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3/16/09 Council Mtg,

Sponsor: Councilmember Gosssett *Jerry Gosssett*

at

Proposed No.: 2009-0157

Lg moved 7-0 JP/RO ex.

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0157, VERSION**

2 **2**

3 On page 1, beginning on line 8, strike everything through page 30, line 639, and insert:

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Sections 2 through 12 of this ordinance should constitute a new

6 chapter in K.C.C. Title 2.

7 NEW SECTION. SECTION 2. There is hereby established the forecast council.

8 The forecast council shall, with input from the office of economic and financial analysis

9 and according to the process in section 8 of this ordinance, adopt official county economic

10 and revenue forecasts that must be used as the basis for the executive's budget proposals.

11 The forecast council may also assign additional economic and financial studies to the office

12 of economic and financial analysis.

13 NEW SECTION. SECTION 3. The forecast council shall be composed of the

14 executive, two county councilmembers and a county employee with knowledge of the

15 budgeting and financial management practices of the county. County councilmembers

16 shall be appointed annually by the chair of the county council. The county employee shall

17 be appointed by the executive. New appointments to the forecast council shall be made by
18 January 31 and shall not be subject to confirmation.

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

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

24 NEW SECTION. SECTION 6.

25 A. The forecast council shall conduct an open and competitive process to select the
26 chief economist.

27 B. The selection process shall include at least the following:

28 1. Review and update, if necessary, of the chief economist's job classification
29 description;

30 2. Advertisement of the availability of the position;

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

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

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

37 D. The screening committee shall screen, interview and score applicants for the
38 chief economist position, making a slate of the top ranking candidates for the forecast
39 council's consideration. At the forecast council's discretion, the screening committee may

40 also be formed to make recommendations to the forecast council on any decision to
41 reappoint the chief economist.

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

48 NEW SECTION. SECTION 8.

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

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

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

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

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

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

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

73 NEW SECTION. SECTION 10.

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

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

82 NEW SECTION. SECTION 11.

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

86 B. Upon approval by the forecast council, all final reports shall be filed with the
87 clerk of the county council for distribution to each county councilmember and the
88 executive.

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

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

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

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

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

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

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

117 E. "Executive branch departments and offices" means all county departments and
118 offices directly reporting to the county executive.

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

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

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

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

127 J. "Operational master plan" means the comprehensive plan for an agency setting
128 forth how the organization will operate now and in the future. An operational master plan

129 builds on an organization's strategic plan and shall include analysis of agency strategies,
130 alternatives and their lifecycle costs to accomplish defined goals and objectives,
131 performance measures, projected workload, needed resources, implementation schedules
132 and general cost estimates. The operational master plan shall also address how the
133 organization will respond in the future to changed conditions. K.C.C. 4.04.200 requires
134 that an operational master plan is done in conjunction with the directors of the office of
135 management and budget and the office of strategic planning and performance management.
136 The completed operational master plan includes an implementation plan and schedule and
137 feeds into capital planning efforts for an organization.

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

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

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

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

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

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

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

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

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

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

175 B. "Personal data" means any information concerning a citizen that, because of
176 name, identifying number, mark or description, can be readily associated with a particular
177 individual, including information contained in printouts, forms, written analyses or
178 evaluations.

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

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

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

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

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

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

194 C. "County action" means any action on the part of the county, including, but not
195 limited to:
196 1. Any decision, determination, finding, ruling or order; and
197 2. Any grant, payment, award, license, contract, transaction, sanction or approval,
198 or the denial thereof or the failure to act with respect thereto. "County action" shall not
199 include actions of the county's judicial branch but shall include employees of the
200 department of judicial administration.

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

209 E. "Department" means:
210 1. In the executive branch, an executive department or administrative office that
211 reports to the executive or the county administrative officer, as applicable;
212 2. The department of assessments;
213 3. The office of the prosecuting attorney;
214 4. In the legislative branch, the council together with any subordinate legislative
215 branch agency;
216 5. The department of judicial administration; ((and))

217 6. The department of public safety; and

218 7. The office of economic and financial analysis.

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

223 1. Is, or will be, the subject of county action;

224 2. Is one to which the county is or will be a party; or

225 3. Is one in which the county has a direct and substantial proprietary interest.

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

233 H. "Immediate family" means a county employee's spouse, domestic partner,
234 employee's child or the child of an employee's domestic partner, and other dependent
235 relatives if living in his or her household.

