



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 20082

Proposed No. 2026-0073.3

Sponsors Dembowski

1 AN ORDINANCE relating to organization of administrative
2 offices and executive departments; and amending Ordinance
3 17402, Section 1, and K.C.C. 2.10.400, Ordinance 12550,
4 Section 2, as amended, and K.C.C. 2.14.020, Ordinance
5 18665, Section 6, and K.C.C. 2.15.030, Ordinance 20048,
6 Section 6, and K.C.C. 2.15.060, Ordinance 18665, Section 8,
7 as amended, and K.C.C. 2.15.100, Ordinance 12075, Section
8 3, as amended, and K.C.C. 2.16.025, Ordinance 18793,
9 Section 3, as amended, and K.C.C. 2.16.036, Ordinance
10 11955, Section 5, as amended, and K.C.C. 2.16.055,
11 Ordinance 18086, Section 2, as amended, and K.C.C.
12 2.16.136, Ordinance 12076, Section 38, as amended, and
13 K.C.C. 2.21.040, Ordinance 19770, Section 4, and K.C.C.
14 2.31.030, Ordinance 17699, Section 2, as amended, and
15 K.C.C. 2.36.100, Ordinance 12901, Section 3, as amended,
16 and K.C.C. 2.41.030, Ordinance 18811, Section 1, and
17 K.C.C. 2.42.150, Ordinance 18798, Section 2, as amended,
18 and K.C.C. 2.47.010, Ordinance 12058, Section 9, as
19 amended, and K.C.C. 2.55.010, Ordinance 18653, Section 3,
20 and K.C.C. 2.78.020, Ordinance 18653, Section 8, and

Ordinance 20082

21 K.C.C. 2.78.070, Ordinance 16077, Section 4, as amended,
 22 and K.C.C. 2.130.010, Ordinance 19008, Section 7, as
 23 amended, and K.C.C. 2.150.050, Ordinance 12014, Section
 24 32, as amended, and K.C.C. 3.12.350, Ordinance 12943,
 25 Section 14, as amended, and K.C.C. 3.12A.020, Ordinance
 26 18757, Section 4, as amended, and K.C.C. 3.12D.020,
 27 Ordinance 8658, Section 1, as amended, and K.C.C.
 28 3.16.040, Ordinance 14287, Section 5, as amended, and
 29 K.C.C. 3.16.055, Ordinance 12076, Section 2, as amended,
 30 and K.C.C. 4.04.020, Ordinance 12076, Section 35, as
 31 amended, and K.C.C. 4.10.050, Ordinance 17293, Section
 32 90, as amended, and K.C.C. 4A.10.495, Ordinance 12045,
 33 Section 23, as amended, and K.C.C. 4A.100.040, Ordinance
 34 17929, Section 20, as amended, and K.C.C. 4A.100.070,
 35 Ordinance 17929, Section 21, as amended, and K.C.C.
 36 4A.100.080, Ordinance 620, Section 4, as amended, and
 37 K.C.C. 4A.100.100, Ordinance 12076, Section 4, as
 38 amended, and K.C.C. 4A.110.010, Ordinance 17930, Section
 39 13, as amended, and K.C.C. 4A.130.020, Ordinance 15556,
 40 Section 3, as amended, and K.C.C. 4A.200.190, Ordinance
 41 19841, Section 1, and K.C.C. 4A.200.213, Ordinance 19786,
 42 Section 1, and K.C.C. 4A.200.266, Ordinance 18662, Section
 43 5, and K.C.C. 4A.200.317, Ordinance 18938, Section 1, and

Ordinance 20082

44 K.C.C. 4A.200.405, Ordinance 15961, Section 1, as
 45 amended, and K.C.C. 4A.200.570, Ordinance 17527, Section
 46 69, and K.C.C. 4A.200.580, Ordinance 12076, Section 27, as
 47 amended, and K.C.C. 4A.200.590, Ordinance 14596, Section
 48 1, as amended, and K.C.C. 4A.200.620, Ordinance 10159,
 49 Section 14, as amended, and K.C.C. 6.27A.120, Ordinance
 50 13981, Section 2, as amended, and K.C.C. 12.17.010,
 51 Ordinance 13981, Section 4, as amended, and K.C.C.
 52 12.17.030, Ordinance 13981, Section 5, as amended, and
 53 K.C.C. 12.17.040, Ordinance 13981, Section 6, as amended,
 54 and K.C.C. 12.17.050, Ordinance 13981, Section 7, as
 55 amended, and K.C.C. 12.17.060, Ordinance 13981, Section
 56 8, as amended, and K.C.C. 12.17.070, Ordinance 13981,
 57 Section 9, as amended, and K.C.C. 12.17.080, Ordinance
 58 13981, Section 10, as amended, and K.C.C. 12.17.090,
 59 Ordinance 7430, Section 2, as amended, and K.C.C.
 60 12.18.020, Ordinance 7430, Section 4, as amended, and
 61 K.C.C. 12.18.040, Ordinance 7430, Section 5, as amended,
 62 and K.C.C. 12.18.050, Ordinance 7430, Section 6, as
 63 amended, and K.C.C. 12.18.060, Ordinance 7430, Section 7,
 64 as amended, and K.C.C. 12.18.070, Ordinance 7430, Section
 65 8, as amended, and K.C.C. 12.18.080, Ordinance 15399,
 66 Section 17, as amended, and K.C.C. 12.18.085, Ordinance

Ordinance 20082

67 7430, Section 9, as amended, and K.C.C. 12.18.090,
68 Ordinance 13263, Section 52, as amended, and K.C.C.
69 12.18.097, Ordinance 19762, Section 12, and K.C.C.
70 12.18B.030, Ordinance 5280, Section 2, as amended, and
71 K.C.C. 12.20.020, Ordinance 5280, Section 4, as amended,
72 and K.C.C. 12.20.070, Ordinance 5280, Section 5, as
73 amended, and K.C.C. 12.20.080, Ordinance 5280, Section 6,
74 as amended, and K.C.C. 12.20.090, Ordinance 10469,
75 Section 11, as amended, and K.C.C. 12.20.095, Ordinance
76 5280, Section 7, as amended, and K.C.C. 12.20.100,
77 Ordinance 5280, Section 9, as amended, and K.C.C.
78 12.20.120, Ordinance 10469, Section 13, as amended, and
79 K.C.C. 12.20.122, Ordinance 10469, Section 14, as amended,
80 and K.C.C. 12.20.124, Ordinance 10469, Section 16, as
81 amended, and K.C.C. 12.20.133, Ordinance 13263, Section
82 53, as amended, and K.C.C. 12.20.150, Ordinance 8625,
83 Section 2, as amended, and K.C.C. 12.22.020, Ordinance
84 8625, Section 4, as amended, and K.C.C. 12.22.040,
85 Ordinance 8625, Section 5, as amended, and K.C.C.
86 12.22.050, Ordinance 8625, Section 6, as amended, and
87 K.C.C. 12.22.060, Ordinance 8625, Section 7, as amended,
88 and K.C.C. 12.22.070, Ordinance 8625, Section 8, as
89 amended, and K.C.C. 12.22.080, Ordinance 15399, Section

Ordinance 20082

90 59, as amended, and K.C.C. 12.22.085, Ordinance 8625,
 91 Section 9, as amended, and K.C.C. 12.22.090, Ordinance
 92 15399, Section 54, as amended, and K.C.C. 12.22.095,
 93 Ordinance 13147, Section 27, as amended, and K.C.C.
 94 20.18.110, Ordinance 4461, Section 2, as amended, and
 95 K.C.C. 20.22.040, Ordinance 19881, Section 164, and K.C.C.
 96 21A.08.055, Ordinance 10870, Section 337, as amended, and
 97 K.C.C. 21A.08.100, Ordinance 14045, Section 30, as
 98 amended, and K.C.C. 21A.14.225, Ordinance 16267, Section
 99 62, as amended, and K.C.C. 21A.28.154, Ordinance 17287,
 100 Section 3, as amended, and K.C.C. 21A.55.105, and
 101 Ordinance 8867, Section 1, as amended, and K.C.C.
 102 26.12.010 and repealing Ordinance 15378, Section 6, as
 103 amended, and K.C.C. 1.36.060.

104 PREAMBLE:

105 The King County charter bestows on the executive the authority and the
 106 duty of supervising all administrative offices and executive
 107 departments established by the charter or created by the county council.

108 Under K.C.C. 2.16.025, the county executive manages the office of
 109 performance, strategy and budget, the office of labor relations, the office of
 110 climate, the office of economic opportunity and creative economy, and
 111 the office of equity and racial and social justice.

Ordinance 20082

112 King County executive Girmay Zahilay was sworn in on November 25,
 113 2025, with a stated commitment to strengthen how King County delivers
 114 important services.

115 As part of that commitment, the county executive's office is being
 116 reorganized to eliminate the office of performance, strategy and budget,
 117 the office of labor relations, the office of climate, the office of economic
 118 opportunity and creative economy, and the office of equity and racial and
 119 social justice.

120 The county executive's office will now work together as one cohesive unit
 121 to integrate the principles of equity, social, and economic justice into all
 122 decisions, and enable collaboration, advance priorities, and deliver services
 123 in the best way possible.

124 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

125 SECTION 1. Ordinance 17402, Section 1, and K.C.C. 2.10.400 are
 126 hereby amended to read as follows:

127 A. The ~~((county's office of performance, strategy and budget))~~ executive's office
 128 shall review municipal proposals for intergovernmental financing partnerships that, if the
 129 eligibility criteria in subsection B. of this section are satisfied, would support the
 130 development of an interlocal agreement for the county to issue bonds in support of
 131 municipally-sponsored development and construction of civic or cultural facilities with
 132 regional benefit.

133 B. The executive's office ~~((of performance, strategy and budget))~~ shall apply the
 134 following criteria in evaluating a proposal for an intergovernmental financing partnership

Ordinance 20082

for the development and construction of civic or cultural facilities as provided for in subsection A. of this section:

1. Only municipalities in King County are eligible to be a partner city;
2. The proposed project must be located in the partner city;
3. The proposed project must serve a county purpose and be determined to have broad regional benefit;
4. The partner city must establish and identify the available secured revenue sources for the proposed project;
5. The county's contribution shall be limited to an amount that can reasonably be supported by the established or identified available tax revenues or other secured revenues identified by the partner city, and shall be in an amount that is appropriate for the specific circumstances of the proposal. County debt shall be used only if the county has determined that its participation in the project with the partner city project would be consistent with the county's debt policies and would not adversely impact the county's bond rating or finances;
6. The partner city must enter into an interlocal agreement with the county. The interlocal agreement may further establish the roles and responsibilities of the partner city and the county, including the financing, management, ownership, communication, oversight and accountability mechanisms that may be required by the county as the basis for its participation in the partner city's project;
7. The proceeds from the county bond issuance may only be used for the project's development and construction. The bond proceeds may not be used for a facility's operations;

Ordinance 20082

158 8. The partner city shall cover all county costs associated with the bond
159 issuance;

160 9. The project must satisfy all environmental requirements; and

161 10. The project must receive all necessary permitting approvals.

162 SECTION 2. Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020 are
163 hereby amended to read as follows:

164 A. King County is committed to managing its public records as a countywide
165 resource and in a manner that:

- 166 1. Is efficient and economical;
- 167 2. Promotes open government and an informed citizenry;
- 168 3. Protects individual privacy; and
- 169 4. Meets county record retention and disposition standards.

170 B. A public records committee is hereby established. The public records
171 committee shall:

172 1. Advise the council and the executive on county public records policies,
173 including both paper and electronic records; these policies must include policies for
174 posting records on county web sites;

175 2. Provide guidance on the planning and implementation of a countywide
176 records storage management plan and a countywide electronic records management
177 system;

178 3. Advise county agencies on their use of digital communication technology and
179 serve as a forum for sharing and discussing information about the county's use of such
180 technology; and

Ordinance 20082

181 4. Submit a report containing the following information by August 15 of each
 182 year in the form of a paper original and an electronic copy to the clerk of the council,
 183 who shall retain the original and provide an electronic copy of the report to all
 184 councilmembers, the council chief of staff, and the lead staff for the council's government
 185 accountability and oversight committee or its successor. The report shall include:

- 186 a. a description of the forms of digital communication that are in use by each
 187 county agency;
- 188 b. for each form of digital communication that is in use by an agency, a
 189 description of the methods used by the agency to retain records of digital communication
 190 to meet applicable record retention requirements; and
- 191 c. for each form of digital communication that is in use by an agency, a
 192 description of the methods used by the agency to search records of digital communication
 193 to meet applicable public record disclosure requirements;
- 194 d. the report required by the public records committee charter adopted by
 195 Motion 12511, which provides a summary of the activities of the public records
 196 committee in relation to the charter goals, and programmatic and policy
 197 recommendations as to how King County can best manage, preserve and provide access
 198 to its public records; and
- 199 e. all agency reports submitted to the chair of the public records committee
 200 required by K.C.C. 2.12.300 that describe each agency's performance in responding to
 201 public records requests during the preceding calendar year.

202 C. The director of the records and licensing services division or the director's
 203 designee shall be the chair of the public records committee. The public records committee

Ordinance 20082

shall include representatives of a broad range of county departments and elected agencies, including at a minimum the following:

1. The council;
2. The prosecuting attorney's office;
3. The sheriff's office;
4. The assessor's office;
5. The department of elections;
6. ~~((Office of performance, strategy and budget))~~ The executive's office;
7. The executive branch's senior public records officer;
8. The department of information technology's director of web-based services technology; and
9. Each executive department.

SECTION 3. Ordinance 18665, Section 6, and K.C.C. 2.15.030 are hereby amended to read as follows:

A.1. King County and all its contractors shall provide free interpretation and translation services as required by this chapter to limited-English-proficient persons. When a limited-English-proficient person seeks or receives benefits or services from a local agency, office, or contractor, the agency, office, or contractor shall make reasonable efforts provide prompt interpretation services in all interactions with the person, whether the interaction is done remotely or in person. King County agencies and offices shall either employ sufficient qualified bilingual employees or contract with remote language services to provide interpretation services in languages spoken by limited-English-proficient county residents.

Ordinance 20082

227 2. The agency, office or contractor shall meet its obligation to provide prompt
228 interpretation services for purposes of this subdivision by ensuring that limited-English-
229 proficient persons do not have to wait unreasonably longer to receive assistance than
230 persons who do not require interpretation services. King County agencies shall provide
231 support to contractors to meet the requirements of this section.

232 3. Where an application or form administered by King County requires
233 completion in English by a limited-English-proficient person for submission to a local,
234 state, or federal authority, King County or its contractor shall make reasonable efforts to
235 provide oral interpretation of the application or form as well as acknowledgement by the
236 limited-English-proficient person that the form was translated and completed by an
237 interpreter. King County agencies shall provide support to contractors to meet the
238 requirements of this section.

239 B. King County agencies and offices shall develop language assistance plans that
240 identify which of its vital documents and public communication materials need to be
241 translated into languages for use by limited-English-proficient persons. The plans should
242 also include identification of agency or office plans for providing translation of
243 webpages, automated telephonic greetings, automated telephonic voice messages, and
244 informational signage. The threshold for the translation of vital documents and public
245 communication materials shall be based on the top six languages identified by the tier
246 map of limited-English-proficient persons maintained by the executive's office (~~of equity~~
247 ~~and social justice~~)) and the county demographer.

248 SECTION 4. Ordinance 20048, Section 6, and K.C.C. 2.15.060 are hereby
249 amended to read as follows:

Ordinance 20082

250 A.1. The executive shall design clear signage or templates for stating: "This
251 property shall not be used for civil immigration enforcement staging, operations, or
252 processing."

253 2. The executive shall work with county agencies to identify county-owned and
254 county-controlled properties that are at high risk for being used as civil immigration
255 enforcement related areas. Agencies responsible for such properties shall, wherever
256 practicable, post the signage referenced above and develop strategies to increase security
257 measures for such properties, including using physical barriers such as locked gates to
258 limit access. Agencies may add the sign statement referenced above to existing signs.

