

Legislation Text

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Clerk 11/01/2023

AN ORDINANCE related to the establishment of a King County human and civil rights commission; amending Ordinance 15548, Section 1, as amended, and K.C.C 2.28.0015 and Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010, adding a new chapter to K.C.C. Title 2, and repealing Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010, Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020, Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030, Ordinance 12058, Section 4, and K.C.C. 3.10.040, Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050, Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060, and Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

STATEMENT OF FACTS:

1. In 1976, the King County affirmative action committee was established, and was replaced in November 1995 by the King County civil rights commission by Ordinance 12058.
2. The civil rights commission was established to serve in an advisory capacity to the executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority and women owned businesses, and access to public accommodations to ensure the consistent application of all county ordinances, rules and regulations concerning these programs.
3. The scope of work and activities of the civil rights commission have diminished over the

years due to various factors. Currently, only two of the twelve commission positions are filled and the last civil rights commission briefing received by the council was in June 2010 where the council was briefed on the commission's 2009 annual report.

4. For many years, the commission was the primary advisory body on county activities relating to equity and social justice, in particular enactment of the county's "Equity and Social Justice Ordinance," also referred to as the "Fair and Just Ordinance," which is Ordinance 16948, establishing the office of law enforcement and oversight, renaming the county in honor of the Reverend Doctor Martin Luther King, Jr., County as enacted by Chapter 90, Laws of Washington 2005, and changing the county logo from an imperial crown to the image of Reverend Doctor Martin Luther King, Jr., and establishing the immigrant and refugee task force. However, as these activities have become a priority for the county, they have been delegated to newly established county entities such as the office of law enforcement oversight community advisory committee, the immigrant and refugee commission, and the office of equity and racial and social justice.

5. The commission is also tasked with reviewing and conducting fact-finding sessions of appeals related to alleged violations of county antidiscrimination ordinances that apply to King County as an employer and in unincorporated King County. However, the number of cases has decreased over time, in part, due to annexations and incorporations that have occurred in the county over the years reducing the area over which the county has jurisdictional responsibility.

6. The commission has historically been active in community engagement by establishing relationships with other regional human and civil rights commissions, meeting and networking with community organizations, and educating communities and the public at large on the work of the commission. The commission included such activities in its annual work plans from 2014 through 2017; however, it is unclear whether the commission conducted such activities during

2014 through 2017 or whether it continues to do so currently. If the commission failed to undertake these activities, the lack of community engagement activities may also have contributed to the decrease in the number of complaints that relate to violations of county antidiscrimination ordinances.

7. In September 2001, Ordinance 14199 established the office of civil rights under the department of executive services to enforce county ordinances related to discrimination and provide staff support to the commission. However, through the 2017-2018 Biennial Budget Ordinance, Ordinance 18409, the council moved the functions of the office of civil rights to the office of equity and social justice, which administratively changed the office of civil rights to a civil rights program.

8. In 2018, the executive approached some members of the council to consider replacing the civil rights commission with an equity, civil rights and social justice commission. In response, King County councilmembers Larry Gossett and Rod Dembowski engaged with Seattle University's Fred T. Korematsu Center for Law and Equality ("the Korematsu Center") to assist in conducting research on leading practices on civil rights commissions in local jurisdictions across the United States.

9. On August, 21, 2019, the executive transmitted Proposed Ordinance 2019-0330 to replace the civil rights commission with a newly established equity, civil rights and social justice commission. The new commission would maintain the work of the civil rights commission but also incorporate work related to advancing the county's equity and social justice policies and practices. However, final action was never taken by the council and the proposed ordinance lapsed on February 4, 2020.

10. At the September 24, 2019, law and justice committee meeting, the Korematsu Center provided a briefing, Briefing 2019-B0149, on its final report, which included research findings

and the following eleven recommendations:

- a. grant greater authority to the civil rights commission to implement the county's civil rights laws;
- b. include language in the enabling law of the commission that explicitly establishes the independence and objectivity of the work of the commission and its staff;
- c. establish the commission's permanence through a new provision in the county charter;
- d. to ensure independence and representation, create a balanced process for appointment of commissioners that takes into account the representation and input of protected classes;
- e. to ensure independence, create a new position of executive director of the commission who would be responsible for the day-to-day operations of the commission and for the appointment and supervision of staff;
- f. reestablish an independent staff, led by the executive director and separate from other offices in the executive branch, supported by sufficient funding and resources to accomplish the goals and workload contemplated by the ordinances;
- g. consider whether renaming the commission to incorporate both civil rights and human rights into the name will enhance community engagement and inclusion in the work of the commission by indicating the county's commitment to protecting the rights of all residents;
- h. engage in a robust engagement process to determine the need for new policies to address inequity proactively and propose related legislation;
- i. consider expanding protections to additional classes of people to ensure equal treatment for broader segments of the population;
- j. update affirmative action policy based on the scope of the new state law; and
- k. explore interlocal agreements with municipalities located within the county that do not have the resources to enact or enforce their own civil rights laws.

