enters into a business relationship outside county government with any person with regard to a matter for which the employee has responsibility as a county employee;

12. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county council member may appear before regulatory governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency;

13. Directly or indirectly possesses a substantial or controlling interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter. A substantial

interest is an interest that exceeds one-tenth of one percent of the outstanding securities of the person; or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family;

14. As a county council member has a financial or other private interest in any legislation or other matter coming before the council, and fails to disclose such an interest on the records of the county council. This provision shall not apply if the county council member disqualifies himself or herself from voting by stating the nature and extent of such interest. Any other employee who has a financial or other private interest, and who participates in an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of such interest, shall be deemed in violation of this chapter;

15.a. Has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while:

- (1) an elected county official;
- (2) the executive's administrative assistants and office manager;
- (3) county councilmembers' executive secretaries;
- (4) county administrative officer, the county administrative officer's administrative assistants and the county administrative officer's confidential secretary;
- (5) chief officer of each executive department, the chief officer's administrative assistants and confidential secretary((,));
- (6) chief officer of each administrative office, the chief officer's administrative assistants and the chief officer's confidential secretary;
- (7) council administrator, the council administrator's administrative assistants and the council administrator's secretary;
- (8) the ombudsman and the ombudsman's staff;

(9) an employee of the department of assessments;

(10) an employee assigned to either the board of equalization or the board of appeals, or both; and

(11) any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties;

(12) a member of either the county board of appeals or the board of equalization, or both; and

(13) clerk of the council and his or her secretaries.

b. All persons listed in subsection A.15.a.(1). through (13). of this section, who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040;

16. As an appointive member of a board or commission, has a close relative serving on the same board or commission. For the purposes of this subsection, close relative is defined as:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son-in-law	Daughter-in-law
Niece	Nephew
Grandparent	Grandchild
Uncle	Aunt
Child	Child of domestic partner
Domestic partner	

In addition, the relatives of a domestic partner shall be considered close relatives to the same extent such relatives would be included in this subsection if the employee and the domestic partner were married;

17. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record; or

18. Acts as an accomplice in any act by an immediate family member which, if such act were performed by the employee would be prohibited by 1., 2., 3., 4., 5., 6., 7., 8., 10., 11., 13., 14., 15. or 17. of this

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

B. Subsection of A.2\_, 5\_, and 14\_ of this section is not violated by the possession by an employee of a financial interest in a person or other entity which is not a substantial interest as defined by subsection A.13\_ of this section.

SECTION 17. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are each hereby amended to read as follows:

A. All candidates for county elective office, and nominees for appointment to any county elective office except for judicial candidates, within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board of ethics a statement of financial and other interests as defined in this section. These requirements may be satisfied by filing with the board of ethics a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The board of ethics shall forward a copy of such statements, reports and forms to the elections division, or its successor agency, within ten days of their receipt.

B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section, with the board of ethics: all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; all employees of the office of economic and financial analysis; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C. of this section. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file a written statement of financial and other interests, as defined in this section, with the board of ethics.



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

D.1. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

a. compensation, gifts and things of value:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and

(2) the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;

b. financial interests:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee;

c. positions:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;

(2) the name of the individual who held the position and the individual's relationship to the

employee; and

(3) the title of the position; and

d. real property:

(1) real property, listed by street address, assessor parcel number or legal description that was either involved in or the subject of an action by King County, in which the employee or a member of the employee's immediate family possessed a financial interest;

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

(3) the name of the King County department involved in the transaction.

2. Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.

F. An individual filing a statement of financial affairs in accordance with subsections A. and B. of this section shall execute a written declaration that:

1. Recites that the statement is declared by the person to be true, complete and correct under penalty of perjury;

2. Is signed by the person;

3. States the date and place of the declaration's execution; and

4. States that the declaration is so declared under the laws of the state of Washington.

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

H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

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

J. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board, if adopting the rules, regulations and forms, shall adopt them as provided in K.C.C. chapter 2.98.

SECTION 18. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each hereby amended to read as follows:

All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. "Administrative interns" are employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship. All administrative internships in executive departments shall be approved by the manager. Administrative interns are exempt from the career service under Section 550 of the charter.

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

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

D. "Board" means the county personnel board established by Section 540 of the charter.

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

F. "Career service position" means all positions in the county service except for those which are designated by Section 550 of the charter as follows: All elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified ~~((herein))~~ in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

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

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

G. "Charter" means the King County Charter, as amended.

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

1. Under eighteen years of age; or
2. Eighteen years of age or older and incapable of self care because of a mental or physical disability.