259 B.1. Within thirty days of the date of enactment of this ordinance, county
260 departments and agencies shall develop the procedures necessary to implement this
261 ordinance. The implementing procedures shall provide that any county employee who
262 becomes aware of the attempted or actual use of a county-owned and county-controlled
263 property as a civil immigration enforcement related area shall immediately report the
264 attempted or actual use to the department or agency director or their designee responsible
265 for the operation of the property who shall report it to the executive. The executive shall
266 notify all councilmembers of reports of the attempted or actual use of a county-owned
267 and county-controlled property as a civil immigration enforcement related area.

268 2. The executive's office shall work with ~~((the office of equity and racial and~~
269 ~~social justice, or its successor in carrying out the duties of the office, and))~~ county staff in
270 relevant agencies to implement training for county employees on this chapter or
271 incorporate training on this chapter into existing training for relevant staff in relevant
272 agencies. This requirement is not intended to duplicate existing training.

Ordinance 20082

273 C. This section does not apply to property that is subject to an existing lease or
274 concession agreement to which the county is a party. This section is not intended to, and
275 shall not be interpreted to, interfere with any such lease or agreement.

276 D. Nothing in this section shall be construed as restricting or interfering with the
277 execution of lawful judicial warrants, court orders, or the enforcement of criminal law,
278 nor as limiting the rights of any person or entity under state or federal law. This section
279 does not prohibit the lawful use of county-owned and controlled property for purposes
280 other than a civil immigration enforcement related area, nor does it restrict any person or
281 entity from carrying out functions unrelated to those purposes on such property.

282 SECTION 5. Ordinance 18665, Section 8, as amended, and K.C.C. 2.15.100 are
283 hereby amended to read as follows:

284 A person who has been injured or otherwise sustained damages as a result of a
285 violation of this chapter may file a complaint with the ~~((King County office of equity and~~
286 ~~racial and social justice))~~ civil rights program in accordance with K.C.C. 12.22.040.

287 SECTION 6. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are
288 hereby amended to read as follows:

289 A. The county executive shall manage and be fiscally accountable for ~~((the office~~
290 ~~of performance, strategy, and budget, the office of labor relations, the office of climate,~~
291 ~~the office of economic opportunity and creative economy, and the office of equity and~~
292 ~~racial and social justice.))~~ the executive's office and the following functions:

293 ~~((B. The office of performance, strategy, and budget functions and~~
294 ~~responsibilities shall include, but not be limited to:))~~

Ordinance 20082

- 295 1. Planning, preparing, and ~~((managing, with emphasis on fiscal management~~
 296 ~~and control aspects,))~~ managing the county's operating and capital ~~((project))~~ budgets;
 297 2. Monitoring revenues and preparing forecasts not produced by the office of
 298 economic and financial analysis;
 299 3. Monitoring expenditures and work programs;
 300 4. Developing and preparing expenditure plans and ordinances to manage the
 301 implementation of the operating and capital ~~((project))~~ budgets throughout the fiscal
 302 period;
 303 5. Formulating and implementing financial policies regarding revenues and
 304 expenditures for the county and other applicable agencies;
 305 ~~((6. Performing program analysis, and contract and performance evaluation~~
 306 ~~review;~~
 307 ~~7.))~~ 6. Developing and transmitting to the council, concurrent with the proposed
 308 budget for the fiscal period, supporting materials consistent with K.C.C. chapter 4A.100;
 309 ~~((8. Performance management and accountability:~~
 310 ~~a.))~~ 7. ~~((p))~~ Providing leadership, guidance, and coordination of the executive
 311 branch performance management and accountability system;
 312 ~~((b. overseeing the development of strategic plans and operational plans for~~
 313 ~~each executive branch department and office;~~
 314 ~~c. overseeing))~~ 8. Overseeing monitoring of the performance management and
 315 accountability system, including review of operational and budgetary performance;

Ordinance 20082

316 ~~((d. developing))~~ 9. Developing and using community-level indicators and
 317 agency performance measures to monitor and evaluate the effectiveness and efficiency of
 318 each executive branch department and office; and
 319 ~~((e. overseeing the production of an annual performance report for the executive~~
 320 ~~branch;~~
 321 ~~9. Interagency coordination:~~
 322 ~~a. coordinating and staffing executive initiatives across departments and~~
 323 ~~agencies;~~
 324 ~~b. facilitating interdepartmental, interagency and interbranch teams on~~
 325 ~~multidisciplinary issues;~~
 326 ~~c. negotiating interlocal agreements as designated by the executive; and~~
 327 ~~d. serving as the liaison to the boundary review board for King County;~~
 328 ~~10. Leading the county's continuous improvement activities;~~
 329 ~~11. Leading the county's regional planning work, including:~~
 330 ~~a.)~~ 10. ~~((e))~~ Coordinating the county's participation in multicounty planning at
 331 the Puget Sound Regional Council, including serving on the Puget Sound Regional
 332 Council's regional staff committee;
 333 ~~((b.))~~ 9. ~~((e))~~ Coordinating countywide planning at the Growth Management
 334 Planning Council consistent with the Washington state Growth Management Act,
 335 including leading the Growth Management Planning Council's interjurisdictional staff
 336 team in accordance with the interlocal agreement authorized by King County Motion
 337 8495;

Ordinance 20082

338 ~~((c. managing updates to the county's Comprehensive Plan in coordination~~
 339 ~~with the department of local services in accordance with K.C.C. Title 20;~~
 340 ~~d. coordinating the development of demographic and growth forecasting data~~
 341 ~~and information including census data, growth targets, and buildable lands;~~
 342 ~~e. facilitating annexations and joint planning with cities, including developing~~
 343 ~~annexation proposals, drafting interlocal agreements, and serving as the liaison to the~~
 344 ~~boundary review board for King County; and~~
 345 ~~f. colleading with the department of local services's permitting division, an~~
 346 ~~interbranch regional planning team that supports the council and executive through the~~
 347 ~~provision of information and data, development of policy proposals and options for~~
 348 ~~regional issues related to growth management, economic development, and~~
 349 ~~transportation. Participation in the interbranch regional planning team shall include~~
 350 ~~executive, department, and council staff as designated by the respective branches; and~~
 351 ~~12.a. In the case of deaths that are subject to an inquest under Section 895 of the~~
 352 ~~King County Charter or RCW 36.24.020 that is investigating the causes and~~
 353 ~~circumstances of the deaths and that involve a member of a law enforcement agency~~
 354 ~~within King County, develop and administer a program by which the county shall select~~
 355 ~~attorneys to provide legal representation at public expense to the family participating in~~
 356 ~~an inquest, regardless of the income level of the members of the family. However:~~
 357 ~~(1) legal representation shall not be provided if the family does not wish to be~~
 358 ~~represented by the attorneys selected under the program; and~~

Ordinance 20082

~~(2) legal representation shall be limited to preparation for the inquest and participation during the inquest and shall not include any representation for the purpose of potential related civil litigation.~~

~~b. For the purposes of this subsection B.12.:~~

~~(1) "A member of a law enforcement agency" means a commissioned officer or noncommissioned staff of a local or state police force, jail, or corrections agency; and~~

~~(2) "Family" refers to the group of those individuals determined by the person conducting the inquest to have a right to participate as the family of the decedent.~~

~~C. The office of labor relations functions and responsibilities shall include:~~

~~1.)) 11. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;~~

~~((2. Developing and maintaining databases of information relevant to the collective bargaining process;~~

~~3.)) 12. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the department of human resources;~~

~~((4.)) 13. Administering labor contracts and providing consultation to county agencies regarding the terms and implementation of negotiated labor agreements, in collaboration with the department of human resources;~~

~~((5.)) 14. Advising the ((executive and)) council on overall county labor policies; ((and))~~

Ordinance 20082

380 ~~((6-))~~ 15. Providing resources for labor relations training for county agencies(~~(,~~
 381 ~~the executive))~~), the council, and others, in collaboration with the department of human
 382 resources(~~(.)~~);

383 ~~((D. The office of climate functions and responsibilities shall include:~~

384 ~~1.))~~ 16. Coordinating the integration of climate change into county operations
 385 ~~((in partnership with executive branch departments and offices, King County cities,~~
 386 ~~partners, communities, and residents;~~

387 ~~2.))~~ 17. Advising the ~~((executive and))~~ council on climate-related policies,
 388 programs, and activities(~~(;~~ and

389 ~~3. Leading))~~ and fostering climate innovation among county agencies(~~(-)~~);

390 ~~((E. The office of economic opportunity and creative economy functions and~~
 391 ~~responsibilities shall include:~~

392 ~~1. Coordinating the county's efforts to develop a strong equitable economy that~~
 393 ~~creates opportunities for all residents;~~

394 ~~2.))~~ 18. Developing and implementing strategies to promote economic
 395 revitalization ~~((and))~~, equitable development(~~(;~~ and

396 ~~3. Assisting communities and businesses in creating economic opportunities,~~
 397 ~~promoting))~~, a diversified economy, and ~~((promoting))~~ family-wage job creation(~~(-)~~); and

398 ~~((F. The office of equity and racial and social justice functions and~~
 399 ~~responsibilities shall include:~~

400 ~~1. Defining the county's equity and racial and social justice outcomes with~~
 401 ~~communities most affected by inequities;~~

Ordinance 20082

402 ~~2. Developing the county's strategies, practices, systems, and processes to~~
 403 ~~achieve equity and racial and social justice outcomes;~~

404 ~~3. Providing strategic consultation to county agencies, and the communities they~~
 405 ~~serve, to achieve equity and racial and social justice outcomes;~~

406 ~~4. Assisting county agencies to fulfill their responsibility to achieve equity and~~
 407 ~~racial and social justice outcomes; and~~

408 ~~5. Operating the civil rights program, which shall include the following duties:~~

409 ~~a.)) 19. Operating the county's civil rights program, which includes:~~

410 ~~a. enforcing the county's nondiscrimination ordinances as codified in K.C.C.~~
 411 ~~chapters 12.17, 12.18, 12.20, and 12.22, and coordinating county responses to issues~~
 412 ~~involving the Americans with Disabilities Act of 1990, the Civil Rights Act Title VI, and~~
 413 ~~investigating complaints filed under the Civil Rights Act Title VI;~~

414 ~~b. assisting departments in complying with the federal Americans with~~
 415 ~~Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other~~
 416 ~~legislation and rules regarding access to county programs, facilities, and services for~~
 417 ~~people with disabilities; and~~

418 ~~c. ((serving as the county Americans with Disabilities Act Title II coordinator~~
 419 ~~relating to public access;~~

420 ~~d.)) providing staff support to the county civil rights commission((;~~

421 ~~e. serving as the county federal Civil Rights Act Title VI coordinator; and~~

422 ~~f. coordinating county responses to federal Civil Rights Act Title VI issues and~~
 423 ~~investigating complaints filed under Title VI)).~~

Ordinance 20082

424 ~~((G.))~~ B.1. The county council hereby delegates to the executive or the
425 executive's designee authority to request a hearing before the Washington state Liquor
426 and Cannabis Board and make written recommendations and objections regarding
427 applications relating to:

428 a. liquor licenses under chapter 66.20 RCW; and

429 b. licenses for marijuana producers, processors, or retailers under chapter
430 69.50 RCW.

431 2. Before making a recommendation under subsection ~~((G.))~~B.1. of this section,
432 the executive or designee shall solicit comments from county departments and agencies,
433 including, but not limited to, the department of local services, public health - Seattle &
434 King County, the sheriff's office, and the prosecuting attorney's office.

435 3. For each application reviewed under subsection ~~((G.))~~B.1.b. of this section,
436 the executive shall transmit to the county council a copy of the application received with
437 the applicant's name and proposed license application location, a copy of all comments
438 received under subsection ~~((G.))~~ B.2. of this section, and the executive's recommendation
439 to the Washington state Liquor and Cannabis board.

440 C.1. In the case of deaths that are subject to an inquest under Section 895 of the
441 King County Charter or RCW 36.24.020 that is investigating the causes and
442 circumstances of the deaths and that involve a member of a law enforcement agency
443 within King County, the department of executive services shall develop and administer a
444 program by which the county shall select attorneys to provide legal representation at
445 public expense to the family participating in an inquest, regardless of the income level of
446 the members of the family. However:

Ordinance 20082

447 a. Legal representation shall not be provided if the family does not wish to be
 448 represented by the attorneys selected under the program; and

449 b. Legal representation shall be limited to preparation for the inquest and
 450 participation during the inquest and shall not include any representation for the purpose
 451 of potential related civil litigation.

452 2. For the purposes of this subsection C.:

453 a. "a member of a law enforcement agency" means a commissioned officer or
 454 noncommissioned staff of a local or state police force, jail, or corrections agency; and

455 b. "family" refers to the group of those individuals determined by the person
 456 conducting the inquest to have a right to participate as the family of the decedent.

457 ~~((H.))~~ D. The executive may assign or delegate budgeting, performance
 458 management and accountability, climate policy, economic development, and strategic
 459 planning, and interagency coordination functions to employees in the office of the
 460 executive but shall not assign or delegate those functions to any departments.

461 SECTION 7. Ordinance 18793, Section 3, as amended, and K.C.C. 2.16.036 are
 462 hereby amended to read as follows:

463 A. The department of human resources shall be responsible for the administration
 464 of the county personnel system in accordance with K.C.C. Title 3. The department shall
 465 manage and be fiscally responsible for the human resources services division, the career
 466 and culture division, and the central employee services division.

467 B. The duties of the department shall include:

468 1. Developing, administering, and monitoring human resources policy;

Ordinance 20082

- 469 2. Developing, administering, and monitoring diversity management programs
 470 including equal employment opportunity affirmative action plan development and
 471 integration of equity and social justice concepts into plans and programs;
- 472 3. Advising the executive and council on overall county employment policies;
- 473 4. Developing and disseminating communications to employees regarding
 474 issues related to human resources; and
- 475 5. Providing labor relations training for county agencies, the executive, the
 476 council, and others, in collaboration with the ~~((office of))~~ labor relations director in the
 477 executive's office.
- 478 C. The duties of the human resources services division shall include:
- 479 1. Developing proposed and administering policies and procedures for:
- 480 a. employment, including recruitment, examination, and selection;
- 481 b. classification and compensation; and
- 482 c. salary administration;
- 483 2. Providing technical and human resources information services support;
- 484 3. Coordinating individual employee performance review programs in executive
 485 departments;
- 486 4. Administering the county's civil service personnel system in accordance with
 487 K.C.C. chapter 3.14;
- 488 5. Monitoring executive branch compliance with human resources policies; and
- 489 6. Collecting and reporting to the executive's office ~~((of performance, strategy,~~
 490 ~~and budget))~~ on a quarterly basis information on the numbers of filled and vacant full-

Ordinance 20082

491 time equivalent and term-limited temporary positions and the number of emergency
 492 employees for each appropriation unit.

493 D. The duties of the career and culture division shall include:

494 1. Developing and administering training and organizational development
 495 programs, including centralized employee and supervisory training, conflict resolution
 496 training, and other employee development programs;

497 2. Developing and administering programs to minimize detrimental workplace
 498 conflict;

499 3. Developing and administering programs that promote employee engagement;
 500 and

501 4. Providing organization assistance, mediation, and restoration services.

502 E. The duties of the central employee services division shall include:

503 1. Developing and managing insured and noninsured benefits programs,
 504 including proposing policy recommendations, negotiating benefits plan designs with
 505 unions, preparing legally mandated communications materials, and providing employee
 506 assistance and other work and family programs;

507 2. Developing and administering workplace safety programs, including
 508 inspection of work sites and dissemination of safety information to employees to promote
 509 workplace safety;

510 3. Administering the county's self-funded industrial insurance/worker's
 511 compensation program, as authorized by Title 51 RCW;

512 4. Overseeing the county's unemployment compensation program;

513 5. Administering the county's employee benefits program fund; and

Ordinance 20082

514 6. Managing the payroll system and procedures, including processing benefits
515 transactions in the payroll system and administering the employer responsibilities for the
516 retirement and the deferred compensation plans.