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

239 J. "Participate" means, in connection with a transaction involving the county, to be
240 involved in a county action personally and substantially as a county employee either
241 directly, or through others through approval, disapproval, decision, recommendation, the
242 rendering of advice, investigation or otherwise. However, for the purposes of K.C.C.
243 3.04.035, "participate" does not include the provision of legal advice or other activities
244 involving the practice of law and does not include, as an elected official, preparation,
245 consideration or enactment of legislation or the performance of legislative duties.

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

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

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

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

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

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

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

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

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

279 4. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment,
280 travel expense, compensation or other thing of value from any person doing business or
281 seeking to do business with the county when such acceptance may conflict with the
282 performance of the employee's official duties. A conflict shall be deemed to exist where a
283 reasonable and prudent person would believe that the gift, compensation, thing of value, or
284 more favorable terms, was given for the purpose of obtaining special consideration or to

285 influence county action. The financing of the conduct of county election campaigns shall
286 continue to be governed by chapter 42.17 RCW and the provisions of the charter and
287 ordinances;

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

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

293 a. the employee knows or has reason to believe that the offer of employment was
294 or is intended, in whole or in part, directly or indirectly, as compensation or reward for the
295 performance or nonperformance of a duty by the employee during the course of county
296 employment or to influence county action pertaining to the business; or

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

304 7. Within one year of entering county employment awards a county contract or
305 participates in a county action benefiting a person that formerly employed him or her,
306 provided, that participation other than contract award may be authorized in a memorandum
307 by the appointing authority following written disclosure by the affected employee and that

308 such authorization shall be filed with the board of ethics and a copy maintained by the
309 appointing authority;

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

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

321 (1) the county administrative officer, the chief officer of each executive
322 department or administrative office as defined by the provisions of the charter, the manager
323 of each division of such department or office, and all persons who report directly to such
324 individuals;

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

327 (3) all nonelected employees of the prosecuting attorney;

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

329 ((and))

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

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

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

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

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

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

348 13. Directly or indirectly possesses a substantial or controlling interest in any
349 person which does or seeks to do business with the county, without disclosing such interest
350 as provided by this chapter. A substantial interest is an interest that exceeds one-tenth of
351 one percent of the outstanding securities of the person; or, if the interest is in an
352 unincorporated business concern, exceeds one percent of the net worth of such concern; or

353 the financial interest of a person exceeds five percent of the net worth of the employee and
354 his or her immediate family;

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

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

366 (1) an elected county official;

367 (2) the executive's administrative assistants and office manager;

368 (3) county councilmembers' executive secretaries;

369 (4) county administrative officer, the county administrative officer's
370 administrative assistants and the county administrative officer's confidential secretary;

371 (5) chief officer of each executive department, the chief officer's administrative
372 assistants and confidential secretary((;));

373 (6) chief officer of each administrative office, the chief officer's administrative
374 assistants and the chief officer's confidential secretary;

375 (7) council administrator, the council administrator's administrative assistants
376 and the council administrator's secretary;

377 (8) the ombudsman and the ombudsman's staff;

378 (9) an employee of the department of assessments;

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

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

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

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

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

389 16. As an appointive member of a board or commission, has a close relative
390 serving on the same board or commission. For the purposes of this subsection, close
391 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	

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

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

398 18. Acts as an accomplice in any act by an immediate family member which, if
 399 such act were performed by the employee would be prohibited by 1., 2., 3., 4., 5., 6., 7., 8.,
 400 10., 11., 13., 14., 15. or 17. of this subsection. However, it shall not be a conflict of interest
 401 for such family member to enter into a bona fide contract of employment which is not
 402 intended to influence the action of the county employee.

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

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

408 A. All candidates for county elective office, and nominees for appointment to any
 409 county elective office except for judicial candidates, within two weeks of becoming a

410 candidate or nominee, and all elected officials who are defined as county employees
411 under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board
412 of ethics a statement of financial and other interests as defined in this section. These
413 requirements may be satisfied by filing with the board of ethics a copy of the report
414 required to be filed by RCW 42.17.240, if this report contains an original signature of the
415 person filing the report. The board of ethics shall forward a copy of such statements,
416 reports and forms to the elections division, or its successor agency, within ten days of
417 their receipt.