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

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

K. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday which is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.

L. "Competitive employment" means a position established in the county budget and which will require at least twenty-six weeks of service per year as the work schedule established for the position.

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

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

O. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state Department of Social and Health

Services, or designee to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap for the individual.

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

Q. "Director" means the manager of the human resources division.

R. "Division" means the human resources division or its successor agency.

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

T. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;
2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;
5. Are not married to anyone;
6. Are each eighteen years of age or older;
7. Are not related by blood closer than would bar marriage in the state of Washington;
8. Were mentally competent to consent to contract when the domestic partnership began.

U. "Employed at least half time or more" means employed in a regular position which has an established work schedule of not less than one-half the number of hours of the full-time positions in the work

unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (for instance, employees working both thirty five and forty hours), the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

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

W. "Executive" means the county executive, as established by Article 3 of the charter.

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

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

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

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

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

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

DD. "Incentive increase" means an increase to an employee's base salary within the assigned pay range,

based on demonstrated performance.

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

FF. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

GG. "Manager" means the manager of the human resources division or its successor agency.

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

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

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

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

LL. "Part-time regular position" means a regular position in which the part-time regular employee is



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

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

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

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

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

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

RR. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

SS. "Probationary period" means a period of time, as determined by the manager, constituting the final step in the competitive screening process for career service or for promotion from one career service position to

another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

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

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

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

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

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

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

ZZ. "Salary or pay rate" means an individual dollar amount which is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

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

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

condition;

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

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

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

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

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

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

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

DDD. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service.

Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the manager. The manager shall maintain a current list of all term-limited temporary employees by department.

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

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

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

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

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

5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a

forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and

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

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

FFF. "Volunteer intern" means volunteers who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship who are receiving scholastic credit or scholastic recognition for participating in the internship.

GGG. "Work study student" means a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the higher education coordinating board, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter.

SECTION 19. Ordinance 16339, Section 17, and K.C.C. 3.12F.010 are each hereby amended to read as follows:

A. "Annual budget cycle" means the calendar year January 1 through December 31, or any portion thereof.

B. "Emergency budget crisis" or "financial emergency" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and significant cost savings must be achieved through reductions in services and pay.

C. "Emergency budget furlough," also referred to as "mandated leave," shall have the same meaning as found in K.C.C. 3.12.010.

D. "Furlough day" shall have the same meaning as found in K.C.C. 3.12.010.

E. "Furloughed employee" shall have the same meaning as found in K.C.C. 3.12.010.

F. "Furlough administrator" means: the county executive for the executive departments; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney; the presiding judges of the district and superior courts; the sheriff for the department of public safety; the assessor for the department of assessments; the director of elections for the department of elections; the chair of the forecast council for the office of economic and financial analysis; or the official or officials designated by that branch or unit of county government.

G. "Salaried employee" means an employee whose position is normally exempt from wage and hours regulations.

SECTION 20. Ordinance 12077, Section 7, as amended, and K.C.C. 3.24.020 are each hereby amended to read as follows:

This chapter applies to all departments, agencies and offices of the executive branch, including but not limited to the departments of judicial administration, public safety, and assessments; the council and subordinate units of the legislative branch; the office of the prosecuting attorney; ~~((and))~~ the superior and district courts; and the office of economic and financial analysis. For purposes of this chapter, the presiding elected official of the office of economic and financial analysis is the chair of the forecast council. Within budgetary constraints, the following persons are authorized to receive expense reimbursement in conformance with this chapter and are likewise responsible for compliance with the terms of this chapter and any implementing policies and procedures:

A. County employees;

B. Candidates for positions that are exempt from the career service or candidates for positions that require a specialized skill not available in the county job market may be authorized by the presiding elected official, subject to the following restrictions:

1. For travel to the county from their place of residence outside the county to be interviewed.
  2. Maximum of five interview trips for a given position during any twelve month period.
  3. No candidate for employment is eligible for more than two separate interview trips for a given position.
  4. Approval by the presiding elected official is required before an invitation to interview is issued.
- C. Persons otherwise authorized by law, grant or contract, provided that the terms of such other expense reimbursement authorization shall apply.