517 SECTION 8. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are
518 hereby amended to read as follows:

519 A. The department of local services is responsible for managing and being
520 fiscally accountable for the permitting division and the road services division. The
521 department shall also administer the county roads function as authorized in applicable
522 sections of Titles 36 and 47 RCW and other laws, regulations, and ordinances as may
523 apply. Consistent with Motion 15125, the department shall:

524 1. Work in partnership with each county council district to focus on
525 coordinating, enhancing and improving municipal services provided to the county's
526 unincorporated areas. To effectuate this partnership, the executive shall routinely and
527 proactively meet and collaborate with councilmembers representing the unincorporated
528 area about potential organizational, operational, and other changes to county programs or
529 services that will affect unincorporated area residents;

530 2. Be available to brief the council's standing and regional committees on issues
531 related to unincorporated area local services;

532 3. Develop and implement programs and strategies that emphasize:

533 a. improving the coordination of local services by county agencies through
534 increased collaboration;

535 b. strengthening partnerships between the county, communities, and other
536 entities;

Ordinance 20082

537 c. improving the delivery, responsiveness, and quality of local services to the
 538 people, businesses, and communities of unincorporated King County through unified
 539 accountability;

540 d. improving local services through robust employee engagement while
 541 embracing equity and racial and social justice and continuous improvement;

542 e. strengthening unincorporated communities by supporting local planning and
 543 community initiatives; and

544 f. pursuing innovative funding strategies.

545 B. The department shall support the executive's office in regional planning by:

546 1. Supporting the council and executive through the provision of information
 547 and data, development of policy proposals and options for regional issues related to
 548 growth management, economic development, and transportation;

549 2. Coordinating the development of demographic and growth forecasting data
 550 and information including census data, growth targets, and buildable lands;

551 3. Facilitating annexations and joint planning with cities, including developing
 552 annexation proposals, drafting interlocal agreements, and serving as the liaison to the
 553 boundary review board for King County; and.

554 4. Managing updates to the county's Comprehensive Plan in accordance with
 555 K.C.C. Title 20 in coordination with the executive's office.

556 C.1. The department shall also manage the development and implementation of
 557 subarea plans for the six rural community service area and five urban unincorporated
 558 potential annexation area geographies (~~in coordination with the regional planning~~

Ordinance 20082

function in ~~K.C.C. 2.16.025 and~~)) in accordance with the King County Comprehensive Plan and the Growth Management Act.

2. Each subarea plan shall be developed consistent with the King County Comprehensive Plan and shall:

a. be based on a scope of work established with the community;

b. establish a long-range vision, guiding principles, and policies to implement that vision. Policies in the subarea plan shall be consistent with and not redundant to policy direction in the Comprehensive Plan;

c. establish performance metrics and monitoring for implementation of the subarea plan. The performance metrics and monitoring shall be:

(1)(a) for subarea geographies that have a subarea plan adopted as of December 2022, reviewed and jointly reported on by December 30, 2024, and every two years thereafter; and

(b) for subarea geographies that do not have a subarea plan adopted as of December 2022, reviewed and reported on the timelines established in subsection ~~((B))~~C.2.c.(1)(a) of this section beginning no sooner than two years after adoption; and

(2) informed and monitored by the community and the council;

d. use the tools and resources developed by the executive's office ~~((of equity and racial and social justice))~~ to develop the scope of work and to develop, review, amend, adopt, and implement the subarea plan, including, but not limited to, community engagement, language access, and equity impact review tools. The county shall use, at minimum, the ~~((("County and community work together" levels))~~ "Co-Create" level of engagement as outlined in the ~~((office of equity and racial and social justice's))~~

Ordinance 20082

Community Engagement Guide published by the executive's office for the scoping, development, review, amendment, adoption, and implementation of the subarea plan. The county shall include as an appendix to the subarea plan information detailing the community engagement completed during the development of the subarea plan and how the community engagement meets the requirements of this subsection ((B))C.2.d.;

e. incorporate the findings of an equity impact analysis and proposals to address equity impacts. During the development of the subarea plan, the public review draft shall include preliminary findings of any equity impacts that will be further refined and submitted as part of the subarea plan proposal;

f. include a review of policies specific to the subarea in the Comprehensive Plan and previously adopted subarea plans, and, where appropriate, transfer policies from those plans to the subarea plan; and

g. review the land use designations and zoning classifications in the subarea geography, including all special district overlays and property-specific development conditions, and transmit map amendments necessary to implement land use and zoning updates and the vision, guiding principles, and policies within the subarea plan, and for the five urban unincorporated potential annexation area geographies, the subarea plan shall include modifications to the land use designations and zoning classifications to meaningfully and substantially increase residential density in order to accelerate housing production.

3. Before transmittal of the subarea plan to the council, the executive shall coordinate and collaborate with the councilmember office or councilmember offices who represent the subarea geography on development of the subarea plan.

Ordinance 20082

4. Each subarea plan shall be transmitted to the council for possible adoption as established in the schedule in the Comprehensive Plan and K.C.C. Title 20.

~~((C.))~~ D.1. The department shall also manage the development and implementation of the list of services, programs, facilities, and capital improvements that are identified by the community, known as a community needs list, for each of the subarea geographies in subsection ~~((B.))~~ C. of this section. The community needs list shall be the responsibility of the executive to implement. The department of local services, in coordination with the community, shall be responsible for monitoring the implementation of the community needs list.

2. Each community needs list shall:

a. be consistent with and implement the subarea plan described in subsection ~~((B.))~~ C. of this section and other county plans;

b. include potential services, programs, facilities, and capital improvements that respond to community-identified needs, including, but not limited to, those that build on the community's strengths and assets;

c. be developed, reviewed, prioritized, amended, adopted, and implemented using tools and resources developed by the executive's office ~~((of equity and racial and social justice))~~, including, but not limited to, community engagement, language access, and equity impact review tools. The county shall use, at minimum, the ~~((County and community work together))~~ "Co-Create" level of engagement as outlined in the ~~((office of equity and racial and social justice's))~~ Community Engagement Guide published by the executive's office for the development, review, amendment, adoption, and implementation of the community needs list. The county shall include as an appendix to

Ordinance 20082

the community needs list information detailing the community engagement completed during the development of the community needs list and how the community engagement meets the requirements of this subsection ((C-)) D.2.c.

3. The community needs list shall be established as follows:

a. an initial catalog shall be compiled that identifies all requests from the community for potential services, programs, and improvements;

b. the community service area program shall review the initial catalog and refine this document into a community needs list based on:

(1) review by the department whether and to what extent the request meets or strengthens the community vision, guiding principles, and policies established in the adopted subarea plan and other county plans;

(2) review by county agencies regarding consistency with other county plans, feasibility, budget constraints, timing, resources needs, and other barriers to implementation; and

(3) review by the community through ongoing community engagement to identify, discuss, and prioritize community needs;

c. for each item that is included in the community needs list, the following shall be included:

(1) the executive, in consultation with the community and the councilmember office or offices that represent the subarea geography, shall propose a prioritization of low, medium, or high priority;

(2) which county agencies are responsible for implementation; and

Ordinance 20082

650 (3) an anticipated timeline for completion that reflects that future resources
651 and budget appropriations may change the timeline. The county shall encourage
652 creativity and flexibility in identifying potential partnerships with and opportunities for
653 others, such as community-based organizations, to meet these needs;

654 d. for each request from the initial catalog that is not advanced to the
655 community needs list, the executive shall state why the request was not advanced. The
656 county shall clearly communicate why the request was not advanced to the community.
657 For items that cannot be accomplished by the county because they are outside of the
658 scope of county operations, the county shall provide information on how noncounty
659 entities may be able to accomplish the item, including consideration of potential
660 partnerships with noncounty entities; and

661 e. the community needs list shall establish performance metrics to monitor the
662 implementation of the community needs list and the overarching progress towards
663 reaching the twenty-year vision established in the policies of the subarea plan. The
664 performance metrics shall be:

665 (1) reviewed and reported on annually; and

666 (2) informed and monitored by the community and the council.

667 4. Before transmittal of a new or updated community needs list to the council,
668 the executive shall coordinate and collaborate with the councilmember office or
669 councilmember offices who represent the subarea geography.

670 5. A community needs list shall be transmitted to the council for possible
671 adoption by ordinance as follows:

672 a. concurrent with the executive's biennial budget transmittal; and

Ordinance 20082

673 b. when identified by either the community service area work programs and
674 associated community engagement outlined in subsection ~~((D))~~E. of this section or the
675 services partnership agreements outlined in subsection ~~((F))~~G. of this section, or both.

676 6. The community needs lists shall be used to develop proposals for the
677 executive's proposed budget, including services, programs, infrastructure, and facilities
678 that implement the list. As part of the executive's budget transmittal, the executive shall
679 include a description of how the proposed budget implements the list.

680 ~~((D-))~~ E.1. The department shall also manage the community service area
681 framework adopted by Ordinance 17139, which shall be called the community service
682 area program. The community service area program shall develop and implement
683 programs and services to help all residents of unincorporated King County be more
684 knowledgeable of, better served by and heard by King County departments and agencies.
685 The community service area program shall work with all county departments and
686 agencies whose services, programs, and projects are of interest to unincorporated area
687 residents, to promote successful public engagement.

688 2. A work program shall be, beginning in 2025, developed for each subarea
689 geography described in subsection ~~((B))~~C. of this section and shall:

690 a. be consistent with and implement the applicable subarea plan as described in
691 subsection ~~((B-))~~ C. of this section, the community needs list in subsection ~~((C))~~D. of this
692 section and other county plans;

693 b. address the required elements in Ordinance 17139;

694 c. list potential action items for the area;

695 d. list known planning activities for the area;

Ordinance 20082

- 696 e. identify public meetings for the area;
- 697 f. include the current adopted community needs list as required in subsection
- 698 ~~((C.))~~ D. of this section; and
- 699 g. establish an ongoing communications and community engagement plan
- 700 using tools and resources developed by the executive's office ~~((of equity and racial and~~
- 701 ~~social justice))~~, including, but not limited to, community engagement, language access,
- 702 and equity impact review tools. The county shall use, at minimum, the ~~((County and~~
- 703 ~~community work together"))~~ "Co-Create" level of engagement as outlined in the ~~((office~~
- 704 ~~of equity and racial and social justice's))~~ Community Engagement Guide published by the
- 705 executive's office for the development, review, amendment, adoption, and
- 706 implementation of the community needs list; and
- 707 h. establish performance metrics to monitor the implementation of the work
- 708 program.
- 709 3. The community service area program shall provide regular updates to the
- 710 councilmember or councilmembers who represent the subarea geography on the progress
- 711 of the work program throughout the year and shall publish regular reports on the work
- 712 program to its website at least once per quarter.
- 713 4. The work program shall be updated on an annual basis.
- 714 ~~((E.))~~ E.1. The department of local services shall monitor and report on
- 715 performance metrics for subarea plans described in subsection ~~((B.))~~ C. of this section,
- 716 for community needs lists described in subsection ~~((C.))~~ D. of this section, and for the
- 717 work program described in this subsection ~~((D.))~~ E. of this section.
- 718 2. The timing for reporting on performance metrics and monitoring shall be:

Ordinance 20082

719 a. for transmitting a report to the council:

720 (1) for subarea geographies that have a subarea plan adopted as of December

721 2022, reviewed and jointly reported on by December 30, 2024, and every two years

722 thereafter; and

723 (2) for subarea geographies that do not have a subarea plan adopted as of

724 December 2022, reviewed and reported on the timelines established in subsection ~~((B-))~~

725 C.2.c.(1)(a) of this section beginning no sooner than two years after adoption; and

726 b. for reporting outside of the timeframe in subsection ~~((E-))~~ F.2.a. of this

727 section, reporting is required every year by the last business day of December, by posting

728 the performance metrics and monitoring information on the department's website.

729 3. Performance monitoring shall be informed and monitored by the community

730 and the council.

731 ~~((F-))~~ G.1. The department shall also establish service partnership agreements

732 with each executive branch agency that provides programs, services, or facilities in the

733 unincorporated area, including those agencies that provide regional services to

734 unincorporated area residents and businesses. The service partnership agreements shall

735 inform budget development for programs, services, or facilities in the unincorporated

736 area.

737 2. Service partnerships agreements shall:

738 a. be consistent with and implement the subarea plans in subsection ~~((B-))~~ C.

739 of this section, the community needs lists in subsection ~~((C-))~~ D. of this section, the

740 community service area work programs in subsection ~~((D-))~~ E. of this section, and other

741 county plans;

Ordinance 20082

b. use tools and resources developed by the executive's office ~~((of equity and racial and social justice))~~ by the partner agency to deliver the programs, services, and facilities described in the service partnership agreements.

3. Each service partnership agreement shall include, at a minimum:

a. roles and responsibilities for the department of local services and the partner agency;

b. a general description of the programs, services or facilities provided by the partner agency for unincorporated area residents and businesses and, where applicable, in the subarea geographies;

c. goals for the partner agency to achieve the emphasis on local service delivery described in Motion 15125 and this section, including:

(1) the desired outcomes for provision of each program, service, or facility;
and

(2) service level goals for each program, service, or facility;

d. performance metrics to monitor progress of implementing the outcomes and service level goals for each program, service, or facility;

e. use of the community service area work programs in local service delivery by the partner agency; and

f. the current adopted community needs lists and associated performance metrics for monitoring and reporting on the progress the county agencies have made on items on the lists that they are responsible for.

4. The service partnership agreements, after they are established, shall be updated concurrent with the development of the annual or biennial budget and shall be

Ordinance 20082

transmitted to the council as part of the supporting material for the executive's proposed annual or biennial budget. In addition to the requirements for service partnership agreements described in this subsection F., the updates shall include evaluation and reporting on the goals and performance metrics identified in the previous service partnership agreement and in the community needs list.

~~((G.))~~ H. Until an ordinance that makes changes to the King County Code required in Ordinance 18791, Section 217, is effective, the permitting division shall be considered the successor agency to the department of permitting and environmental review. Therefore, upon effectiveness of Ordinance 18791 and until an ordinance required by Ordinance 18791, Section 217, is effective, where the code states or intends a decision to be made or action to be implemented by the department of permitting and environmental review, those decisions or actions shall be performed by the permitting division.

~~((H.))~~ I.1. The duties of the permitting division shall include the following:

a. ensuring consistent and efficient administration of environmental, building and land use codes and regulations for commercial and residential projects by means of permit review and approval, construction inspections, and public information;

b. ~~((participating on the interbranch regional planning team as specified in K.C.C. 2.16.025;~~

e.)) administering the State Environmental Policy Act and acting as lead agency, including making the threshold determinations, determining the amount of environmental impact and reasonable mitigation measures, and coordinating with other

Ordinance 20082

departments and divisions in the preparation of county environmental documents or in response to environmental documents from other agencies;

~~((d.))~~ c. effective processing and timely review of land development proposals, including zoning variances, zoning reclassifications, master drainage plans, variances from the Surface Water Design Manual and the King County Road Design and Construction Standards, critical area, subdivision, right-of-way use, clearing and grading, shoreline, special use, and conditional use applications;

~~((e.))~~ d. pursuing and resolving code violations, including preparing for administrative or legal actions, evaluating the department's success in obtaining compliance with King County rules and regulations, and designing measures to improve compliance;

~~((f.))~~ e. regulating the operation, maintenance, and conduct of county-licensed businesses, except taxicab, for-hire, and transportation network company drivers and vehicles; and

~~((g.))~~ f. developing and implementing an inspection program to identify fire hazards and require conformance with K.C.C. Title 17, reviewing building plans and applications for compliance with K.C.C. Title 17, and conducting inspections, including inspections of new construction, for compliance with K.C.C. Title 17.