11. On October 19, 2021, the council passed Motion 15954, acknowledging receipt of the Disability Equity Action Plan as required by the 2021-2022 Biennial Budget Ordinance, Ordinance 19210, Section 19, Proviso P1. The plan provided seven recommendations such as funding additional resources to enhance the county's American Disabilities Act compliance efforts, reactivating the county's existing 504/ADA advisory committee, continuing to utilize a disability equity consultant for review of policies and practices, and establishing an interbranch workgroup and affinity group for county employees with disabilities.

12. On July 11, 2023, the council passed Motion 16389 to approve the Gender Identity and Sexual Orientation Inclusion Task Force Strategy Report and Recommendations. The report recommended a countywide gender identity and sexual orientation inclusion strategy to better support the LGBTQIA+ community in King County.

13. The Universal Declaration of Human Rights ("the UDHR") was proclaimed by the United Nations General Assembly in December 1948, by General Assembly Resolution 217 A. The UDHR includes thirty articles that proclaims fundamental human rights to be universally protected for all peoples and all nations.

14. Historically, bodies established to address racial conflict, inequality, and discrimination in local governments across the United States often included "human relations" in their names. That label was so widely accepted that in the late 1990s, the United States Department of Justice, Community Relations Service issued Guidelines for Effective Human Relations Commissions. More recently, however, most jurisdictions have moved away from the language of "human relations," and have moved toward incorporating either a human rights or a civil rights emphasis, or both, into the name of commissions focused on antidiscrimination and equality. Some local governments have also made an explicit commitment to refer to the UDHR to inform their work. The field of human rights is broader, but encompasses civil rights, and

including a commitment to human rights would expand advancing the rights of its residents.

Including "human rights" acknowledges the changing nature of the county's community, and its local government's commitment to including and promoting the rights of all, as stated in the UDHR, and serve to communicate to the community the broad vision King County would take in protecting the rights of its residents.

15. In December 2019, Ordinance 19047 established an independent King County human and civil rights commission based on the recommendations from the Korematsu Center. The ordinance would take effect on April 1, 2021 only if by that date the council passed a motion approving a feasibility study on the establishment of the human and civil rights commission as adopted by the council. On March 9, 2021, the executive transmitted the feasibility study and Proposed Motion 2021-0089 to approve the feasibility study. However, the council did not take final action on the proposed motion and as a result Ordinance 19047 did not take effect.

16. Along with the 2023-2024 Proposed Biennial Budget, the executive transmitted Proposed Ordinance 2022-0394 to incorporate the civil rights program under the department of human resources. The executive stated that the civil rights program's enforcement and investigative responsibilities of the county's antidiscrimination ordinances would be more suitable for the department of human resources. However, the council amended the proposed ordinance to maintain the civil rights program as a responsibility of the newly renamed office of equity and racial and social justice. The amended proposed ordinance was enacted in November 2022 as Ordinance 19541. The appropriations included in the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, is consistent with the organization of the civil rights program as set forth by Ordinance 19541.

17. K.C.C. 2.28.006 authorizes the council by ordinance to provide per diem compensation for members of specific boards and commissions.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 7 of this ordinance should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Antidiscrimination ordinances" means K.C.C. chapters 2.15, 3.12D, 12.16, 12.17, 12.18, 12.20, and 12.22 and K.C.C. 6.27A.120 and 7.08.080.

B. "Commission" means the King County human and civil rights commission.

C. "Protected class" means sex, race, color, national origin, religious affiliation, disability or use of a service or assistive animal by an individual with a disability, sexual orientation, gender identity or expression, age except by minimum age or retirement provisions, status as a family caregiver, military status, or status as a veteran who was honorably discharged or who was discharged solely as a result of the person's sexual orientation or gender identity or expression.

NEW SECTION. SECTION 3.

A. The King County human and civil rights commission is hereby established.

B. The organization and administration of the commission shall be sufficiently independent to ensure that no interference or influence external to the commission adversely affects the independence and objectivity of the commission.

C. The commission is established to advance the human rights, including civil rights, of all county residents by representing the residents' interests and to ensure the principles of the United Nations Universal Declaration of Human Rights are applied in all the county does in order to achieve equity and protect county residents from discrimination.