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

429 C. The board of ethics shall adopt by rule criteria for determining which
430 employees, in addition to those designated in subsection B. of this section, are required to
431 complete and file statements of financial and other interests. The criteria must consider

432 the association between the duties and responsibilities of employees and the conflict of
433 interest provisions in K.C.C. 3.04.030.

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

437 a. compensation, gifts and things of value:

438 (1) the name of each person engaged in a transaction, as defined by K.C.C.
439 3.04.017.F, with King County in which the employee may participate or has
440 responsibility for, from whom the employee or a member of the employee's immediate
441 family received any compensation, gift or thing of value; and

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

444 b. financial interests:

445 (1) the name of each person engaged in a transaction, as defined by K.C.C.
446 3.04.017.F, with King County in which the employee may participate or has
447 responsibility for, in whom the employee or a member of the employee's immediate
448 family possessed a financial interest; and

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

451 c. positions:

452 (1) the name of each person engaged in a transaction, as defined by K.C.C.
453 3.04.017.F, with King County in which the employee may participate or has

454 responsibility for, with whom the employee or a member of the employee's immediate
455 family held a position;

456 (2) the name of the individual who held the position and the individual's
457 relationship to the employee; and

458 (3) the title of the position; and

459 d. real property:

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

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

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

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

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

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

- 478 1. Recites that the statement is declared by the person to be true, complete and
479 correct under penalty of perjury;
- 480 2. Is signed by the person;
- 481 3. States the date and place of the declaration's execution; and
- 482 4. States that the declaration is so declared under the laws of the state of
483 Washington.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

548 1. Under eighteen years of age; or

549 2. Eighteen years of age or older and incapable of self care because of a mental
550 or physical disability.

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

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

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

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

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

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

567 O. "Developmental disability" means a developmental disability, as defined in
568 RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy,
569 epilepsy, autism or other neurological or other condition of an individual found by the
570 secretary of the Washington state Department of Social and Health Services, or designee
571 to be closely related to mental retardation or to require treatment similar to that required
572 for individuals with mental retardation, which disability originates before the individual
573 attains age eighteen, which has continued or can be expected to continue indefinitely, and
574 which constitutes a substantial handicap for the individual.

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

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

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

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

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

584 1. Have a close personal relationship;

585 2. Are each other's sole domestic partner and are responsible for each other's
586 common welfare;

587 3. Share the same regular and permanent residence;

588 4. Are jointly responsible for basic living expenses which means the cost of
589 basic food, shelter and any other expenses of a domestic partner which are paid at least in
590 part by a program or benefit for which the partner qualified because of the domestic
591 partnership. The individuals need not contribute equally or jointly to the cost of these
592 expenses as long as they agree that both are responsible for the cost;

593 5. Are not married to anyone;

594 6. Are each eighteen years of age or older;

595 7. Are not related by blood closer than would bar marriage in the state of
596 Washington;

597 8. Were mentally competent to consent to contract when the domestic
598 partnership began.

599 U. "Employed at least half time or more" means employed in a regular position
600 which has an established work schedule of not less than one-half the number of hours of
601 the full-time positions in the work unit in which the employee is assigned, or when
602 viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which
603 a work week of more than thirty-five but less than forty hours is standard or one thousand
604 forty hours or more in a work unit in which a forty hour work week is standard. If the
605 standard work week hours within a work unit varies (for instance, employees working
606 both thirty five and forty hours), the manager, in consultation with the department, is
607 responsible for determining what hour threshold will apply.

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

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

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

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

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

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

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

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

631 DD. "Incentive increase" means an increase to an employee's base salary within
632 the assigned pay range, based on demonstrated performance.

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

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

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

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

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

651 JJ. "Part-time position" means an other than a regular position in which the part-
652 time employee is employed less than half time, that is less than nine hundred ten hours in
653 a calendar year in a work unit in which a thirty-five hour work week is standard or less
654 than one thousand forty hours in a calendar year in a work unit in which a forty-hour
655 work week is standard, except as provided elsewhere in this chapter. Where the standard

656 work week falls between thirty-five and forty hours, the manager, in consultation with the
657 department, is responsible for determining what hour threshold will apply. Part-time
658 position excludes administrative intern.

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

663 LL. "Part-time regular position" means a regular position in which the part-time
664 regular employee is employed for at least nine hundred ten hours but less than a full-time
665 basis in a calendar year in a work unit in which a thirty-five hour work week is standard
666 or for at least one thousand forty hours but less than a full-time basis in a calendar year in
667 a work unit in which a forty-hour work week is standard. Where the standard work week
668 falls between thirty-five and forty hours, the manager, in consultation with the
669 department, is responsible for determining what hour threshold will apply.