2. The permitting division manager shall be the:

a. county planning director;

b. zoning adjuster;

c. responsible official for purposes of administering the State Environmental Policy Act;

Ordinance 20082

810 d. county building official; and

811 e. county fire marshal.

812 3. The manager may delegate the functions in subsection ~~((H))~~I.2. of this section
813 to qualified subordinates.

814 ~~((I.))~~ J. The road services division is responsible for designing, constructing,
815 maintaining, and operating a comprehensive system of roadways and other transportation
816 facilities and services to support a variety of transportation modes for the safe and
817 efficient movement of people and goods and delivery of services. The duties of the
818 division shall include the following:

819 1. Designing, constructing, and maintaining county roads, bridges, and
820 associated drainage facilities;

821 2. Designing, installing, and maintaining county traffic signs, markings, and
822 signals;

823 3. Designing, installing, and maintaining roadway active transportation
824 facilities;

825 4. Managing intergovernmental contracts or agreements for services related to
826 road maintenance and construction and to other transportation programs supporting the
827 transportation plan;

828 5. Inspecting utilities during construction and upon completion for compliance
829 with standards and specifications, and ensuring that public facilities disturbed due to
830 construction are restored;

831 6. Performing detailed project development of roads capital improvement
832 projects that are consistent with the transportation element of the county's Comprehensive

Ordinance 20082

833 Plan, and coordinating such programming with other county departments and divisions
834 assigned responsibilities for Comprehensive Plan implementation;

835 7. Incorporating into the roads capital improvement program those projects
836 identified in the transportation needs report, related functional plans and elsewhere
837 consistent with the county's Comprehensive Plan;

838 8. Preparing, maintaining, and administering the county road standards;

839 9. Preparing and administering multiyear roads maintenance and capital
840 construction plans and periodic updates;

841 10. Administering the transportation concurrency and mitigation payment
842 programs; and

843 11.a. Performing the duties of the office of the county road engineer, which is
844 hereby established as an administrative office of the road services division. The office of
845 the county road engineer shall be an office of record, supervised by the county road
846 engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the
847 road services division. The office of the county road engineer shall be located within the
848 corporate limits of the county seat.

849 b. The county road engineer shall carry out all duties assigned to the county
850 road engineer as prescribed by state statute, except as modified by the county executive
851 as authorized in subsection ~~((f))~~ 11.c. of this section.

852 c. The county executive may assign professional engineering duties of the
853 county road engineer to someone other than the county road engineer, except as
854 otherwise assigned by the King County Code, and only if the individual assigned those
855 duties shall be qualified as required under RCW 36.80.020. The executive shall provide

Ordinance 20082

856 to the county council and the Washington state County Road Administration Board, in
857 writing, those specific professional engineering duties not assigned to the county road
858 engineer, the name and position of each person responsible for carrying out those
859 assigned duties, the specific reporting and working relationships with the county road
860 engineer, and the duration for which those duties have been assigned.

861 SECTION 9. Ordinance 18086, Section 2, as amended, and K.C.C. 2.16.136 are
862 hereby amended to read as follows:

863 A.1. For all elections administered by the department of elections, the director of
864 elections shall prepare voting materials, to the extent not already provided by the Office
865 of the Washington state Secretary of State, in the languages required by subsection C. of
866 this section, in addition to those languages required by Section 203 of the Voting Rights
867 Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a. The director of elections shall make the
868 voting materials available to any resident of King County upon request of that person,
869 and in addition shall make the voter registration materials required by this section broadly
870 available, including to King County offices required to make them available under
871 K.C.C. 2.16.137. The director of elections shall record the numbers of ballot and voter
872 pamphlet requests in each language other than English, and include this information in
873 the report required in subsection B. of this section.

874 2. For the purposes of this section, "voting materials" include, but are not
875 limited to:

876 a. voter registration notices, voter registration forms, and voter registration
877 instructions, to the extent not already provided by the Office of the Washington state
878 Secretary of State;

Ordinance 20082

879 b. ballots and ballot instructions; and
880 c. local voters' pamphlets, in conformity with K.C.C. chapter 1.10 and chapter
881 29A.32 RCW.

882 B. In 2016 and at least every five years thereafter, the director of elections shall
883 review data on limited-English-proficient populations in King County and shall
884 determine, in consultation with community leaders of limited-English-proficient
885 populations and the executive's office (~~((of performance, strategy and budget))~~), each
886 single language that has ten thousand or more limited-English-proficient King County
887 residents. The director of elections shall make this determination by referring to the best
888 available data from the United States Census Bureau or other source the director
889 considers relevant and reliable. The director of elections shall file a report of this
890 determination, including a list of all languages that meet the threshold of ten thousand or
891 more limited-English-proficient residents, and the supporting analysis by January 30,
892 2017, and at least every five years after the first report is filed. The director of elections
893 shall electronically file the report with the clerk of the council, who shall retain a copy
894 and provide an electronic copy to all councilmembers, the council chief of staff, the
895 council chief policy office, and the director of elections.

896 C.~~((1.))~~ The director of elections shall prepare and make available to the public
897 translated voting materials in the following languages:

- 898 1. Spanish;
- 899 2. Chinese;
- 900 3. Vietnamese;
- 901 4. Korean;

Ordinance 20082

902 5. Russian;

903 6. Somali;

904 7. Any languages identified by the director in a report required by subsection B.

905 of this section as having ten thousand or more limited-English-proficient King County

906 residents, unless an ordinance is enacted within forty-five days of the filing of that report

907 requiring otherwise, beginning with the first general election after that report is filed with

908 the clerk of the council; and

909 8. Any other languages required under Section 203 of the Voting Rights Act of

910 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a.

911 D. The director of elections shall also ensure the provision of targeted outreach to

912 all language communities identified under subsection C. of this section to promote

913 awareness of and requests for translated voting materials. The outreach may include, but

914 not be limited to, engagement of community leaders from and outreach to community

915 organizations serving limited-English-proficient populations, minority language media

916 purchases, such as advertising, attendance and materials distribution at large limited-

917 English-proficient community events, and recruitment of bilingual election workers. The

918 director of elections shall maintain and make available to the public at least one hundred

919 twenty days before each primary and general election a list of the languages other than

920 English in which the department will provide translated material and assistance, and the

921 specific form of that assistance.

922 E. The cost of providing the materials and services described in subsections A.,

923 C., and D. of this section shall be considered a cost of elections, of which a pro rata share

924 shall be recovered from constituent jurisdictions and the state.

Ordinance 20082

925 SECTION 10. Ordinance 12076, Section 38, as amended, and K.C.C. 2.21.040
 926 are hereby amended to read as follows:

927 A. There is created a risk management committee to be composed of the risk
 928 manager, the chief civil deputy, and ~~((the director of the office of performance, strategy~~
 929 ~~and budget))~~ a representative of the executive's office. The risk manager shall chair the
 930 committee.

931 B. The risk management committee shall:

- 932 1. Make recommendations to the council and executive regarding risk
 933 management policy;
- 934 2. Advise the risk manager on matters concerning the purchase of insurance
 935 policies and advise on the design of insurance and funded self-insurance programs; and
- 936 3. Advise the risk manager concerning matters of risk management policy.

937 SECTION 11. Ordinance 19770, Section 4, and K.C.C. 2.31.030 are hereby
 938 amended to read as follows:

939 The commission shall have the following duties:

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

- 943 1. Human and civil rights protections that strengthen county antidiscrimination
 944 ordinances and support the county's equity, racial, and social justice goals;
- 945 2. Human and civil rights protections to address issues of concern for county
 946 residents;

Ordinance 20082

947 3. Policies to proactively prevent discrimination and address inequalities at the
948 front end with an explicit focus on racial justice and equitable outcomes that would
949 benefit communities who have historically lacked power in the community;

950 4. Policies related to affirmative action and updates to the county's list of
951 protected classes based on robust engagement with community members, in particular
952 those individuals with a vested interest in policies related to affirmative action and
953 protected classes;

954 5. Policies, practices, and procedures to assist county decision makers in
955 fulfilling the county's commitment to address the root causes of inequities and distribute
956 resources equitably;

957 6. Equitable allocation of county resources, with investments that are consistent
958 with human and civil rights values, focused on people and places with the greatest needs;

959 7. The county's equal employment opportunity affirmative action plan; and

960 8. The county's equity and social justice strategic plan and related county
961 policies and practices;

962 B. Conduct and prioritize a robust and ongoing engagement process with
963 community members and county entities to consider their input in implementing and
964 carrying out the purposes and provisions of this chapter. Engagement shall be prioritized
965 for historically disadvantaged communities who have historically lacked power to
966 influence policies for the community. County entities should include, but not be limited
967 to, the office of law enforcement oversight, the community advisory committee for law
968 enforcement oversight, the immigrant and refugee commission, the women's advisory
969 board, 504/ADA advisory committee, the veterans, seniors and human services levy

Ordinance 20082

970 advisory board, the executive's office (~~(of equity and racial and social justice)~~), the
971 legislative branch's director of equity and social justice, the county auditor, the hearing
972 examiner, the office of public complaints, and the various King County unincorporated
973 area councils;

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

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

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

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

983 D. Monitor and review the procedures and processes of antidiscrimination
984 ordinances and affirmative action policies to determine compliance and effectiveness.
985 The monitoring and reviewing may include, but not be limited to, reviewing any
986 complaints filed under the antidiscrimination ordinances with a finding of no reasonable
987 cause and request for reconsideration by the complainant was denied. In conducting its
988 review, the commission may hold informal fact finding sessions with respect to processes
989 and procedures and any findings may result in recommendations to the executive;

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

Ordinance 20082

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

996 G. Beginning in 2026, provide an annual report to the executive and council that
997 shall include, but not be limited to, a quantitative and qualitative summary of completed
998 and ongoing commission activities as required in this chapter, progress on the work
999 program outlined in the prior calendar year annual report, and a work program for the
1000 following calendar year. On behalf of the commission, the executive shall electronically
1001 file the report by April 15 of each year with the clerk of the council, who shall retain an
1002 electronic copy and provide an electronic copy to all councilmembers, the council chief
1003 of staff, and the lead staff for the law and justice committee or its successor. The report
1004 shall be publicized widely, in particular to those historically disadvantaged communities
1005 who have historically lacked power to influence policies for the community. Publicity
1006 methods shall include, but not be limited to, the official county newspaper, newspapers of
1007 general circulation within each council district, King County civic television, television
1008 news outlets, social media platforms, non-English language newspapers and periodicals
1009 distributed in the county, and the county's website. The commission should provide
1010 annual briefings to media and elected officials representing cities, the county, and the
1011 state to ensure that the commission's lessons learned and achievements are shared with
1012 the public and policy makers.

1013 SECTION 12. Ordinance 17699, Section 2, as amended, and K.C.C. 2.36.100 are
1014 hereby amended to read as follows:

Ordinance 20082

1015 A. The central business systems steering committee is hereby created. The
 1016 committee's purpose shall be to:

1017 1. Maximize benefits from the accountable business transformation program;
 1018 2. Achieve the proper functioning and integration of the countywide systems for
 1019 human resources, payroll, time, and labor, finance, and budget; and
 1020 3. Provide for communication and accountability.

1021 B. The members of the committee shall be:

1022 1. The deputy county executive or designee;
 1023 2. ~~((The assistant deputy county executive;~~
 1024 ~~3.))~~ The county administrative officer;
 1025 ~~((4. The director of the office of performance, strategy, and budget))~~ 3. The
 1026 budget director in the executive's office; and
 1027 ~~((5.))~~ 4. The chief information officer.

1028 C. The committee shall:

1029 1. Make recommendations to the executive;
 1030 2. Coordinate work, set priorities, and guide how technical and business process
 1031 issues with the countywide system are addressed to achieve the proper functioning and
 1032 integration of the countywide policies, business processes, and systems for human
 1033 resources, payroll, time, and labor, finance, and budget. The committee shall also align
 1034 and integrate work plans for allocation of resources and budget;

1035 3. Create a structured process for regular end-user engagement, involvement,
 1036 communication, and training;

Ordinance 20082

1037 4. Promote continued business process improvements and business rule
1038 standardization, and eliminate obstacles to adopting best practices; and

1039 5. Maximize benefits of the integrated enterprise system through business
1040 process and system standardization, optimization and transformation, and monitor
1041 performance measurement and reporting including benefit realization.

1042 SECTION 13. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are
1043 hereby amended to read as follows:

1044 A. The commission shall consist of thirteen voting members; the members shall
1045 serve terms of three years as specified in K.C.C. chapter 2.28.

1046 B. The voting members of the commission shall serve without compensation.
1047 The members shall represent the diversity of rural forestry interests and the different
1048 geographic regions of rural King County.

1049 C. Commission membership shall include an equitable representation of the
1050 following interests:

1051 1. At least five members representing private rural forest landowners, with at
1052 least one from each of the following ownership categories:

1053 a. forest landowners with greater than five hundred acres of rural forest land in
1054 King County;

1055 b. forest landowners with forty to five hundred acres of rural forest land in
1056 King County, and for whom income from forestry is an important component of total
1057 income;

1058 c. residential forest landowners with greater than twenty acres of rural forest
1059 land enrolled in the Forest Land Designation (chapter 84.33 RCW) program; and

Ordinance 20082

1060 d. residential forest landowners with less than twenty acres of rural forest land;
 1061 2. Advocates of nontimber values of forest land, such as environmental
 1062 protection, recreation, and open space;
 1063 3. The Washington Department of Natural Resources;
 1064 4. Affected Indian tribes;
 1065 5. Consumers or users of local forest products, such as mills, lumber
 1066 suppliers, craftspeople, artisans, florist suppliers, or users of other alternative forest
 1067 products;
 1068 6. Academic or professional foresters, or forestry associations; and
 1069 7. Rural cities.

1070 D. The directors of the departments of natural resources and parks and executive
 1071 services, ~~((the chief officer of the office of performance, strategy and budget)) a~~
 1072 representative of the executive's office, the department of local services permitting
 1073 division manager, a representative of the King County council ~~((planning, rural service~~
 1074 ~~and environment))~~ local services and land use committee, or its successor, a
 1075 representative of the Mount Baker-Snoqualmie National Forest, a representative of the
 1076 Washington State University Extension, and the director of the King Conservation
 1077 District may serve as nonvoting ex officio members of the commission.

1078 E. All appointees should have a working knowledge of King County forestry, a
 1079 strong commitment to promote forestry in the rural area, the ability to work with differing
 1080 viewpoints to find solutions to complex problems, and a willingness to commit the time
 1081 necessary to attend commission meetings and activities.

Ordinance 20082

1082 SECTION 14. Ordinance 18811, Section 1, and K.C.C. 2.42.150 are hereby
1083 amended to read as follows:

1084 A. The administrator is authorized to issue warrants for the medical center,
1085 subject to the requirements and limitations in RCW 36.62.252 and in subsection B. of this
1086 section.

1087 B. All warrants issued by the administrator shall comply with the following:

1088 1. The warrants shall be issued from the county hospital fund and drawn on an
1089 account maintained with the financial institution with which the county has its banking
1090 services agreement;

1091 2. The warrants shall be issued in a manner consistent with any written
1092 procedures established by either the finance and business operations division or the
1093 executive's office ((of performance, strategy and budget)), or both;

1094 3. The medical center shall coordinate with the finance and business operations
1095 division to ensure fiscal responsibility, accountability and auditing as needed;

1096 4. The administrator may not issue warrants for medical center capital projects
1097 administered and managed by King County, except that warrants for medical center
1098 capital projects managed and administered by the University of Washington under the
1099 terms of the Hospital Services Agreement dated February 25, 2016, may be issued by the
1100 administrator; and

1101 5. The administrator must be the signatory on the warrants.