NEW SECTION. SECTION 4. The commission shall have the following duties:

A. Advise the executive, the council, and the public to implement and carry out the purposes and provisions of this chapter, which may include, but are not limited to, the following:

1. Human and civil rights protections that strengthen county antidiscrimination ordinances and support the county's equity and social justice goals;
 2. Human and civil rights protections to address issues of concern for county residents;
 3. Policies to proactively prevent discrimination and address inequalities at the front end with an explicit focus on racial justice and equitable outcomes that would benefit communities who have historically lacked power in the community;
 4. Policies related to affirmative action and updates to the county's list of protected classes based on robust engagement with community members, in particular those individuals with a vested interest in policies related to affirmative action and protected classes;
 5. Policies, practices, and procedures to assist county decision makers in fulfilling the county's commitment to address the root causes of inequities and distribute resources equitably;
 6. Equitable allocation of county resources, with investments that are consistent with human and civil rights values, focused on people and places with the greatest needs;
 7. The county's equal employment opportunity affirmative action plan; and
 8. The county's equity and social justice strategic plan and related county policies and practices;
- B. Conduct and prioritize a robust and ongoing engagement process with community members and county entities to consider their input in implementing and carrying out the purposes and provisions of this chapter. Engagement shall be prioritized for historically disadvantaged communities who have historically lacked power to influence policies for the community. County entities should include, but not be limited to, the office of law enforcement oversight, the community advisory committee for law enforcement oversight, the immigrant and refugee commission, the women's advisory board, 504/ADA advisory committee, the veterans, seniors and human services levy advisory board, the office of equity and racial and social justice, the legislative branch's director of equity and social justice, the county auditor, the hearing examiner, the office of public complaints, and the various King County unincorporated area councils;

C.1. Conduct research, public forums, and educational programs on social stresses that impact the cohesion between groups in the county to support building of alliances;

2. Conduct community outreach to ascertain the status and treatment of county residents based on their protected class;

3. Evaluate means of alleviating discrimination and bias and of improving human relations within the county; and

4. Issue such publications as may assist in enhancing the human and civil rights of all county residents;

D. Monitor and review the implementation of antidiscrimination ordinances and affirmative action policies to determine compliance and effectiveness;

E. Evaluate existing county policies and new ordinances for disproportionate impacts on historically disadvantaged communities who have historically lacked power to influence policies for the community;

F. Lead county efforts in raising community awareness, conducting education, assistance and information programs on human and civil rights issues and on the purpose and work of the commission; and

G. Beginning in 2025, provide an annual report to the executive and council that shall include, but not be limited to, a quantitative and qualitative summary of completed and ongoing commission activities as required in this chapter, progress on the work program outlined in the prior calendar year annual report, and a work program for the following calendar year. On behalf of the commission, the executive shall electronically file the report by April 15 of each year with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the committee of the whole or its successor. The report shall be publicized widely, in particular to those historically disadvantaged communities who have historically lacked power to influence policies for the community. Publicity methods shall include, but not be limited to, the official county newspaper, newspapers of general circulation within each council district, King County civic television, television news outlets, social media

platforms, non-English language newspapers and periodicals distributed in the county, and the county's website. The commission should provide annual briefings to media and elected officials representing cities, the county, and the state to ensure that the commission's lessons learned and achievements are shared with the public and policy makers.

NEW SECTION. SECTION 5.

A. The commission shall be composed of eleven members, in accordance with the following:

1. Membership shall reflect representation from a broad range of protected classes to reflect the diversity of the county's communities, with an emphasis on those most disproportionately impacted by inequities and discrimination;
 2. All members shall demonstrate active and engaged civic participation in human and civil rights and be well-versed on the issues affecting the county's communities;
 3. Membership shall represent a diverse range of age groups;
 4. At least one member shall have experience with investigations and enforcement of either human rights, civil rights, or both;
 5. At least one member shall be a member of the King County 504/ADA advisory committee or who is part of the disability community and have experience with the federal Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of 1973 or other laws, regulations, and rules related to individuals with disabilities;
 6. At least one member shall be a member of the King County immigrant and refugee commission or who is part of the immigrant and refugee community;
 7. At least one member shall have familiarity with King County government, systems, or agencies;
 8. All members shall be residents of King County; and
 9. All member shall not hold or campaign for elective office.
- B. For the initial selection of members and for vacancies of members thereafter, the executive and

council shall jointly announce a call for applications to seek candidates for appointment. The executive and council shall work collaboratively to ensure that the announcement is publicized widely, in particular to those historically disadvantaged communities who have historically lacked power to influence policies for the community. Publicity methods shall include, but not be limited to, the official county newspaper, newspapers of general circulation within each council district, King County civic television, television news outlets, social media platforms, non-English language newspapers and periodicals distributed in the county, community-based organizations, community leaders with expertise and focus on human and civil rights, and the county's website.