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

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

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

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

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

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

687 SS. "Probationary period" means a period of time, as determined by the manager,
688 constituting the final step in the competitive screening process for career service or for
689 promotion from one career service position to another. An appointment to the career
690 service, whether following successful completion of an initial probationary period of
691 county employment or a promotional probationary period, shall not be final unless the
692 employee successfully completes this probationary period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

767 4. Miscellaneous projects: Other significant and substantial bodies of work may
768 be appropriate for term-limited temporary positions. These bodies of work must be either

769 nonroutine projects for the department or related to the initiation or cessation of a county
770 function, project or department;

771 5. Seasonal positions: These are positions with work for more than six
772 consecutive months, half-time or more, with total hours of at least nine hundred ten in a
773 calendar year in a work unit in which a thirty-five hour work week is standard or at least
774 one thousand forty hours in a calendar year in a work unit in which a forty hour work
775 week is standard, that due to the nature of the work have predictable periods of inactivity
776 exceeding one month. Where the standard work week falls between thirty-five and forty
777 hours, the manager, in consultation with the department, is responsible for determining
778 what hour threshold will apply; and

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

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

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

788 GGG. "Work study student" means a student enrolled or accepted for enrollment
789 at a post-secondary institution who, according to a system of need analysis approved by
790 the higher education coordinating board, demonstrates a financial inability, either

791 parental, familial or personal, to bear the total cost of education for any semester or
792 quarter.

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

795 A. "Annual budget cycle" means the calendar year January 1 through December
796 31, or any portion thereof.

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

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

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

804 E. "Furloughed employee" shall have the same meaning as found in K.C.C.
805 3.12.010.

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

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

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

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

826 A. County employees;

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

830 1. For travel to the county from their place of residence outside the county to be
831 interviewed.

832 2. Maximum of five interview trips for a given position during any twelve month
833 period.

834 3. No candidate for employment is eligible for more than two separate interview
835 trips for a given position.

836 4. Approval by the presiding elected official is required before an invitation to
837 interview is issued.

838 C. Persons otherwise authorized by law, grant or contract, provided that the terms
839 of such other expense reimbursement authorization shall apply.

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

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

846 1. Persons whose appointments require council confirmation and who have been
847 so confirmed.

848 2. Persons appointed by the county administrative officer to exempt positions.

849 3. Persons appointed by the directors of executive departments to exempt
850 positions.

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

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

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

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

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

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

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

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

875 B. ~~((Limitations.))~~ This section does not authorize a county employee to report
876 information that is subject to an applicable privilege against disclosure at law (e.g., RCW
877 5.60.060 privileged communications) unless waived, or to make disclosure where
878 prohibited at law. The only purpose of this chapter is to protect and encourage
879 employees who know or in good faith believe improper governmental action has occurred

880 to report those actions in good faith in accordance with this ordinance. Except in cases of
881 emergency where the employee believes in good faith that substantial damage to persons
882 or property will result unless a report is made immediately to a person or entity who is
883 not the appropriate investigating official listed in Section 3.42.020A, the employee shall,
884 before making a report to a person who is not the appropriate investigating official, first
885 make a written report of the improper governmental action to the appropriate
886 investigating official. No emergency under this subsection exists where prompt attention
887 and reporting under this chapter by the employee could have avoided the perceived need
888 to report immediately to a person not the appropriate investigating official. An employee
889 making a written report as required by this subsection is encouraged to wait at least thirty
890 (30) days from receipt of the written report by the appropriate investigating official
891 before reporting the improper governmental action to a person who is not an appropriate
892 investigating official. However, reporting to a person who is not an appropriate
893 investigating official prior to this thirty (30) day period will not result in the loss of the
894 protections contained in this ordinance. An employee's reporting of his or her own
895 improper action does not grant an employee immunity from discipline or termination
896 insofar as his or her improper action would be cause for discipline.