1102 SECTION 15. Ordinance 18798, Section 2, as amended, and K.C.C. 2.47.010 are
1103 hereby amended to read as follows:

Ordinance 20082

1104 A. The ((~~county's office of equity and social justice~~)) executive's office shall
1105 invite representatives from all branches, departments, agencies, and offices of county
1106 government to form an interbranch team to plan the Reverend Dr. Martin Luther King,
1107 Jr., annual gathering celebrating the life and legacy of the Reverend Dr. Martin Luther
1108 King, Jr.

1109 B. The interbranch team shall reach out to community representatives to receive
1110 ideas for the planning of the Reverend Dr. Martin Luther King, Jr., annual gathering, and
1111 receive feedback during the planning of the Reverend Dr. Martin Luther King, Jr., annual
1112 gathering.

1113 C. The ((~~county's office of equity and social justice~~)) executive's office in
1114 collaboration with the interbranch team shall each year convene an annual gathering
1115 celebrating the life and legacy of the Reverend Dr. Martin Luther King, Jr. The intent of
1116 the gathering shall be to:

1117 1. Provide a countywide gathering for all members of the public to celebrate the
1118 life and legacy of the Reverend Dr. Martin Luther King, Jr.;

1119 2. Recognize the impact that the Reverend Dr. Martin Luther King, Jr. has on
1120 our community and our nation and bring to attention the Reverend Dr. Martin Luther
1121 King Jr.'s message of equity, social justice, and ((~~non-violence~~)) nonviolence and his
1122 political and social philosophies; and

1123 3. Inspire county residents to strive in a ((~~non-violent~~)) nonviolent manner for
1124 the human rights, civil liberties, and economic guarantees rightfully due to all peoples.

1125 D. The gathering shall be held in the second week of the month of January.

Ordinance 20082

1126 E. The gathering shall be open to all county employees that are available to
 1127 attend. Separately elected officials, department directors, and division managers shall
 1128 make an effort to accommodate all county employees that request to attend the gathering.

1129 F. The gathering shall be open to the public.

1130 G. The ~~((county's office of equity and social justice))~~ executive's office in
 1131 collaboration with the interbranch team should widely publicize the gathering. Publicity
 1132 methods shall include, but not be limited to, the official county newspaper, newspapers of
 1133 general circulation within each council district, King County civic television, television
 1134 news outlets, social media platforms, non-English language newspapers and periodicals
 1135 distributed in the county, and the county's website.

1136 H. The gathering shall be held in a King County venue that would accommodate
 1137 all attendees.

1138 I. The gathering shall consider including:

- 1139 1. Presentation of the King County Medal of Distinguished Service awards;
- 1140 2. Keynote addresses from invited guests and county elected officials;
- 1141 3. Performances by award winning artists, local artists, or both;
- 1142 4. Recognition of the Reverend Dr. Martin Luther King Jr. essay contest
- 1143 winners; and
- 1144 5. Readings of excerpts from Dr. King's speeches.

1145 J. Costs of the gathering are hereby authorized, subject to availability of funds in
 1146 the county general fund.

1147 K. The executive shall include a proposed budget that will cover the costs of each
 1148 annual gathering as part of the executive's proposed budget to council.

Ordinance 20082

1149 SECTION 16. Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010 are
1150 hereby amended to read as follows:

1151 A. There is hereby created a King County Section 504 of the Rehabilitation Act
1152 of 1973/Americans with Disabilities Act of 1990 advisory committee, referred to in this
1153 section as the 504/ADA committee.

1154 B. The 504/ADA committee shall be composed of not less than three individuals,
1155 subject to confirmation by the county council, including the chair of the committee. The
1156 executive shall appoint the chair of the committee.

1157 C. The 504/ADA committee shall serve in an advisory capacity to the executive
1158 in developing strategies, systems, and guidelines in implementing the 504/ADA
1159 Compliance Workplan. The functions of the 504/ADA committee shall include, but not
1160 be limited to, the following:

1161 1. Review the 504/ADA Compliance Workplan and make recommendations
1162 towards improving its effectiveness;

1163 2. Review and monitor the progress of the 504/ADA Compliance Workplan;
1164 and

1165 3. Review and monitor the progress of affirmative action made in the
1166 employment of individuals with disabilities in the county's workforce.

1167 D. Appropriate staff to the 504/ADA committee shall be provided by the
1168 executive, including the Section 504 of the Rehabilitation Act of 1973/Americans with
1169 Disabilities Act of 1990 compliance specialist in the executive's office (~~of equity and~~
1170 ~~racial and social justice~~). The Section 504 of the Rehabilitation Act of 1973/Americans
1171 with Disabilities Act of 1990 compliance specialist is the designated county employee to

Ordinance 20082

1172 coordinate the county's effort to comply with and carry out its responsibilities under
 1173 Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of
 1174 1990 and its implementing regulations.

1175 SECTION 17. Ordinance 18653, Section 3, and K.C.C. 2.78.020 are hereby
 1176 amended to read as follows:

1177 The commission shall:

1178 A. Act as a central point of contact, communication and coordination to
 1179 encourage coordination and efficient intersection of the work of stakeholders serving and
 1180 engaging immigrant and refugee residents to achieve greater impact. As the hub, the
 1181 commission shall act as the focal point for connecting a broad group of stakeholders to
 1182 identify, elevate, and develop shared strategies and solutions, streamline and strengthen
 1183 efforts, and bring more resources to the most pressing issues affecting immigrant and
 1184 refugee communities. To achieve this purpose, the commission's duties shall include, but
 1185 not be limited to, the following:

1186 1. Assist and advise the council, council administration, and independent offices
 1187 of the legislative branch, the executive branch, including departments, divisions and
 1188 offices, the sheriff, the assessor, the department of elections, the prosecuting attorney,
 1189 superior court, district court, and the office of economic and financial analysis on issues,
 1190 programs, and policies impacting immigrant and refugee communities;

1191 2. Collaborate with all levels of government to ensure effective outreach to and
 1192 engagement of immigrant and refugee communities and advise on the county's role with
 1193 other government entities;

Ordinance 20082

- 1194 3. Coordinate with the executive's office (~~(of equity and racial and social~~
1195 ~~justice))~~ to develop and review core principles and strategies on equity as they relate to
1196 immigrant and refugee communities in the context of county services, programs, and
1197 policies;
- 1198 4. Assist with the development and implementation of county services,
1199 programs, and policies that impact immigrant and refugee communities;
- 1200 5. Evaluate county services, programs, and policies from the perspective of
1201 immigrant and refugee communities;
- 1202 6. Assist with the development and review of major county plans to ensure that
1203 the interests and priorities of immigrants and refugees are incorporated in those plans;
- 1204 7. Promote civic participation and government representation, which shall
1205 include, but not be limited to, encouraging application for employment within the county
1206 workforce by immigrant and refugee residents and representation of immigrant and
1207 refugee residents on boards and commissions;
- 1208 8. Promote naturalization as a path toward civic and economic integration;
- 1209 9. Collaborate with organizations that implement programs to enhance
1210 integration, naturalization, and English-language learning;
- 1211 10. Increase public awareness of immigrants and refugees and their
1212 contributions to our community;
- 1213 11. Collaborate with all levels of government to invest in the capacity of
1214 organizations that serve the immigrant and refugee communities;
- 1215 12. Continually review the need for appropriate resourcing and support for
1216 issues affecting immigrant and refugee communities;

Ordinance 20082

1217 13. Recommend and advocate for increased funding, identify new funding
 1218 sources and leverage existing funding that include county funds to address the needs of
 1219 the immigrant and refugee communities and support the commission's activities; and
 1220 14. Convene workgroups made up of stakeholders serving and engaging
 1221 immigrant and refugee communities to build a shared countywide strategy to address the
 1222 top issues surfaced through community input and/or work with the appropriate programs,
 1223 boards/commissions, and task forces such as in housing and homelessness, employment
 1224 and small business, barriers to accessing services, human trafficking, and criminal justice
 1225 and safety;

1226 B. Focus on understanding and addressing challenges faced by immigrant and
 1227 refugee communities living in suburban cities and unincorporated areas of the county.
 1228 The commission should complement the work engaged by the city of Seattle but with
 1229 emphasis on communities outside of the city of Seattle. To achieve this purpose, the
 1230 commission's duties shall include, but not be limited to:

1231 1. Advocating for the county to act as a regional partner with cities to
 1232 investigate the need for increased investment in the development of neighborhood centers
 1233 or meeting hubs for youth and families, with an emphasis on serving the needs of
 1234 immigrant and refugee populations;

1235 2. Working with county departments, cities, service providers, and the Sound
 1236 Cities Association, to create a strategic plan, to be adopted by the commission, for
 1237 addressing immigrant and refugee issues in suburban cities and unincorporated areas;

1238 3. Investigating whether immigrants and refugees are able to adequately access
 1239 county services such as district courts, public health clinics, parks, transit in suburban

Ordinance 20082

1240 cities, and exploring the potential and need for opening a multilingual, culturally-
 1241 responsive satellite office in a suburban city if it is determined by the commission that a
 1242 satellite office would help to increase access;

1243 4. Working with county departments to collaborate with businesses to increase
 1244 economic opportunities for immigrants and refugees living in unincorporated areas to
 1245 have access to living wage jobs; and

1246 5. Working with county departments to gather, share, and disaggregate data
 1247 related to immigrants and refugees in unincorporated areas to determine unmet needs,
 1248 such as the number of substandard houses, and prevalence of income gaps to understand
 1249 intersections between place-based challenges for immigrants and refugees; and

1250 C. Adopt goals directed towards the purposes and responsibilities of this section.

1251 SECTION 18. Ordinance 18653, Section 8, and K.C.C. 2.78.070 are hereby
 1252 amended to read as follows:

1253 An employee from the executive's office (~~((of equity and racial and social justice))~~)
 1254 and one council employee shall staff the commission.

1255 SECTION 19. Ordinance 16077, Section 4, as amended, and K.C.C. 2.130.010
 1256 are hereby amended to read as follows:

1257 A. There is hereby established a King County mental illness and drug
 1258 dependency advisory committee.

1259 B.1. The advisory committee shall act as an advisory body to the county
 1260 executive and council. The advisory committee shall conduct reviews, provide comment
 1261 on and make recommendations on the mental illness and drug dependency tax-funded
 1262 initiatives, services, programs and policy goals outlined in Ordinance 15949, Section 3,

Ordinance 20082

1263 as amended, and K.C.C. 4A.500.340 and consistent with the mental illness and drug
 1264 dependency service improvement plan that is approved in accordance with Ordinance
 1265 17998. The advisory committee shall provide ongoing review, comments and
 1266 recommendations on mental illness and drug dependency tax-funded programs until all
 1267 sales tax revenues have been expended and the final evaluation of the mental illness and
 1268 drug dependency programs and services has been submitted to the council.

1269 2. The advisory committee shall:

- 1270 a. review and provide written recommendations to the executive and the
 1271 council on the implementation and effectiveness of the county's sales tax funded
 1272 programs in meeting the goals established in Ordinance 15949, Section 3, as amended,
 1273 and K.C.C. 4A.500.300 through 4A.500.340;
- 1274 b. review and report to the executive and the council on annual evaluation
 1275 reports as required by Ordinance 15949, Section 3, as amended, and K.C.C. 4A.500.300
 1276 through 4A.500.340;
- 1277 c. review and make comment on emerging and evolving priorities for the use
 1278 of the mental illness and drug dependency sales tax revenue;
- 1279 d. serve as a forum to promote coordination and collaboration between entities
 1280 involved with sales tax programs;
- 1281 e. educate the public, policymakers and stakeholders on mental illness and
 1282 drug dependency sales tax funded programs; and
- 1283 f. coordinate and share information with other related efforts and groups.

1284 C. The advisory committee shall be composed of one representative from each of
 1285 the following:

Ordinance 20082

- 1286 1. The council;
- 1287 2. The executive;
- 1288 3. The superior court;
- 1289 4. The district court;
- 1290 5. The prosecuting attorney's office;
- 1291 6. The sheriff's office;
- 1292 7. The department of public health;
- 1293 8. The department of judicial administration;
- 1294 9. The department of adult and juvenile detention;
- 1295 10. The department of community and human services;
- 1296 11. A provider of both mental health and chemical dependency services in King
- 1297 County;
- 1298 12. A provider of culturally specific mental health services in King County;
- 1299 13. A provider of culturally specific chemical dependency services in King
- 1300 County;
- 1301 14. A representative of an organization with expertise in helping individuals
- 1302 with behavioral health needs in King County get jobs and live independent lives;
- 1303 15. A provider of domestic violence prevention services in King County;
- 1304 16. A provider of sexual assault victim services in King County;
- 1305 17. An agency providing mental health and chemical dependency services to
- 1306 youth;
- 1307 18. Harborview Medical Center;
- 1308 19. All Home;

Ordinance 20082

- 1309 20. King County systems integration initiative, which is an ongoing work group
1310 established by the executive for addressing juvenile justice matters;
- 1311 21. The Community Health Council;
- 1312 22. The Washington State Hospital Association, representing King County
1313 hospitals;
- 1314 23. The Sound Cities Association;
- 1315 24. The city of Seattle;
- 1316 25. The city of Bellevue;
- 1317 26. Labor representing a bona fide labor organization;
- 1318 27. The office of the public defender;
- 1319 28. The National Alliance on Mental Illness;
- 1320 29. Puget Sound educational services district;
- 1321 30. A representative of a philanthropic organization;
- 1322 31. The King County behavioral health advisory board;
- 1323 32. A representative of an organization with expertise in recovery;
- 1324 33. A representative of the five managed care organizations operating in King
1325 County;
- 1326 34. An individual representing behavioral health consumer interests from the
1327 mental illness and drug dependency advisory committee's consumers and communities ad
1328 hoc work group;
- 1329 35. An individual representing community interests from the mental illness and
1330 drug dependency advisory committee's consumers and communities ad hoc work group;

Ordinance 20082

1331 36. A representative of a grassroots organization serving a cultural population or
1332 cultural populations; and

1333 37. A representative of unincorporated King County.

1334 D.1. Separately elected officials and King County agency directors or their
1335 designees are not required to be appointed or confirmed.

1336 2. A member of the advisory committee who has been confirmed to serve on
1337 another county board or commission is not required to be confirmed to serve on the
1338 advisory committee.

1339 3. All other members of the advisory committee are subject to appointment by
1340 the county executive and confirmation by the county council.

1341 4. The executive shall appoint advisory committee members to staggered terms
1342 in accordance with K.C.C. 2.28.010.C.

1343 E.1. The advisory committee shall adopt rules governing its operations at its first
1344 meeting.

1345 2. The committee shall elect a chair or cochair.

1346 3. Subcommittees and workgroups may be formed at the discretion of the
1347 advisory committee.

1348 4. At each meeting of the advisory committee, the advisory committee shall
1349 provide an open comment period.

1350 F. The advisory committee shall coordinate with other county groups including,
1351 but not limited to, the All Home coordinating board, the regional human services levy
1352 citizen oversight board, the veterans levy citizen oversight board, the children and youth
1353 advisory board, the behavioral health and recovery board, the board of health and the

Ordinance 20082

1354 adult and juvenile justice operational master plan advisory groups, or their successors, to
 1355 ensure that information is shared and, when appropriate, efforts are coordinated and not
 1356 duplicated.

1357 G. The ~~((office of performance, strategy and budget and the))~~ behavioral health
 1358 and recovery division of the department of community and human services shall provide
 1359 staffing of the advisory committee.

1360 H. Members of the advisory committee who are not full-time county employees
 1361 may be reimbursed for parking expenses in the King County parking garage when
 1362 attending meetings of the committee.