C.1. For initial appointments of regular members to the commission, a recommending committee, comprised of two council representatives appointed by the council chair and two representatives selected by the executive, shall review the applications submitted in response to the call for applications set forth in subsection B. of this section. The committee shall prepare a list of applicants recommended as candidates for the executive's consideration. In making its recommendations, the committee shall ensure that the candidates recommended for appointment meet the requirements as outlined in this section.

2. For vacancies of members of the commission, a recommending committee, comprised of two council representatives appointed by the council chair, two representatives selected by the executive and up to three former members of the human and civil rights commission recommended by the chair of the commission, shall review the applications submitted in response to the call for applications set forth in subsection C. of this section. The committee shall prepare a list of applicants recommended as candidates for the executive's consideration. In making its recommendations, the committee shall ensure that the candidates recommended for appointment meet the requirements as outlined in this section.

D. Ten members of the commission shall be appointed by the executive and confirmed by the council. The eleventh member shall be appointed by the other ten regular members and confirmed by the council by motion. The executive shall transmit the motion to approve the eleventh member. The commission shall ensure that the eleventh member meets the requirements as outlined in this section.

E. For the initial commission formation, five regular commission positions shall have initial terms of three years, three positions shall have initial terms of two years and the remainder of the positions shall have initial terms of one year. The commission shall determine by randomized methods the initial term for each commission position.

F. At the conclusion of the initial term of each appointment for members, all subsequent terms of each position shall be for three years. A commission member whose term has expired may continue to serve into the following term until a successor has been appointed to complete the term. A member shall not serve more than two consecutive terms. A vacancy for an unexpired term of a member shall be filled by the appointment process provided for in this section.

G. At its first meeting after January 1 of each year, the commission shall elect from its membership a chair and a vice-chair. The chair shall preside at all meetings of the commission. In the absence of the chair, the vice-chair shall preside.

H. Members of the commission may remove a member for cause with six members voting in favor of the removal, subject to approval by the council by motion.

NEW SECTION. SECTION 6.

A. Commission members who are neither employees of the county nor employees of other municipal governments shall receive per diem compensation of seventy-five dollars for attendance at one commission meeting per month. If there is a direct conflict between the per diem compensation in K.C.C. 2.28.006 and the per diem compensation found in subsection A. of this section, then K.C.C. 2.28.006 shall control. The purpose of the compensation is to alleviate financial burden as a barrier to serving as a commission member and ensure representation from communities that are most impacted by inequities and discrimination. The per diem compensation shall be in addition to the reimbursements as authorized in subsection B. of this section. The per diem amount shall be automatically adjusted annually, beginning January 1, 2024, and every year thereafter,

using the U.S. Department of Labor, Bureau of Labor Statistics Consumer January through December Price Index for All Urban Consumers for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area, which is known as "the CPI-U". However, if the CPI-U is negative, there shall not be an adjustment.

B. The executive shall reimburse commission members for actual mileage at the standard county reimbursement rate for travel within the county to and from scheduled commission meetings, workgroup meetings, and community meetings, and for parking at meetings outside the county facilities. Commission members attending meetings or conducting business related to the commission at county facilities shall have parking in the county automotive parking facilities paid by the executive.

NEW SECTION. SECTION 7.

A. The executive shall designate employees to support the duties of the commission as required by this chapter.

B. All boards, commissions and committees, departments, or agencies and the officers, employees, and agents of those boards and commissions, departments, and agencies shall cooperate fully and in good faith with the commission to support the duties of the commission under this chapter.

SECTION 8. Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015 are hereby amended to read as follows:

A. Each councilmember must provide the executive with a nomination to represent the councilmember's council district. If the executive does not appoint the person nominated by the councilmember, the executive shall request that the councilmember nominate another person.

B. At-large positions designated for the council shall be appointed by the executive after receiving nominations from the council. When notified of a vacancy in one of these four at-large positions, the council chair shall inform the council at an open public meeting of the vacancy and seek nominations from councilmembers. At a subsequent council meeting, the chair shall inform the council of the names of all nominees received from councilmembers and that all nominations have been forwarded to the executive. If the

executive does not appoint a person who has been nominated by the council, the executive must request that the council nominate other candidates for appointment.