SECTION 21. Ordinance 12014, Section 56, as amended, and K.C.C. 3.24.170 are each hereby amended to read as follows:

A. Within the executive branch, including the department of judicial administration, the manager of the human resources management division may authorize in writing at the written request of the appointing authority reimbursement for reasonable and necessary moving expenses to the following categories of county employees:

1. Persons whose appointments require council confirmation and who have been so confirmed.
2. Persons appointed by the county administrative officer to exempt positions.
3. Persons appointed by the directors of executive departments to exempt positions.

B. Within the legislative branch, the department of assessments, the department of public safety, the office of the prosecuting attorney, and district and superior courts, the presiding elected official may authorize, in writing, the reasonable and necessary moving expenses of employees appointed within their agencies.

C. The forecast council may authorize, in writing, reimbursement for the reasonable and necessary moving expenses of the chief economist.

~~((C-))~~D. Reimbursement shall be authorized provided that prior to the appointment the appointing authority agreed to the reimbursement of moving expenses as necessary to obtain the services of a particular individual.

~~((D.))~~E. Confidential secretaries, and other exempt clerical positions, shall be excluded from the provisions of this section.

~~((E.))~~F. Total reimbursement shall not exceed six thousand dollars and reimbursement for specific expenses shall be subject to the limitations provided for throughout this chapter. Reimbursement will be authorized within the budgetary constraints of the employing department, agency or office.

~~((F.))~~G. Authorized moving expenses shall be reimbursable from departure until such time as possessions arrive in the county, unless such expenses have been otherwise reimbursed. Costs incurred in travel other than those related to direct travel to the place of new residence will be considered nonreimbursable.

SECTION 22. Ordinance 11687, Section 4, and K.C.C. 3.42.030 are each hereby amended to read as follows:

. Every county employee shall have the right to report, in good faith in accordance with this ordinance, information concerning an improper governmental action.

B. ~~((Limitations.))~~ This section does not authorize a county employee to report information that is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060 privileged communications) unless waived, or to make disclosure where prohibited at law. The only purpose of this chapter is to protect and encourage employees who know or in good faith believe improper governmental action has occurred to report those actions in good faith in accordance with this ordinance. Except in cases of emergency where the employee believes in good faith that substantial damage to persons or property will result unless a report is made immediately to a person or entity who is not the appropriate investigating official listed in Section 3.42.020A, the employee shall, before making a report to a person who is not the appropriate investigating official, first make a written report of the improper governmental action to the appropriate investigating official. No emergency under this subsection exists where prompt attention and reporting under this chapter by the employee could have avoided the perceived need to report immediately to a person not the appropriate investigating official. An employee making a written report as required by this subsection is encouraged to



wait at least thirty (30) days from receipt of the written report by the appropriate investigating official before reporting the improper governmental action to a person who is not an appropriate investigating official.

However, reporting to a person who is not an appropriate investigating official prior to this thirty (30) day period will not result in the loss of the protections contained in this ordinance. An employee's reporting of his or her own improper action does not grant an employee immunity from discipline or termination insofar as his or her improper action would be cause for discipline.

C. ~~((Employee protection.))~~ Any or all of ~~((F))~~ the following conduct by employees is protected if carried out in good faith under this chapter:

1. Reporting sexual harassment to the employee's supervisor, department head, or other government official as set out in the county's adopted procedure for reporting sexual harassment complaints; reporting violations of the fair employment practices ordinance ~~((F))~~K.C.C. chapter 12.18~~((F))~~ to the executive or his or her designee; reporting police misconduct to the department of public safety's internal investigation unit; reporting violations of the Code of Judicial Conduct to the Washington State Commission on Judicial Conduct; reporting improper governmental action occurring within the district court to the presiding judge of the district court; reporting improper governmental action occurring within the legislative branch to the chair of the council; reporting improper governmental action occurring within the executive branch to the executive or to the department director of the executive agency in which the alleged improper governmental action occurred or to the ombudsman; reporting improper governmental action occurring within the department of judicial administration to the director/clerk of the superior court or to the ombudsman; reporting improper governmental action occurring within the department of assessments to the assessor or to the ombudsman; reporting improper governmental action occurring within the superior court to the presiding judge of the superior court; reporting violations of criminal laws to the county prosecuting attorney; reporting improper governmental action occurring within the office of economic and financial analysis to any member of the forecast council or to the ombudsman; and reporting violations of the Ethics Code, and any actions for which

no other appropriate recipient of a report is listed in this subsection, to the ombudsman.

2. Cooperating in an investigation by an "investigating official" related to "improper governmental action"; and~~((or))~~

3. Testifying in a proceeding or prosecution arising out of an "improper governmental action."

D. ~~((Retaliation prohibited.))~~ No county officer or employee shall retaliate against any employee because that employee has in good faith utilized the provisions of this chapter.