1363 SECTION 20. Ordinance 19008, Section 7, as amended, and K.C.C. 2.150.050
 1364 are hereby amended to read as follows:

1365 The duties of the commission include the following:

1366 A. Provide information, advice and counsel to the council, the executive, the
 1367 department of community and human services, ~~((the office of equity and social justice,))~~
 1368 and other county departments on issues and policies affecting renters, including housing
 1369 affordability and the intersection of renters with their access to transportation, green and
 1370 other public spaces, renter protections, public health and safety, education, and economic
 1371 growth as they relate to renters in unincorporated King County;

1372 B. Monitor the enforcement and effectiveness of legislation related to renters and
 1373 renter protections;

1374 C. Provide periodic advice on priorities, policies, and strategies for strengthening
 1375 and enhancing the enforcement and effectiveness of renter protections;

Ordinance 20082

1376 D. Adopt an annual work plan. The plan shall include a briefing on the
1377 commission's public involvement process for soliciting community and citizen input in
1378 developing the commission's annual work plan and updates on the work plan; and

1379 E. Collaborate and consult with other county commissions and committees,
1380 departments, the King County housing authority board of commissioners, the affordable
1381 housing committee of the King County growth management planning council, the Seattle
1382 renters' commission, and other community groups and associations, including those
1383 representing rental property landlords, to gather information, feedback, and
1384 recommendations related to the King County renters' commission's work.

1385 SECTION 21. Ordinance 12014, Section 32, as amended, and K.C.C. 3.12.350
1386 are hereby amended to read as follows:

1387 A. The director may adopt personnel guidelines for the purpose of implementing
1388 the directives, policies, and standards contained in this chapter and in Article 5 of the
1389 charter.

1390 After adoption, amendment, or repeal of any guideline, the department shall post
1391 the updated guidelines to the Internet, and the department will notify each department and
1392 the executive's office ((of labor relations)) may notify the collective bargaining units.

1393 B. The personnel guidelines may include, but not be limited to, the following
1394 subjects:

- 1395 1. Purpose, objectives and intent;
 - 1396 2. Definitions;
 - 1397 3. Preemployment administration:
 - 1398 a. role of the director and the department;
-

Ordinance 20082

- 1399 b. recruitment procedures;
 - 1400 c. application procedures;
 - 1401 d. examinations;
 - 1402 e. employment lists;
 - 1403 f. appointment; and
 - 1404 g. process requirements of equal employment opportunity;
 - 1405 4. Postemployment administration:
 - 1406 a. role of the department of human resources;
 - 1407 b. probationary periods;
 - 1408 c. classification system;
 - 1409 d. employee performance evaluation;
 - 1410 e. disciplinary procedures;
 - 1411 f. separation, including reductions in force;
 - 1412 g. employee relations; and
 - 1413 h. process requirements of equal employment opportunity;
 - 1414 5. Special duty;
 - 1415 6. Grievance and appeals procedures:
 - 1416 a. role of the department of human resources and other departments, including
 - 1417 relationship and processes of the equal employment program;
 - 1418 b. role of the director;
 - 1419 c. grievance procedures;
 - 1420 d. appeals procedures; and
 - 1421 e. role of the personnel board;
-

Ordinance 20082

- 1422 7. Conditions of employment;
- 1423 8. Employee benefits;
- 1424 9. Procedures for leaves of absence; and
- 1425 10. Procedures for salary and administration.

1426 SECTION 22. Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020

1427 are hereby amended to read as follows:

1428 The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this

1429 chapter. Words not defined in K.C.C. chapter 3.12 or in this chapter shall have their

1430 ordinary and usual meanings. In the event of conflict, the specific definitions set forth in

1431 this chapter shall presumptively, but not conclusively, prevail.

1432 A. "Committee" means the career service review committee, which shall consist

1433 of:

1434 1. The following three permanent members:

1435 a. ~~((the county executive or designee))~~ two executive's office representatives

1436 designated by the executive; and

1437 b. ~~((the chief officer of the office of performance, strategy, and budget or~~

1438 ~~successor organizational unit or designee; and~~

1439 c.)) the director of the department of human resources or successor

1440 organizational unit or designee; and

1441 2. One member representing the department whose body of work or employees

1442 are then under review.

1443 SECTION 23. Ordinance 18757, Section 4, as amended, and K.C.C. 3.12D.020

1444 are hereby amended to read as follows:

Ordinance 20082

1445 The executive, assessor, director of elections, council, and prosecuting attorney
1446 shall report biennially on the number of workplace discrimination and harassment
1447 complaints, including sexual harassment, and inappropriate conduct complaints and,
1448 when possible, informal inquiries, received by each department each year. The report
1449 shall indicate the basis or bases of the complaint, which may be one or more of the
1450 protected classes as defined in K.C.C. chapter 3.12D, pregnancy, domestic violence
1451 victimization, or any other status protected by federal, state, or local law. The executive's
1452 office (~~(of equity and racial and social justice)~~) shall report on the number of unfair
1453 employment practice complaints filed, the basis or bases of the complaint, the number of
1454 investigations of unfair employment practices in the reporting year, and the number of
1455 findings that reasonable cause exists to believe that an unfair employment practice
1456 occurred. The first report shall be transmitted to the council by December 31, 2019. All
1457 reports under this section shall be electronically filed with the clerk of the council who
1458 shall retain an electronic copy and provide an electronic copy to all councilmembers, the
1459 council chief of staff and the council chief policy officer.

1460 SECTION 24. Ordinance 8658, Section 1, as amended, and K.C.C. 3.16.040 are
1461 hereby amended to read as follows:

1462 A. Any collective bargaining agreement between King County and a recognized
1463 bargaining representative as defined in RCW 41.56.030 which has been signed by the
1464 union shall be transmitted to the King County council no later than fourteen days after
1465 receipt by the executive's office (~~(of labor relations)~~).

1466 B. Failure to meet the deadline in subsection A. of this section shall result in the
1467 payment of interest on the retroactive amount of any negotiated salary or wage increase

Ordinance 20082

1468 equal to interest earned on federal ninety-day treasury bills from the first day following
1469 the deadline through the date the signed agreement is transmitted to the King County
1470 council, unless the fourteen days have been extended by mutual agreement by both
1471 parties in writing.

1472 C. The interest accrued, if any, shall be divided among the county employees
1473 represented by the collective bargaining unit, based upon each employee's individual
1474 retroactive wage rate increase. The computed interest shall be included in the first
1475 paycheck that pays out the rate of pay negotiated in the tentative collective bargaining
1476 agreement.

1477 SECTION 25. Ordinance 14287, Section 5, as amended, and K.C.C. 3.16.055 are
1478 hereby amended to read as follows:

1479 A.1. A bargaining representative may at any time during negotiations forward to
1480 the ~~((manager of the office of))~~ labor relations director in the executive's office, or ~~((its))~~
1481 successor, a written complaint that the collective bargaining process is not being
1482 conducted in a timely manner or is not being conducted in a manner consistent with good
1483 faith bargaining. The ~~((manager of the office of))~~ labor relations director in the
1484 executive's office shall, within fifteen calendar days, respond in writing to the complaint
1485 and propose such remedies as may address the complaint.

1486 2. If the bargaining representative is not satisfied with the written response of
1487 the director, or if a written response to the complaint is not received within fifteen
1488 calendar days, the bargaining representative may forward the written complaint to the
1489 King County executive, as the bargaining agent, who shall, within fifteen calendar days,
1490 respond to it in writing and propose such remedies as may address the complaint.

Ordinance 20082

1491 3. If the bargaining representative is not satisfied with the written response of
1492 the bargaining agent, or if a written response is not received from the bargaining agent
1493 within fifteen calendar days, the bargaining representative may request that the
1494 bargaining agent forward the written complaint to the council.

1495 4. If the bargaining agent receives a written request to have the complaint
1496 forwarded to the council, including an explanation of reasons for the request, the
1497 bargaining agent shall forward the request, together with the bargaining agent's written
1498 response, to the council within five calendar days from the receipt of the request. These
1499 materials or any discussion thereof shall remain confidential to the extent allowed by law.

1500 5. The council may request that the bargaining agent meet with the council for
1501 the purpose of reviewing the status of negotiations with regard to the principles contained
1502 in this chapter and the overall policy direction established by the labor policy committee,
1503 but the council shall take no action that would interfere with the lawful role of the
1504 bargaining agent.

1505 B. By June 30 of each year, the prosecuting attorney, in conjunction with
1506 bargaining agent, shall report to the council on all pending unfair labor practice charges
1507 and all pending arbitration involving represented employees.

1508 C. By June 30 of each year, or, in the case of agreements expiring other than
1509 December 31, at least ninety days before the commencement of negotiations, in
1510 preparation for collective bargaining the bargaining agent shall report to the council the
1511 agreements expiring that calendar year. The bargaining agent shall also generally explain
1512 existing policies that, if changed, would further the principles and intent established by
1513 this chapter. County department management concerned with the collective bargaining

Ordinance 20082

1514 process, with the advice of other relevant county departments, shall assist the bargaining
1515 agent in reporting to the council.

1516 D. By June 30 of each year or, for agreements expiring other than December 31,
1517 at least ninety days before commencing negotiations, the council shall meet with the
1518 bargaining agent to review the schedule of collective bargaining agreements expiring in
1519 that calendar year and the key issues related to the collective bargaining process.
1520 Methods of consultation with unions, management rights and eliminating the causes of
1521 employee grievances shall also be considered.

1522 E. For the purpose of maintaining an effective collective bargaining process, the
1523 strategies and related information presented by the bargaining agent shall be maintained
1524 as confidential. The council shall develop guidelines to assist in accomplishing such
1525 confidentiality.

1526 SECTION 26. Ordinance 12076, Section 2, as amended, and K.C.C. 4.04.020 are
1527 hereby amended to read as follows:

1528 The definitions in this section apply throughout this chapter unless the context
1529 clearly requires otherwise.

1530 A. "Acquisition phase" means the time during which activities associated with
1531 acquisition or surplus and sale of real property, property rights or the acquisition of
1532 improvements through direct purchase or capitalized lease agreements occur.

1533 B. "Adopted" means approval by council motion or ordinance.

1534 C. "Agency" means a county office, officer, institution whether educational,
1535 correctional or other, department, division, board commission, except as otherwise
1536 provided in this chapter.

Ordinance 20082

1537 D. "Allocation" means a part of a lump sum appropriation that is designated for
1538 expenditure by either a specific organization unit or for specific purposes, or both.

1539 E. "Allotment" means a part of an appropriation that may be encumbered or
1540 expended during an allotment period.

1541 F. "Allotment period" means a period of less than a fiscal year in length during
1542 which an allotment is effective.

1543 G. "Allotment plan" means a fiscal management plan that divides a county
1544 agency's program element budget into quarterly increments, reflecting the cyclical or
1545 seasonal pattern of expenditures, for the purpose of identifying over and under
1546 expenditures throughout the year.

1547 H. "Appropriations" means an authorization granted by the council to make
1548 expenditures and to incur obligations for specific purposes.

1549 I. "Appropriation ordinance" means the ordinance that establishes the legal level
1550 of appropriation for a fiscal year.

1551 J. "Art" means funds budgeted for the one percent for art program under K.C.C.
1552 chapter 4.40 or as otherwise provided by ordinance for a public art program.

1553 K. "Budget" means a proposed plan of expenditures for a given period or purpose
1554 and the proposed means for financing these expenditures.

1555 L. "Budget detail plan" means the council's proposed spending plan for the
1556 operational budgets of all agencies detailed at the section level and attached to the
1557 adopted appropriation ordinance or as modified by the most-recent supplemental
1558 appropriation ordinance.

Ordinance 20082

1559 M. "Budget document" means a formal, written, comprehensive financial
1560 program presented by the executive to the council, including an electronic database with
1561 revenues and expenditures for all county agencies at the lowest organization levels and
1562 all summary levels provided in the general ledger system, balanced to the financial plans
1563 and the appropriation ordinance, fee ordinances, motions related to proposed levy rates to
1564 comply with chapter 36.40 RCW and cost-of-living adjustment ordinance proposed by
1565 the executive.

1566 N. "Budget message" means a formal oral presentation by the executive to the
1567 council that explains the budget in terms of goals to be accomplished and how the budget
1568 relates to the Comprehensive Plan.

1569 O. "Capital improvement plan" means a plan that establishes the capital
1570 improvements required to implement an approved operational master plan. This plan
1571 should extend over a minimum period of six years to define long-range capital
1572 improvement requirements and the annual capital improvements budget for a user
1573 agency.

1574 1. The capital improvement plan shall include the following elements, where
1575 applicable:

1576 a. general program requirements that define the development scope for specific
1577 sites or facilities;

1578 b. general space and construction standards;

1579 c. prototype floor plans and prototype facility designs for standard
1580 improvements;

1581 d. space requirements based on the adopted county space plan;

Ordinance 20082

1582 e. initial, and life-cycle cost, of alternative facilities and locations including
1583 lease and lease/purchase approaches;
1584 f. approximate location of planned capital improvements;
1585 g. general scope and estimated cost of infrastructure; and
1586 h. a schedule, that extends over a minimum of six years, for the
1587 implementation of projects included in capital improvement plans, based on overall user
1588 agency priorities and projected available revenue((;)).

1589 2. The user agency shall prepare the elements of the plan in subsection O.1.a.,
1590 d., f., and h. of this section. The implementing agency shall prepare the elements of this
1591 plan in subsection O.1.b., c., e., and g. of this section.

1592 3. The six-year budget schedule included in the capital improvement plan shall
1593 be updated annually in conjunction with the capital budget adoption process.

1594 P. "Capital project" means a project with a scope that includes one or more of the
1595 following elements, all related to a capital asset: acquisition of either a site or existing
1596 structure, or both; program or site master planning; design and environmental analysis;
1597 construction; major equipment acquisition; reconstruction; demolition; or major
1598 alteration. "Capital project" includes a: project program plan; scope; budget by phase;
1599 and schedule. The project budget and phases of a project shall be prepared or managed
1600 by the implementing agency.

1601 Q. "CIP" means capital improvement program.

1602 R. "CIP exceptions notification" means, except for major maintenance reserve
1603 fund, roads, solid waste, surface water management and wastewater CIP projects, a letter
1604 filed with the clerk of the council for distribution to the chair of the budget and fiscal

Ordinance 20082

1605 management committee, or its successor committee, which describes changes to an
1606 adopted CIP project's scope or schedule, or both, or total project cost and, with the
1607 exception of schedule changes, shall be sent in advance of any action. For major
1608 maintenance reserve fund CIP projects, "exceptions notification" means a letter filed with
1609 the clerk of the council for distribution to the chair of the budget and fiscal management
1610 committee, or its successor committee, that describes changes of fifteen percent or more
1611 to an adopted CIP project's scope or schedule, or both, or total project costs and, with the
1612 exception of schedule changes, shall be sent in advance of any action. For road CIP
1613 projects, "exceptions notification" means a letter filed with the clerk of the council for
1614 distribution to the chair of the transportation committee, or its successor committee, that
1615 describes changes of fifteen percent or more to an adopted CIP project's scope or
1616 schedule, or both, or total project costs and, with the exception of schedule changes, shall
1617 be sent in advance of any action. For wastewater, solid waste and surface water
1618 management CIP projects, "exceptions notification" means a letter filed with the clerk of
1619 the council for distribution to the chair of the budget and fiscal management committee,
1620 or its successor committee, and to the chair of the utilities committee, or its successor
1621 committee, which describes changes of fifteen percent or more to an adopted CIP
1622 project's scope or schedule, or both, or total project costs and, with the exception of
1623 schedule changes, shall be sent in advance of any action.

1624 S. "Close-out phase" means the time during which the administrative processes
1625 and associated accounting activities to close out all contracts occurs. The close-out phase
1626 follows final acceptance and may include multiyear monitoring.

1627 T. "Council" means the metropolitan King County council.

Ordinance 20082

1628 U. "Deficit" means the excess of expenditures over revenues during an
1629 accounting period, or an accumulation of such excesses over a period of years.

1630 V. "Director" means the ~~((director of the office of performance, strategy and))~~
1631 budget director in the executive's office.