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

899 1. Reporting sexual harassment to the employee's supervisor, department head,
900 or other government official as set out in the county's adopted procedure for reporting
901 sexual harassment complaints; reporting violations of the fair employment practices
902 ordinance ~~((K.C.C. chapter 12.18((+)))~~ to the executive or his or her designee; reporting

903 police misconduct to the department of public safety's internal investigation unit;
904 reporting violations of the Code of Judicial Conduct to the Washington State Commission
905 on Judicial Conduct; reporting improper governmental action occurring within the district
906 court to the presiding judge of the district court; reporting improper governmental action
907 occurring within the legislative branch to the chair of the council; reporting improper
908 governmental action occurring within the executive branch to the executive or to the
909 department director of the executive agency in which the alleged improper governmental
910 action occurred or to the ombudsman; reporting improper governmental action occurring
911 within the department of judicial administration to the director/clerk of the superior court
912 or to the ombudsman; reporting improper governmental action occurring within the
913 department of assessments to the assessor or to the ombudsman; reporting improper
914 governmental action occurring within the superior court to the presiding judge of the
915 superior court; reporting violations of criminal laws to the county prosecuting attorney;
916 reporting improper governmental action occurring within the office of economic and
917 financial analysis to any member of the forecast council or to the ombudsman; and
918 reporting violations of the Ethics Code, and any actions for which no other appropriate
919 recipient of a report is listed in this subsection, to the ombudsman.

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

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

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

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

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

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

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

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

944 1. The budget document shall include the following:

945 a. estimated revenue by fund and by source from taxation;

946 b. estimated revenues by fund and by source other than taxation;

947 c. actual receipts for first six months, January 1 through June 30, of the current
948 fiscal year;

949 d. actual receipts for the last completed fiscal year by fund and by source;

950 e. estimated fund balance or deficit for current fiscal year by fund; and

951 f. such additional information dealing with revenues as the executive and council
952 shall deem pertinent and useful;

953 g. tabulation of expenditures in a comparable form by fund, program project or
954 object of expenditure for the ensuing fiscal year;

955 h. actual expenditures for the first six months, January 1 through June 30, of the
956 current year;

957 i. actual expenditures for the last completed fiscal year;

958 j. the appropriation for the current year; and

959 k. such additional information dealing with expenditures as the executive and
960 council shall deem pertinent and useful.

961 2. All capital improvement projects and appropriations shall be authorized only
962 by inclusion in the annual council adopted CIP or any amendment thereto. A bond
963 ordinance is not an appropriation for capital projects. The capital improvement section of
964 the budget shall include:

965 a. estimated expenditures for at least the next six fiscal years by program;

966 b. expenditures planned for current, pending, or proposed capital projects during
967 the fiscal year, classified according to proposed source of funds whether from bonds, or any
968 combination of other local, state, federal and private sources;

969 c. an alphabetic index to enable quick location of any project contained in the
970 budget;

971 d. a discrete number for each project that shall serve to identify it within the
972 capital budget document and all accounting reports;

973 e. estimated net annual operating costs associated with each project upon
974 completion or in cases where operating costs are negligible or incalculable, a statement to
975 that effect;

976 f. an identification of all CIP projects by council district in
977 which they are located;

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

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

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

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

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

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

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

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

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

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

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

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

1000 h. in addition to schedule requirements, a statement of purpose and estimated
1001 total cost for each project for which expenditures are planned during the ensuing fiscal
1002 year;

1003 i. the original project cost estimate which shall remain fixed from year to year.
1004 This original cost estimate shall be included in the capital budget document. A project
1005 record, separate from the budget document, shall be provided that identifies the original
1006 project cost estimate and any subsequent changes to the original project cost estimate by
1007 cost element and revenue source as approved in the budget document or any amendment to
1008 the budget;

1009 j. an enumeration of revised project cost estimates;

1010 k. funds actually expended for projects as of June 30 of the current year;

1011 l. funds previously authorized for the project;

1012 m. anticipated specific cost elements within each project. However, the
1013 executive is authorized to transfer funds between specific activities within the same project

1014 only if these transfers will not result in a necessary increase to the total project budget. A
1015 scope change of a project constitutes a revision.

1016 (1) A CIP project scope change shall be included in the CIP exceptions
1017 notification if total project costs increase by ten percent or by fifty thousand dollars,
1018 whichever is less; or if the schedule deviates by three months.

1019 (2) For parks CIP projects, a CIP exceptions notification shall be filed with the
1020 clerk of the council in advance of action for distribution to the chair of the budget and fiscal
1021 management committee, or its successor committee, when fifty thousand dollars or more or
1022 funds in excess of ten percent of total project costs, whichever is less, are to be transferred
1023 from a contingency project to a CIP project.