C. When appointing and confirming members to boards, commissions and committees it shall be the goal to have geographical diversity and balance. The women's advisory board created under K.C.C. 2.30.010, the conservation futures advisory committee established under K.C.C. 2.36.070, the Harborview Medical Center board of trustees established under K.C.C. 2.42.030, and the human and civil rights commission (~~created~~) established under (~~K.C.C. 3.10.010~~) section 3 of this ordinance, should not have more than two members from a single council district. This subsection does not apply to a board, commission or committee until the board, commission or committee attains the council district and at-large membership as specified in Ordinance 15548, Section 7.

SECTION 9. Ordinance 12058, Section 9, and K.C.C. 2.55.010 are hereby amended to read as follows:

A. (~~Creation.~~) There is hereby created a King County Section 504 of the Rehabilitation Act of 1973 /Americans with Disabilities Act of 1990 (~~hereinafter referred to as the ADA~~) advisory (~~committee~~, (~~hereinafter referred to as~~)), referred to in this section as the 504/ADA committee.

B. (~~Composition.~~) The 504/ADA committee shall be composed of not less than three individuals, subject to confirmation by the county council, including the chair of the committee. The executive shall appoint the chair (~~who will also serve on the civil rights commission to ensure coordination of efforts~~) of the committee.

C. (~~Purpose.~~) The 504/ADA committee shall serve in an advisory capacity to the executive in developing strategies, systems and guidelines in implementing the 504/ADA Compliance Workplan. The functions of the 504/ADA committee shall include, but not be limited to, the following:

1. Review the 504/ADA (~~compliance~~) Workplan and make recommendations towards improving its effectiveness;
2. Review and monitor the progress of the 504/ADA (~~compliance~~) Workplan; and

3. Review and monitor the ~~((affirmative action))~~ progress of affirmative action made in the employment of ~~((persons))~~ individuals with disabilities in the county's workforce.

D. ~~((Staffing.))~~ Appropriate staff to the 504/ADA committee shall be provided by the executive, including the Section 504 of the Rehabilitation Act of 1973/((ADA)) Americans with Disabilities Act of 1990 compliance specialist in ~~((such department of information and administrative services))~~ the office of equity and racial and social justice.

~~((E. Designation of Americans with Disabilities Act coordinator.))~~ The Section 504 of the Rehabilitation Act of 1973/((ADA)) Americans with Disabilities Act of 1990 compliance specialist ~~((in the department of information and administrative services))~~ is the designated county employee to coordinate the county's effort to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973 and the ~~((ADA))~~ Americans with Disabilities Act of 1990 and its implementing regulations.

SECTION 10. The following are hereby repealed:

- A. Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010;
- B. Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020;
- C. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030;
- D. Ordinance 12058, Section 4, and K.C.C. 3.10.040;
- E. Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050;
- F. Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060; and
- G. Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

SECTION 11.

A. The commission shall provide a report recommending changes to the powers and duties of the human and civil rights commission. The report shall include, but not be limited to, the following:

- 1. Analysis of the county's civil rights program, including, but not limited to, activities related to assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal

Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities, and services for people with disabilities, to identify strengths, weaknesses, and opportunities;

2. Recommendations on the placement of the county's civil rights program within the organizational structure of the executive branch and the duties of the civil rights program, including duties related to assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;

3. Recommendations on ensuring the independence and objectivity of the work of the commission and its staff, which shall include, but not limited to, the following:

a. creating a new position of executive director of the commission who would be responsible for the day-to-day operations of the commission and for the appointment and supervision of staff; and

b. establishing an independent staff, led by the executive director and separate from other offices in the executive branch, supported by sufficient moneys and resources to accomplish the goals and workload as required of the commission;

4. Recommendations on amending the county's list of protected classes in both the King County Charter and the King County Code to expand protections to additional classes of people to ensure equal treatment for broader segments of the population; and

5. Recommendations on establishing interlocal agreements with municipalities located within the county that do not have the resources to enact or enforce their own civil rights laws.

B. The report shall consider, but not be limited to, recommendations from the following:

1. Seattle University's Fred T. Korematsu Center for Law and Equality's report entitled Research and Recommendations Regarding the King County Civil Rights Commission, Briefing 2019-B0149;

2. The Disability Equity Action Plan, Attachment A to Motion 15954; and

3. The Gender Identity and Sexual Orientation Inclusion Task Force Strategy Report and

Recommendations, Attachment A to Motion 16389.

C. The executive shall draft legislation based on the recommendations in the report as described in this section.

D. On behalf of the commission, the executive shall electronically file the report and draft legislation within six months of the first meeting of the commission, with the clerk of the council, who shall retain electronic copies and provide electronic copies to all councilmembers, the council chief of staff, and the lead staff for the committee of the whole or its successor.