1632 W. "Executive" means the King County executive, as defined by Article 3 of the
1633 King County Charter.

1634 X. "Expenditures" means, where the accounts are kept on the accrual basis or the
1635 modified accrual basis, the cost of goods delivered or services rendered, whether paid or
1636 unpaid, including expenses, provisions for debt retirement not reported as a liability of
1637 the fund from which retired, and capital outlays. Where the accounts are kept on the cash
1638 basis, "expenditures" means actual cash disbursements for these purposes.

1639 Y. "Final design phase" means the time during which design is completed,
1640 permits and other permissions are secured so that the project, or staged elements of the
1641 project consistent with the project management plan, can proceed to implementation.
1642 Final design phase also includes development of a final cost estimate, plans,
1643 specifications and a bid package.

1644 Z. "Financial plan" means a summary by fund of planned revenues and
1645 expenditures, reserves and undesignated fund balance.

1646 AA. "Fiscal period" means a calendar year or a biennium.

1647 BB. "Fund" an independent fiscal and accounting entity with a self-balancing set
1648 of accounts recording either cash or other resources, or both, together with related
1649 liabilities, obligations, reserves and equities that are segregated for the purpose of

Ordinance 20082

1650 carrying on specific activities or attaining certain objectives in accordance with special
1651 regulations, restrictions or limitations.

1652 CC. "Fund balance" means the excess of the assets of a fund over its liabilities
1653 and reserves except in the case of funds subject to budgetary accounting where, before
1654 the end of a fiscal period, it represents the excess of the fund assets and estimated
1655 revenues for the period over its liabilities, reserves and appropriations for the fiscal
1656 period.

1657 DD. "General facility major maintenance emergent need contingency project"
1658 means an appropriation to provide contingent budget authority for emergent needs within
1659 major maintenance reserve fund CIP projects.

1660 EE. "Implementation phase" means the time during which a project is
1661 constructed or implemented. "Implementation phase" also includes the testing,
1662 inspection, adjustment, correction and certification of facilities and systems to ensure that
1663 the project performs as specified. The implementation phase begins with the notice to
1664 proceed for the construction contract and ends with final acceptance of the project, unless
1665 otherwise specified in grant or regulatory requirements.

1666 FF. "Implementing agency" means the appropriate department and division
1667 responsible for the administration of CIP projects.

1668 GG. "Lapse" of an appropriation means an automatic termination of an
1669 appropriation.

1670 HH. "Major maintenance reserve fund CIP project" means any major
1671 maintenance reserve fund CIP project that is allocated in the adopted six-year major

Ordinance 20082

1672 maintenance reserve fund CIP and is appropriated at the major maintenance reserve fund
1673 level in accordance with K.C.C. 4.04.265 or is a high-risk project under K.C.C. 4.04.245.

1674 II. "Major widening project" means any roads CIP project adding at least one
1675 through lane in each direction.

1676 JJ. "Object of expenditure" means a grouping of expenditures on the basis of
1677 goods and services purchased, such as salary and wages.

1678 KK. "Open space non-bond fund project" means an open space project that is
1679 allocated in the adopted six-year open space CIP and is appropriated at the open space
1680 non-bond fund number 3522 level in accordance with K.C.C. 4.04.300.

1681 LL. "Operational master plan" means a comprehensive plan for an agency setting
1682 forth how the organization will operate now and in the future. An operational master
1683 plan shall include the analysis of alternatives and their life cycle costs to accomplish
1684 defined goals and objectives, performance measures, projected workload, needed
1685 resources, implementation schedules and general cost estimates. The operational master
1686 plan shall also address how the organization would respond in the future to changed
1687 conditions.

1688 MM. "Planning phase" means the time during which identification and
1689 development of project need and potential alternatives, evaluation of technical and
1690 economic feasibility and development of a rough-order-of-magnitude total project cost
1691 estimate occurs.

1692 NN. "Preliminary design phase" means the time during which when evaluation
1693 and analysis of potential project alternatives occurs, and the preferred alternative is

Ordinance 20082

1694 selected and designed sufficiently to establish a project baseline, at thirty to forty percent
1695 design.

1696 OO. "Program" means the definition of resources and efforts committed to
1697 satisfying a public need. The extent to which the public need is satisfied is measured by
1698 the effectiveness of the process in fulfilling the needs as expressed in explicit objectives.

1699 PP. "Project program plan" means a plan, primarily in written narrative form, that
1700 describes the overall development concept and scope of work for a building, group of
1701 buildings or other facilities at a particular site. The complexity of the project program
1702 plan will vary based upon the size and difficulty of the program for a particular site.
1703 When the plan includes projects that are phased over time, each phase shall have an
1704 updated project program plan prepared by the user agency before project implementation.
1705 The project program plan shall be prepared by the user agency with assistance from the
1706 implementing agency. The program plan describes the user agency program
1707 requirements for a specific building or site; provides the basis for these requirements; and
1708 identifies when funds for the implementation of the capital projects will be provided.
1709 The program plan shall elaborate on the general program information provided in the
1710 operational master plan and the capital improvement plan. The plan shall also describe
1711 user agency programs, how these programs would fit and function on the site, and the
1712 general recommendation of the user agency regarding the appearance of the building or
1713 site. The plan shall indicate when a site master plan is required for a project.

1714 QQ. "Public need" means those public services found to be required to maintain
1715 the health, safety and well-being of the general citizenry.

Ordinance 20082

- 1716 RR. "Quarterly management and budget report" means a report prepared
1717 quarterly by the director for major operating and capital funds, that:
- 1718 1. Presents executive revisions to the adopted financial plan or plans;
 - 1719 2. Identifies significant deviations in agency workload from approved levels;
 - 1720 3. Identifies potential future supplemental appropriations with a brief discussion
1721 of the rationale for each potential supplemental;
 - 1722 4. Identifies significant variances in revenue estimates;
 - 1723 5. Reports information for each appropriation unit on the number of filled and
1724 vacant full-time equivalent and term-limited temporary positions and the number of
1725 temporary employees;
 - 1726 6. Includes the budget allotment plan information required under K.C.C.
1727 4.04.060; and
 - 1728 7. Describes progress towards transitioning potential annexation areas to cities.
- 1729 SS. "Reappropriation" means authorization granted by the council to expend the
1730 appropriation for the previous fiscal year for capital programs only.
- 1731 TT. "Regulations" means the policies, standards and requirements, stated in
1732 writing, designed to carry out the purposes of this chapter, as issued by the executive and
1733 having the force and effect of law.
- 1734 UU. "Revenue" means the addition to assets that does not increase any liability,
1735 does not represent the recovery of an expenditure, does not represent the cancellation of
1736 certain liabilities on a decrease in assets and does not represent a contribution to fund
1737 capital in enterprise and intragovernmental service funds.

Ordinance 20082

1738 VV. "Roads CIP project" means roads capital projects that are allocated in the
1739 adopted six-year roads CIP and are appropriated at the roads CIP fund level in
1740 accordance with K.C.C. 4.04.270 or a high-risk project under K.C.C. 4.04.245.

1741 WW. "Scope change" means, except for major maintenance reserve fund, roads,
1742 solid waste, surface water management, and wastewater CIP projects, that a CIP project's
1743 total project cost increases by ten percent or by fifty thousand dollars, whichever is less.
1744 For major maintenance reserve fund, roads, solid waste, surface water management, or
1745 wastewater CIP projects, "scope change" means the total project cost increases by fifteen
1746 percent.

1747 XX. "Section" means an agency's budget unit comprised of a particular project,
1748 program or line of business as described in Ordinance 16445, Section 5, for the 2010
1749 budget or for all subsequent budgets as described in the budget detail plan for the
1750 previous fiscal period as attached to the adopted appropriation ordinance or as modified
1751 by the most-recent supplemental appropriation ordinance. This definition is not intended
1752 to create an organizational structure for any agency.

1753 YY. "Site master plan" means a plan prepared by the implementing agency, with
1754 input from the user agency, that describes, illustrates and defines the capital
1755 improvements required to provide user agency program elements.

1756 1. The site master plan shall include preliminary information regarding, at a
1757 minimum:

- 1758 a. site analysis, including environmental constraints;
1759 b. layout, illustration, and description of all capital improvements;
1760 c. project scopes and budgets;

Ordinance 20082

1761 d. project phasing; and

1762 e. operating and maintenance requirements.

1763 2. The site master plan shall be approved by the user agency and the

1764 implementing agency before submittal to the executive and council for approval.

1765 ZZ. "Solid waste CIP project" means a solid waste project that is allocated in the

1766 adopted six-year solid waste CIP and is appropriated at the solid waste CIP fund level in

1767 accordance with K.C.C. 4.04.273 or is a high-risk project under K.C.C. 4.04.245.

1768 AAA. "Surface water management CIP project" means a surface water

1769 management project that is allocated in the adopted six-year surface water management

1770 CIP and is appropriated at the surface water management CIP fund level in accordance

1771 with K.C.C. 4.04.275 or is a high-risk project under K.C.C. 4.04.245.

1772 BBB. "User agency" means the appropriate department, division, office, or

1773 section to be served by any proposed CIP project.

1774 CCC. "Wastewater asset management projects" means the wastewater capital

1775 projects identified and intended by the wastewater treatment division to extend and

1776 optimize the useful life of wastewater treatment assets, including facilities, structures,

1777 pipelines, and equipment.

1778 DDD. "Wastewater CIP project" means wastewater capital projects that are

1779 allocated in the adopted six-year wastewater CIP and are appropriated at the wastewater

1780 CIP fund level in accordance with K.C.C. 4.04.280 or is a high-risk project under K.C.C.

1781 4.04.245.

1782 SECTION 27. Ordinance 12076, Section 35, as amended, and K.C.C. 4.10.050

1783 are hereby amended to read as follows:

Ordinance 20082

1784 The executive finance committee is hereby confirmed as being the "county
1785 finance committee," referred to in RCW 36.29.020 and RCW 36.48.070, and shall be
1786 composed of the following: ~~((the county executive;))~~ the manager of the finance and
1787 business operations division; ~~((the director of the office of performance, strategy and
1788 budget))~~ a representative of the executive's office; the director of department of executive
1789 services; and the chair of the county council. The executive finance committee shall be
1790 responsible for directing the manager of the finance and business operations division in
1791 determining the maximum prudent extent to which residual treasury cash shall be
1792 invested pursuant to RCW 36.29.020 and this chapter. Actions of the committee shall be
1793 by majority vote except when the chair of the council determines such action constitutes a
1794 policy determination, as opposed to an administrative determination, which should be
1795 referred to the council. The chair of the council may defer action on the proposal until
1796 the council makes such policy determination regarding the proposed action.

1797 SECTION 28. Ordinance 17293, Section 90, as amended, and K.C.C. 4A.10.495
1798 are hereby amended to read as follows:

1799 "Quarterly management and budget report" means a report prepared quarterly by
1800 the ~~((director of the office of performance, strategy and))~~ budget director in the
1801 executive's office, ((or its successor,)) that details revisions and variances for revenue
1802 collections and expenditures for major operating and capital funds under K.C.C.
1803 4A.100.100.

1804 SECTION 29. Ordinance 12045, Section 23, as amended, and K.C.C.
1805 4A.100.040 are hereby amended to read as follows:

Ordinance 20082

1806 A.1. The executive shall prepare and distribute the budget in accordance with this
1807 subsection.

1808 2. At least one hundred fifty-five days before the end of the fiscal period, all
1809 agencies shall submit to the executive information necessary to prepare the budget.

1810 Agencies shall submit their budget information at the lowest organization and account
1811 levels unless accompanied by a notice explaining the reasons for not doing so.

1812 3. The basis for the executive's preliminary budget preparation of the pro forma
1813 budget, budget instructions to departments and preliminary review of departmental
1814 submittals to the executive shall be the preliminary economic and revenue forecast
1815 adopted by the forecast council.

1816 4. Before presentation to the council, the executive may provide for hearings on
1817 all agency requests for expenditures and revenues to enable the executive to make
1818 determinations as to the need, value, or usefulness of activities or programs requested by
1819 agencies. The executive may require the attendance of agency officials at the hearings
1820 and the agency officials shall disclose any information required to enable the executive to
1821 arrive at final determinations.

1822 5. The executive shall transmit a budget for the fiscal period and deliver a
1823 budget message to the council no later than ninety-five days before the end of the current
1824 fiscal period. The budget message shall explain the budget in fiscal terms and in terms of
1825 goals to be accomplished and shall relate the requested appropriations to the
1826 comprehensive plans of the county. Copies of the budget and budget message shall be
1827 delivered to the clerk of the council for distribution to councilmembers and legislative
1828 staff.

Ordinance 20082

1829 6. The updated economic and revenue forecast adopted by the forecast council
1830 shall be used as the basis for the budget.

1831 7. Seven days before the presentation of the budget and budget message to the
1832 council, the ~~((director of the office of performance, strategy, and))~~ budget director in the
1833 executive's office ~~((or its successor))~~ shall submit to the council copies of all agency and
1834 departmental budget requests, departmental and divisional work programs.

1835 8. The executive shall prepare and present a proposed appropriation ordinance
1836 not later than ninety-five days before the end of the current fiscal period. The proposed
1837 appropriation ordinance shall specify by any combination of fund, program, project, or
1838 agency, the expenditure levels and maximum number of full time equivalent employees
1839 for the fiscal period.

1840 9. The executive shall make available to the public on the county's website, at
1841 no charge, an electronic copy of the budget and other summary documents.

1842 10. The ~~((director of the office of performance, strategy, and))~~ budget director in
1843 the executive's office ~~((or its successor))~~ shall be responsible for the distribution of the
1844 budget, either in electronic or printed formats, and posting on the Internet. The director
1845 shall also be responsible for updating the electronic database to reflect the adopted
1846 appropriations ordinance and posting on the Internet.

1847 11. If the fiscal period is a biennium, then the executive shall conduct a
1848 midbiennium review of the budget and propose adjustments during the adopted fiscal
1849 period, including any changes in the adopted overhead methodology.

1850 B. The council shall:

Ordinance 20082

1851 1. Review the proposed appropriation ordinances and make any changes or
1852 additions it deems necessary except the council shall not change the form of the proposed
1853 appropriation ordinance submitted by the executive;

1854 2. Announce and hold public hearings as it deems necessary;

1855 3. Adopt an appropriation ordinance granting authority to make expenditures
1856 and to incur obligations upon completion of the budget hearings and at least thirty days
1857 before the end of the current fiscal period. The council may attach an accompanying
1858 statement specifying legislative intent;

1859 4. Adopt tax and revenue ordinances as may be necessary to implement the
1860 adopted appropriation ordinance; and

1861 5. Review any proposed midbiennium adjustments proposed by the executive
1862 during the adopted fiscal period, including any changes in the adopted overhead
1863 methodology.

1864 SECTION 30. Ordinance 17929, Section 20, as amended, and K.C.C.

1865 4A.100.070 are hereby amended to read as follows:

1866 A.1. Any departments or agencies, except the council, with unanticipated
1867 expenditures shall submit to the executive a statement of unanticipated expenditures. The
1868 statement shall specify any request for supplemental appropriation by program, project,
1869 object of expenditure, or any combination thereof. The executive shall review the
1870 requests in accordance with the department's or agency's work plan and determine
1871 whether to submit a supplemental appropriation request.

1872 2. If during the fiscal period the executive determines that revenues will be less
1873 than the expenditure amounts included in the appropriations ordinance, the executive

Ordinance 20082

1874 shall revise the expenditures of departments or agencies funded from those revenue
1875 sources to prevent the making of expenditures in excess of revenues. If the executive
1876 determines that the fund has unrestricted reserves, the executive may use these reserves to
1877 avoid making expenditure reductions; however, the use of reserves may not reduce the
1878 fund balances below target reserve amounts. If the use of reserves exceeds five percent
1879 of the total appropriation, the council shall be notified in the quarterly management and
1880 budget report. An expenditure shall not be made from any portion of an appropriation
1881 that has been assigned to a reserve status except as provided in this section.