1024 (3) For major maintenance reserve fund CIP projects, a CIP exceptions
1025 notification shall be filed with the clerk of the council in advance of action for distribution
1026 to the chair of the budget and fiscal management committee, or its successor committee,
1027 when moneys in excess of fifteen percent of the total major maintenance reserve fund CIP
1028 project costs are to be transferred from the general facility major maintenance emergent
1029 need contingency project.

1030 (4) For roads CIP projects, a CIP exceptions notification shall be filed with the
1031 clerk of the council in advance of action for distribution to the chair of the transportation
1032 committee, or its successor committee, when contingency funds in excess of fifteen percent
1033 of total project costs are to be transferred.

1034 (5) For solid waste, surface water management and wastewater CIP projects, a
1035 CIP exceptions notification shall be filed with the clerk of the council in advance of action
1036 for distribution to the chair of the budget and fiscal management committee, or its

1037 successor committee, and chair of the utilities committee, or its successor committee, when
1038 contingency funds in excess of fifteen percent of total project costs are to be transferred;
1039 n. individual allocations by cost element for each capital project; and
1040 o. when a single fund finances both operating expenses and capital projects,
1041 there shall be separate appropriations from the fund for the operating and the capital
1042 sections of the budget.

1043 B.1. The budget message shall explain the budget in fiscal terms and in terms of
1044 goals to be accomplished and shall relate the requested appropriation to the Comprehensive
1045 Plan of the county.

1046 2. The total proposed expenditures shall not be greater than the total proposed
1047 revenue. However, this requirement shall not prevent the liquidation of any deficit existing
1048 on January 1, 1996.

1049 3. If the estimated revenues in the current expense, special revenue or debt service
1050 funds for the next ensuing fiscal period, together with the fund balance for the current fiscal
1051 period exceeds the applicable appropriations proposed by the executive for the next
1052 ensuing fiscal period, the executive shall include in the budget document recommendations
1053 for the use of the excess for the reduction of indebtedness, for the reduction of taxation or
1054 for other purposes as in his or her discretion shall serve the best interests of the county.

1055 4. If, for any applicable fund, the estimated revenues for the next ensuing period
1056 plus fund balance shall be less than the aggregate of appropriations proposed by the
1057 executive for the next ensuing fiscal period, the executive shall include in the budget
1058 document his or her proposals as to the manner in which the anticipated deficit shall be

1059 met, whether by an increase in the indebtedness of the county, by imposition of new taxes,
1060 by increase of tax rate or in any like manner.

1061 C.1. Justification for revenues and expenditures shall be presented in detail when
1062 necessary to explain changes of established practices, unique fiscal practices and new
1063 sources of revenue or expenditure patterns or any data the executive considers useful to
1064 support the budget. The following elements shall be included:

1065 a. nonbudgeted departments and programs expenditures and revenues; that is,
1066 intragovernmental service funds;

1067 b. historical and projected agency workload information; and

1068 c. a brief explanation of existing and proposed new programs, as well as the
1069 purpose and scope of agency activities.

1070 2. Capital improvement program data shall include, but not be limited to, the
1071 streets and highway programming process, which shall specify priorities, guide route
1072 establishments, select route design criteria and provide detailed design information for
1073 each road or bridge project.

1074 D.1. Beginning with budget year 2004, the department of executive services shall
1075 submit a request for CIP project funding, which shall specify project funding levels on a
1076 project-by-project basis, but which shall be appropriated at the major maintenance reserve
1077 fund CIP fund level, stated as an aggregate of individual projects for the budget year in
1078 question in accordance with K.C.C. 4.04.266.

1079 2. The council may require other data from the department of executive services
1080 that the council considers necessary for review of the budget, which may include objects of
1081 expenditure and other expenditures categories.

1082 E.1. The department of transportation shall submit a request for CIP project
1083 funding, which shall specify project funding levels on a project-by-project basis, but which
1084 shall be appropriated at the road CIP fund level, stated as an aggregate of individual
1085 projects for the budget year in question in accordance with K.C.C. 4.04.270.

1086 2. The council may require other data from the department of transportation that
1087 the council considers necessary for review of the budget, which may include objects of
1088 expenditure and other expenditures categories.