E. ~~((Penalty.))~~ Any county officer or employee who engages in prohibited retaliatory action is subject to disciplinary action up to and including termination.

F. ~~((Distribution of policy and procedures.))~~ Upon entering county service, every county officer and employee shall receive a written summary of this chapter, the procedures for reporting improper governmental actions to investigating officials, the procedures for obtaining the protections extended, and the prohibition against retaliation in this section. Copies of these summaries shall be copies conspicuously posted where all employees will have reasonable access to them.

SECTION 23. Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 are each hereby amended to read as follows:

The budget documents shall include, but not be limited to, data specified in this chapter.

A. The budget shall set forth the complete financial plan for the ensuing fiscal year showing planned expenditures and the sources of revenue from which they are to be financed. For each fund, the expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues as forecast under section 8 of this ordinance, including reserves.

1. The budget document shall include the following:

- a. estimated revenue by fund and by source from taxation;
- b. estimated revenues by fund and by source other than taxation;
- c. actual receipts for first six months, January 1 through June 30, of the current fiscal year;

- d. actual receipts for the last completed fiscal year by fund and by source;
  - e. estimated fund balance or deficit for current fiscal year by fund; and
  - f. such additional information dealing with revenues as the executive and council shall deem pertinent and useful;
  - g. tabulation of expenditures in a comparable form by fund, program project or object of expenditure for the ensuing fiscal year;
  - h. actual expenditures for the first six months, January 1 through June 30, of the current year;
  - i. actual expenditures for the last completed fiscal year;
  - j. the appropriation for the current year; and
  - k. such additional information dealing with expenditures as the executive and council shall deem pertinent and useful.
2. All capital improvement projects and appropriations shall be authorized only by inclusion in the annual council adopted CIP or any amendment thereto. A bond ordinance is not an appropriation for capital projects. The capital improvement section of the budget shall include:
- a. estimated expenditures for at least the next six fiscal years by program;
  - b. expenditures planned for current, pending, or proposed capital projects during the fiscal year, classified according to proposed source of funds whether from bonds, or any combination of other local, state, federal and private sources;
  - c. an alphabetic index to enable quick location of any project contained in the budget;
  - d. a discrete number for each project that shall serve to identify it within the capital budget document and all accounting reports;
  - e. estimated net annual operating costs associated with each project upon completion or in cases where operating costs are negligible or incalculable, a statement to that effect;
  - f. an identification of all CIP projects by council district in

which they are located;

g. CIP projects funded in the budget year, which shall be presented in separate sections of the budget.

(1) Major maintenance reserve fund CIP projects shall be presented in the six-year general CIP program.

(2) The appropriation for major maintenance reserve fund CIP projects shall be made at the major maintenance reserve fund level in accordance with K.C.C. 4.04.265.

(3) Roads CIP projects shall be presented in the six-year road CIP program

(4) The appropriation for roads CIP projects shall be made at the roads CIP fund level in accordance with K.C.C. 4.04.270.

(5) Wastewater CIP projects shall be presented in the six-year wastewater CIP program.

(6) The appropriation for wastewater CIP projects shall be made at the wastewater CIP fund level in accordance with K.C.C. 4.04.280.

(7) Surface water management CIP projects shall be presented in the six-year surface water management CIP program.

(8) The appropriation for surface water management CIP projects shall be made at the surface water management CIP fund level in accordance with K.C.C. 4.04.275;

(9) Solid waste CIP projects shall be presented in the six-year solid waste CIP program;

(10) The appropriation for solid waste CIP projects shall be made at the solid waste CIP fund level in accordance with K.C.C. 4.04.273; and

(11) The technology business plan in accordance with K.C.C. 2.16.0757.

h. in addition to schedule requirements, a statement of purpose and estimated total cost for each project for which expenditures are planned during the ensuing fiscal year;

i. the original project cost estimate which shall remain fixed from year to year. This original cost estimate shall be included in the capital budget document. A project record, separate from the budget

document, shall be provided that identifies the original project cost estimate and any subsequent changes to the original project cost estimate by cost element and revenue source as approved in the budget document or any amendment to the budget;

j. an enumeration of revised project cost estimates;

k. funds actually expended for projects as of June 30 of the current year;

l. funds previously authorized for the project;

m. anticipated specific cost elements within each project. However, the executive is authorized to transfer funds between specific activities within the same project only if these transfers will not result in a necessary increase to the total project budget. A scope change of a project constitutes a revision.