1089 F.1. The department of natural resources and parks shall submit a request for CIP
1090 project funding, which shall specify project funding levels on a project-by-project basis, but
1091 which shall be appropriated at the wastewater CIP fund level, stated as an aggregate of
1092 individual projects, including subprojects, for the budget year in question in accordance
1093 with K.C.C. 4.04.280. Except for multiyear construction contracts and carryover amounts
1094 approved during the annual CIP reconciliation process, appropriations shall be for one year.
1095 All construction contracts including multiyear construction contracts shall be appropriated
1096 for the full construction amount in the first year. Any multiyear construction contracts
1097 longer than three years must be specifically identified in the wastewater CIP budget
1098 request. The request for CIP project funding for wastewater asset management shall
1099 include categories of wastewater asset management projects. Wastewater asset
1100 management projects shall be appropriated annually at the category level. The executive-
1101 proposed CIP shall allocate anticipated expenditures for each wastewater asset
1102 management project category as part of the six-year wastewater CIP. For each category, a
1103 proposed project list will be appended.

1104 2. The council may require other data from the department of natural resources
1105 and parks that the council considers necessary for review of the budget, which may include
1106 objects of expenditures and other expenditures categories.

1107 G.1. The department of natural resources and parks shall submit a request for CIP
1108 project funding, which shall also specify project funding levels on a project-by-project
1109 basis but which shall be appropriated at the surface water management CIP fund level,
1110 states as an aggregate of individual projects, including subprojects, for the budget year in
1111 question in accordance with K.C.C. 4.04.275. Except for multiyear construction contracts
1112 and carryover amounts approved during the annual CIP reconciliation process,
1113 appropriations shall be for one year. All construction contracts including multiyear
1114 construction contracts shall be appropriated for the full construction amount in the first
1115 year. Any multiyear construction contracts longer than three years must be specifically
1116 identified in the surface water management CIP budget request.

1117 2. The council may require from the department of natural resources and parks
1118 other data that the council considers necessary for review of the budget, which may include
1119 objects of expenditure and other expenditures categories.

1120 H.1. The department of natural resources and parks shall submit a request for CIP
1121 project funding, which shall also specify project funding levels on a project-by-project
1122 basis but which shall be appropriated at the solid waste CIP fund level, states as an
1123 aggregate of individual projects, including subprojects, for the budget year in question in
1124 accordance with K.C.C. 4.04.273. Except for a multiyear construction contracts and
1125 carryover amounts approved during the annual CIP reconciliation process, appropriations
1126 shall be for one year. All construction contracts including multiyear construction contracts

1127 shall be appropriated for the full construction amount in the first year. Any multiyear
1128 construction contracts longer than three years must be specifically identified in the solid
1129 waste CIP budge request.

1130 2. The council may require from the department of natural resources and parks
1131 other data that the council considers necessary for review of the budget, which may include
1132 objects of expenditure and other expenditures categories.

1133 SECTION 24. Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 are
1134 each hereby amended to read as follows:

1135 A. The council and executive shall execute the following responsibilities in order
1136 to accomplish the preparation and distribution of the budget and budget document.

1137 1.a. At least two hundred forty-five days before the end of the fiscal period, the
1138 council shall notify the executive by motion of those funds to be budgeted on an annual
1139 basis and those to be budgeted on a biennial basis.

1140 b. At least one hundred (~~thirty-five~~) fifty-five days before the end of the fiscal
1141 (~~year~~) period, all agencies shall submit to the executive information necessary to prepare
1142 the budget.

1143 c. The preliminary economic and revenue forecast adopted by the forecast
1144 council shall be used as the basis for the executive's preliminary budget preparation of the
1145 status quo budget, budget instructions to departments and preliminary review of
1146 departmental submittals to the executive.

1147 d. Before presentation to the council, the executive may provide for hearings on
1148 all agency requests for expenditures and revenues to enable the executive to make
1149 determinations as to the need, value or usefulness of activities or programs requested by

1150 agencies. The executive may require the attendance of proper agency officials at such
1151 hearings and it shall be the duty of those officials to disclose such information as may be
1152 required to enable the executive to arrive at final determinations.

1153 ~~((d.))~~ e. The executive shall prepare and present an annual or a biennial budget
1154 and budget message to the council no later than ~~((seventy-five))~~ ninety-five days before the
1155 end of the fiscal year or biennium. Copies of the budget and budget message shall be
1156 delivered to the clerk of the council and each councilmember.

1157 ~~((e.))~~ f. The updated economic and revenue forecast adopted by the forecast
1158 council shall be used as the basis for the executive's proposed budget.