(1) A CIP project scope change shall be included in the CIP exceptions notification if total project costs increase by ten percent or by fifty thousand dollars, whichever is less; or if the schedule deviates by three months.

(2) For parks CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, when fifty thousand dollars or more or funds in excess of ten percent of total project costs, whichever is less, are to be transferred from a contingency project to a CIP project.

(3) For major maintenance reserve fund CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, when moneys in excess of fifteen percent of the total major maintenance reserve fund CIP project costs are to be transferred from the general facility major maintenance emergent need contingency project.

(4) For roads CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the transportation committee, or its successor committee, when contingency funds in excess of fifteen percent of total project costs are to be transferred.

(5) For solid waste, surface water management and wastewater CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, and chair of the utilities committee, or its successor committee, when contingency funds in excess of fifteen percent of total project costs are to be transferred;

n. individual allocations by cost element for each capital project; and

o. when a single fund finances both operating expenses and capital projects, there shall be separate appropriations from the fund for the operating and the capital sections of the budget.

B.1. The budget message shall explain the budget in fiscal terms and in terms of goals to be accomplished and shall relate the requested appropriation to the Comprehensive Plan of the county.

2. The total proposed expenditures shall not be greater than the total proposed revenue. However, this requirement shall not prevent the liquidation of any deficit existing on January 1, 1996.

3. If the estimated revenues in the current expense, special revenue or debt service funds for the next ensuing fiscal period, together with the fund balance for the current fiscal period exceeds the applicable appropriations proposed by the executive for the next ensuing fiscal period, the executive shall include in the budget document recommendations for the use of the excess for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his or her discretion shall serve the best interests of the county.

4. If, for any applicable fund, the estimated revenues for the next ensuing period plus fund balance shall be less than the aggregate of appropriations proposed by the executive for the next ensuing fiscal period, the executive shall include in the budget document his or her proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the county, by imposition of new taxes, by increase of tax rate or in any like manner.

C.1. Justification for revenues and expenditures shall be presented in detail when necessary to explain changes of established practices, unique fiscal practices and new sources of revenue or expenditure patterns or

any data the executive considers useful to support the budget. The following elements shall be included:

- a. nonbudgeted departments and programs expenditures and revenues; that is, intragovernmental service funds;
- b. historical and projected agency workload information; and
- c. a brief explanation of existing and proposed new programs, as well as the purpose and scope of agency activities.

2. Capital improvement program data shall include, but not be limited to, the streets and highway programming process, which shall specify priorities, guide route establishments, select route design criteria and provide detailed design information for each road or bridge project.

D.1. Beginning with budget year 2004, the department of executive services shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the major maintenance reserve fund CIP fund level, stated as an aggregate of individual projects for the budget year in question in accordance with K.C.C. 4.04.266.

2. The council may require other data from the department of executive services that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories.

E.1. The department of transportation shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the road CIP fund level, stated as an aggregate of individual projects for the budget year in question in accordance with K.C.C. 4.04.270.

2. The council may require other data from the department of transportation that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories.

F.1. The department of natural resources and parks shall submit a request for CIP project funding,

which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the wastewater CIP fund level, stated as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.280. Except for multiyear construction contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multiyear construction contracts shall be appropriated for the full construction amount in the first year. Any multiyear construction contracts longer than three years must be specifically identified in the wastewater CIP budget request. The request for CIP project funding for wastewater asset management shall include categories of wastewater asset management projects. Wastewater asset management projects shall be appropriated annually at the category level. The executive-proposed CIP shall allocate anticipated expenditures for each wastewater asset management project category as part of the six-year wastewater CIP. For each category, a proposed project list will be appended.

2. The council may require other data from the department of natural resources and parks that the council considers necessary for review of the budget, which may include objects of expenditures and other expenditures categories.

G.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall also specify project funding levels on a project-by-project basis but which shall be appropriated at the surface water management CIP fund level, states as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.275. Except for multiyear construction contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multiyear construction contracts shall be appropriated for the full construction amount in the first year. Any multiyear construction contracts longer than three years must be specifically identified in the surface water management CIP budget request.

2. The council may require from the department of natural resources and parks other data that the council considers necessary for review of the budget, which may include objects of expenditure and other



expenditures categories.

H.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall also specify project funding levels on a project-by-project basis but which shall be appropriated at the solid waste CIP fund level, states as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.10