1159 g. The executive shall prepare and present a proposed appropriation ordinance
1160 not later than ~~((seventy-five))~~ ninety-five days before the end of the fiscal year or biennium.
1161 The proposed appropriation ordinance shall specify by any combination of fund, program,
1162 project and agency as determined by the council the expenditure levels for the ensuing
1163 budget year or biennium.

1164 ~~((f.))~~ h. Before the public hearing on the budget, the budget message and
1165 supporting tables shall be furnished to any interested person upon request and copies of the
1166 budget shall be furnished for a reasonable fee as established by ordinance and shall be
1167 available for public inspection in the office of the clerk of the council and on the Internet.

1168 ~~((g.))~~ i. Seven days before the presentation of the proposed budget and budget
1169 message to the council, the director shall submit to the council copies of all agency and
1170 departmental budget requests and departmental and divisional work programs.

1171 2.a. The council shall review the proposed appropriation ordinance and shall
1172 make any changes or additions it deems necessary except the council shall not change the
1173 form of the proposed appropriation ordinance submitted by the executive.

1174 b. The council shall then announce and subsequently hold a public hearing or
1175 hearings as it deems necessary.

1176 c. Upon completion of the budget hearings and at least thirty days before the end
1177 of the fiscal period, the council shall by ordinance adopt an appropriation ordinance
1178 granting authority to make expenditures and to incur obligations, and tax and revenue
1179 ordinances as may be necessary to implement the adopted appropriation ordinance.

1180 ((†))The council may attach an accompanying statement specifying legislative intent.

1181 3. The director shall be responsible for the printing and distribution of the
1182 executive proposed budget and final adopted budget.

1183 **EFFECT:**

1184 **Reorders sections to put creation of the forecast council first. Adds Office of**
1185 **Economic and Financial Analysis to code sections pertinent to county employees,**
1186 **including the following:**

- 1187 • KCC 2.10 - Strategic Planning and Performance Management – OEFA is
1188 among agencies that are required to develop a strategic plan and business plan
- 1189 • KCC 2.14 – Public Access to Electronic Records and Information – Adds
1190 OEFA to agencies covered by this chapter.
- 1191 • KCC 3.04 – Code of Ethics – OEFA is bound by county ethics code; OEFA
1192 county employees need written consent to accept paid non-county work;
1193 OEFA employees must file statement of financial and other interests.

- 1194 • KCC 3.12F – Furloughs – Designates the chair of the forecast council as a
1195 furlough administrator
- 1196 • KCC 3.24 – Travel Authorization and Expense Reimbursement – OEFA
1197 employees are authorized to receive expense reimbursement, and moving
1198 expenses may be authorized for the Chief Economist.
- 1199 • KCC 3.42.030 – Whistleblower Protection – Establishes a reporting chain for
1200 improper governmental conduct occurring within OEFA.
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T1

3-16-09 Council mtg.

Sponsor: Gossett Jerry Gossett

at

Proposed No.: 2009-0157

Lg moved 7-0 JP/ RD Excused

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2009-0157, VERSION 2**

2 On page 1, beginning on line 1, strike everything through page 1, line 6, and insert:

3 "AN ORDINANCE relating to the forecast council;

4 amending Ordinance 11980, Section 2, as amended, and

5 K.C.C. 2.10.020, Ordinance 12550, Section 1, as amended,

6 and K.C.C. 2.14.010, Ordinance 12014, Section 2, as

7 amended, and K.C.C. 3.04.017, Ordinance 12014, Section 3,

8 as amended, and K.C.C. 3.04.030, Ordinance 1308, Section

9 6, as amended, and K.C.C. 3.04.050, Ordinance 12014,

10 Section 5, as amended, and K.C.C. 3.12.010, Ordinance

11 16339, Section 17, and K.C.C. 3.12F.010, Ordinance 12077,

12 Section 7, as amended, and K.C.C. 3.24.020, Ordinance

13 12014, Section 56, as amended, and K.C.C. 3.24.170,

14 Ordinance 11687, Section 4, and K.C.C. 3.42.030,

15 Ordinance 12076, Section 3, as amended, and K.C.C.

16 4.04.030 and Ordinance 12045, Section 23, as amended, and

17 K.C.C. 4.04.040 and adding a new chapter to K.C.C. Title

18 2."

19

20 **EFFECT: Inserts the correct title for the ordinance as amended.**