1882 B. All unexpended appropriations in noncapital appropriation ordinances lapse at
1883 the end of the fiscal period.

1884 C. The executive may transfer appropriation authority from an emergent need
1885 contingency project to support a cost increase for a capital project in the same fund in
1886 accordance with the procedures in K.C.C. 4A.100.080.

1887 D.1. Except as provided in this subsection, an agency shall not expend or contract
1888 to expend any money in excess of amounts appropriated. A contract made in violation of
1889 this subsection is null and void. An officer, agent, or employee of the county knowingly
1890 responsible for such a contract is personally liable to anyone, including the county,
1891 damaged by the officer, agent, or employee's action.

1892 2. An agency may contract to expend money in excess of existing
1893 appropriations when:

1894 a. the contract commits the county to expend funds beyond the fiscal period
1895 and the contract includes a cancellation clause that provides:

Ordinance 20082

1896 (1) the contract may be unilaterally terminated by the county for lack of
1897 appropriation; and

1898 (2) the costs associated with such a termination, if any, shall not exceed the
1899 appropriation for the fiscal period in which termination occurs;

1900 b. the contract commits the county to expend funds beyond the fiscal period
1901 and the council, at the request of the executive, adopts an ordinance permitting the county
1902 to enter into the contract;

1903 c. the contract implements a grant awarded to the county before the
1904 appropriation of grant funds, including appropriations that must be made in future years,
1905 if the council has received prior notice of the grant application and if either of the
1906 following conditions are met: all of the funds to be appropriated under the contract will
1907 be from the granting agency; or all financial obligations of the county under the contract
1908 are subject to appropriation; or

1909 d. the contract is an emergency contract as authorized by K.C.C. 2.93.080.

1910 3. In accordance with Section 495 of the King County Charter, real property
1911 shall not be leased to the county for more than one year unless it is included in a capital
1912 budget appropriation ordinance.

1913 4.a. Any lease or license for the possession or use of real property by the county
1914 with a term, including any potential options, extensions, or renewals, longer than five
1915 years must be approved by the council before execution by the executive.

1916 b. Any decision to extend a lease or license for the possession or use of real
1917 property by the county beyond a cumulative total of five years, whether memorialized

Ordinance 20082

1918 through an option, extension, amendment, or new lease or license, must be approved by
1919 the council before execution by the executive.

1920 c. Any lease or license for the possession or use of real property by the county
1921 that requires more than fifty thousand dollars in tenant improvement or other alterations
1922 to the real property for the benefit of the county must be approved by the council before
1923 execution by the executive.

1924 d. Any lease or license for the possession or use of real property by the county
1925 shall comply with the requirements of K.C.C. 18.17.050.C.

1926 5. Any lease or license or extension of a lease or license for the possession or
1927 use of real property by the county entered into for the purpose of implementing the Puget
1928 Sound emergency radio network project as described in Ordinance 17993 and approved
1929 by the voters at the election held on April 28, 2015, may commit the county to expend
1930 funds in excess of amounts appropriated, and may be executed by the executive without
1931 council approval.

1932 E. A capital project budget and phases of a capital project shall be prepared by
1933 the user agency. The capital project shall be managed by the implementing agency.

1934 F. Ongoing review of capital projects for which moneys have been appropriated
1935 shall be coordinated by the executive's office (~~(of performance, strategy and budget or its~~
1936 ~~successor)~~). For capital projects involving more than one agency, representatives from
1937 the agencies shall consult with the executive's office (~~(of performance, strategy and~~
1938 ~~budget or its successor)~~). The executive's office (~~(of performance, strategy and budget or~~
1939 ~~its successor)~~) shall review capital projects for compliance with scope, budget, and
1940 schedule.

Ordinance 20082

1941 SECTION 31. Ordinance 17929, Section 21, as amended, and K.C.C.

1942 4A.100.080 are hereby amended to read as follows:

1943 A. An emergent need contingency project may be included in any capital
1944 improvement program fund under K.C.C. 4A.100.030.

1945 B. Emergent need contingency projects must be included in the proposed capital
1946 fund's six year capital improvement program and be consistent with the proposed fund
1947 financial plan.

1948 C. An emergent need contingency project amount shall not exceed either twenty
1949 percent of the total unexpended appropriation in a capital fund as of July 1 of the final
1950 year of the fiscal period plus the total adopted appropriations for the capital fund for the
1951 upcoming fiscal period or fifty million dollars, whichever is less.

1952 D.1. For capital projects other than risk monitored projects, expenditure authority
1953 may be transferred from an emergent need contingency project to another capital project
1954 within the same fund to address costs not anticipated at the time of budget adoption.
1955 Capital projects requiring a transfer of less than twenty-five percent of total project costs,
1956 a scope change or a schedule deviation must be reported in the quarterly budget
1957 management report under K.C.C. 4A.100.100.

1958 2. For transfers of twenty-five percent or more of total project costs, the
1959 ~~((director of the office of performance, strategy and)) budget ((or its successor))~~ director
1960 in the executive's office shall be responsible for electronically filing a capital project
1961 exception notification with the clerk of the council, who shall retain an electronic copy
1962 and provide an electronic copy to all councilmembers and the lead staff for the budget
1963 and fiscal management committee or its successor. The notification must be sent and

Ordinance 20082

1964 authorized as set forth in subsection E. of this section in accordance with this section
1965 before any transfer may occur.

1966 E. When the clerk of the council receives a capital project exception notification,
1967 the clerk of the council shall list the capital project exception notification under other
1968 business on the next two council agenda. Councilmembers may object to the proposed
1969 transfer of emergent need contingency expenditure authority to another project in the
1970 same fund at either of those two council meetings. If an objection is not made at either
1971 council meeting, the transfer may proceed. If an objection to the transfer of emergent
1972 need contingency is made at a council meeting, the transfer may not proceed. The clerk
1973 of the council shall notify the ~~((director of the office of performance, strategy and))~~
1974 budget director in the executive's office ~~((or its successor))~~ of the council's action.

1975 SECTION 32. Ordinance 620, Section 4, as amended, and K.C.C. 4A.100.100
1976 are hereby amended to read as follows:

1977 A. The following reports shall be prepared:

1978 1. A comprehensive annual financial report. The executive shall annually
1979 prepare and publish a comprehensive financial report covering all funds and financial
1980 transactions of the county during the preceding fiscal period;

1981 2. Internal county audit reports. The county auditor shall periodically prepare
1982 and publish the results of examinations performed by the county auditor's office of the
1983 effectiveness, efficiency, and equity of the operation of county agencies. The examination
1984 report and any departmental response to the audit shall be made available by the county
1985 auditor, either electronically or in print formats, and by posting on the Internet;

Ordinance 20082

1986 3. A state audit report. The examination report of the county's financial affairs
 1987 and transactions issued annually by the Office of the State Auditor and the county
 1988 response to the audit shall be made available to the State Auditor annually, either
 1989 electronically or in print formats, and by posting on the Internet; and

1990 4. Quarterly budget management reports.

1991 a. The executive shall submit to the council a report detailing the results of
 1992 actual revenue collections and expenditures for each fund. The report shall:

1993 (1) present current financial plans for operating and capital funds that have
 1994 gone through the ~~((office of performance, strategy, and budget's))~~ financial monitoring
 1995 process of the executive's office, as described in the current comprehensive financial
 1996 management policies adopted by council motion during the current quarter, including
 1997 actual expenditures and revenues;

1998 (2) identify significant variances in revenue and expenditure estimates for the
 1999 general fund;

2000 (3) list any transfer of emergent need contingency expenditure authority that
 2001 would increase the total budget of a capital project, identifying those increases that are
 2002 greater than fifteen percent;

2003 (4) list any transfer of grant contingency expenditure authority;

2004 (5) list any capital budget appropriations that have lapsed because the project
 2005 has been completed or abandoned, or because no encumbrance or expenditure has been
 2006 made for three years;

2007 (6) report scope, schedule, and budget status for capital projects that has a
 2008 baseline with total estimated cost greater than one million dollars;

Ordinance 20082

2009 (7) summarize the risks included in the risk assessment register for baselined
 2010 risk monitored projects in the design phase, the acquisition phase, and the implementation
 2011 phase, summarize change orders and amendments, explain change orders and
 2012 amendments that have the cumulative potential to carry the project over project baseline,
 2013 and summarize the results of the latest earned value analysis;

2014 (8) report on all incremental changes to sections and attachments to the
 2015 budget appropriations ordinance made during the quarter, including the ordinance
 2016 numbers making the changes; and

2017 (9) report on waivers to the regulations of K.C.C. chapter 18.17, in
 2018 compliance with K.C.C. 18.17.060.

2019 b. The report shall be electronically filed with the clerk of the council, who
 2020 shall retain an electronic copy and provide and an electronic copy to all councilmembers
 2021 and the lead staff of the budget and fiscal management committee, or its successor, no
 2022 later than June 1 for the first quarterly report, September 1 for the second quarterly
 2023 report, December 1 for the third quarterly report and March 1 for the fourth quarterly
 2024 report. The ~~((director of performance, strategy, and))~~ budget director in the executive's
 2025 office shall also be responsible for posting the report on the Internet.

2026 B. The King County project control officer is requested to report annually on the
 2027 process used to ensure that all departments and divisions adhere to King County's
 2028 construction management policies and procedures, the compliance rate for following the
 2029 county's construction management policies and procedures, and the steps being taken to
 2030 increase compliance with King County's construction management policies and
 2031 procedures. Additionally, the report shall summarize all findings in regards to any

Ordinance 20082

2032 changes in a contract's scope, schedule, or budget. The King County project control
2033 officer shall electronically file the report by June 1 of each calendar year with the clerk of
2034 the council, who shall retain an electronic copy and provide an electronic copy to all
2035 councilmembers, the lead staff for the budget and fiscal management committee or its
2036 successor and the county auditor's office.

2037 SECTION 33. Ordinance 12076, Section 4, as amended, and K.C.C. 4A.110.010
2038 are hereby amended to read as follows:

2039 A. The ~~((director of the office of performance, strategy and))~~ budget ~~((or its~~
2040 ~~successor))~~ director in the executive's office shall maintain a fiscal note process and shall
2041 update formats for fiscal notes as needed to provide for the requirements of this section,
2042 adopted comprehensive financial management policies, and any other information
2043 required by the council.

2044 B. A fiscal note shall identify the incremental fiscal impact of a motion or
2045 ordinance that would directly or indirectly increase or decrease revenues or expenditures
2046 incurred by the county. A fiscal note shall include the estimated revenue and expenditure
2047 impact of any legislation for the current fiscal period, for the prior biennium and for the
2048 two subsequent biennia.

2049 C. If proposed legislation authorizes the execution of a contract or interlocal
2050 agreement that extends beyond two subsequent biennia, the legislation's fiscal note shall
2051 document the impact through the end of the term of the proposed contract or interlocal
2052 agreement, either in fiscal terms or by using a narrative regarding the long term impacts.
2053 A fiscal note shall accompany any request for expenditure authority transmitted by the
2054 executive, but a fiscal note may be omitted when the executive certifies in writing with

Ordinance 20082

2055 the transmittal that the legislation has no significant fiscal impact on either the operating
2056 budget or the capital budget, or both.

2057 D. All fiscal notes shall include:

2058 1. A brief descriptive title of the proposed legislation;

2059 2. An explanation of how the revenue or expenditure impacts were developed.

2060 The explanation shall include, but not be limited to, quantifiable data that illustrates a
2061 significant workload increase or decrease caused by adoption of the proposed legislation
2062 major assumptions made in preparing the fiscal note;

2063 3. For a program anticipated to be funded by any dedicated non-general fund
2064 revenue source, the fiscal note shall denote anticipated collection schedules for the non
2065 general fund revenue. For a new fee or a fee change, in addition to the requirements of
2066 K.C.C. 2.99.030, the fiscal note shall identify the fee and include the rates proposed. For
2067 a regulatory fee, the fiscal note shall include an analysis of the county costs associated
2068 with performing the regulatory function;

2069 4. An updated financial plan or plans shall accompany the fiscal note if the
2070 expenditure impact of the proposal results in a positive or negative change of five percent
2071 or more in the fund financial plan.

2072 E. The ~~((director of the office of performance, strategy and))~~ budget ~~((, or its~~
2073 ~~successor))~~ director in the executive's office shall provide a fiscal note on any proposed
2074 legislation whenever a fiscal note is requested by a councilmember. In addition, the
2075 director shall provide additional fiscal impact information regarding the proposed
2076 legislation upon request by a councilmember. The requested fiscal note or information
2077 shall be returned within five working days of the request to the requesting

Ordinance 20082

councilmember and shall be filed with the clerk of the council's office for distribution to all councilmembers, for distribution to lead staff of the budget and fiscal management committee, or its successor committee, and for inclusion with the legislation.

SECTION 34. Ordinance 17930, Section 13, as amended, and K.C.C. 4A.130.020 are hereby amended to read as follows:

A. The executive shall ensure that capital projects required to undergo a risk assessment receive an annual risk assessment score using a risk assessment scoring instrument developed by the county auditor. Except as provided in subsection D.2. of this section, at least annually, the executive shall notify the county auditor of those capital projects undergoing a risk assessment.

B. The risk assessment scoring instrument shall use information such as complexity of regulatory requirements, interdependencies with other projects and programs, schedule constraints, implementing agency resources, project delivery method, complexity of property acquisition issues, public impact, risks inherent to the likely construction technology or any other issues that could have a significant impact on the ability of the project to meet its project baseline scope, schedule or budget.

C. The risk assessment scoring instrument shall be completed by the implementing agency. The implementing agency director shall ensure that the risk assessment scoring instrument is reviewed and signed by agency staff who does not report to the project's project manager, to anyone who reports to that project manager or to anyone to whom that project manager directly reports. The implementing agency shall submit the completed risk assessment scoring instrument to the executive by a deadline

Ordinance 20082

2100 set by the county auditor. The executive shall compile all completed risk assessment
2101 scoring instruments and submit the compilation to the county auditor.

2102 D.1. For existing capital projects and anticipated capital project expenditure
2103 authority requests, by June 30 of each year the county auditor shall electronically file risk
2104 assessment score results, if required by K.C.C. 4A.130.010, and a letter recommending
2105 which capital projects should be designated risk monitored projects with the clerk of the
2106 council, who shall retain an electronic copy and distribute electronic copies to all
2107 councilmembers and the lead staff for the budget and fiscal management committee, or
2108 its successor. The county auditor shall also transmit an electronic copy of its
2109 recommendation letter required by this subsection to the ~~((director of the office of~~
2110 ~~performance, strategy and))~~ budget ~~((, or its successor))~~ director in the executive's office.

2111 2. For each capital project expenditure authority request included in a proposed
2112 supplemental capital budget appropriation ordinance, the executive shall transmit a risk
2113 assessment score, if required by K.C.C. 4A.130.010, to the county auditor. Within a
2114 reasonable time after receipt of such a risk assessment score, the county auditor shall
2115 determine whether the project has significant potential risk such that it warrants being
2116 designated a risk monitored project. The county auditor shall file a letter listing all
2117 projects that it recommends for designation as risk monitored projects under this
2118 subsection with the clerk of the council, who shall retain an electronic copy and distribute
2119 electronic copies to all councilmembers and the lead staff for the budget and fiscal
2120 management committee or its successor. The county auditor shall also transmit an
2121 electronic copy of its recommendation letter required by this subsection to the ~~((director~~

Ordinance 20082

2122 ~~of the office of performance, strategy and)) budget ((, or its successor))~~ director in the
 2123 executive's office.

2124 E.1. The council may designate a capital project as a risk monitored project by
 2125 motion or the executive may designate a capital project as a risk monitored project by
 2126 letter to the council if:

- 2127 a. the capital project is recommended by the county auditor;
- 2128 b. the capital project has not submitted a completed risk assessment scoring
 2129 instrument as required by this chapter; or
- 2130 c. the capital project is otherwise determined to have characteristics that
 2131 increase its likelihood of being completed late or over budget at a potentially significant
 2132 financial cost or other significant impact to the county.

2133 2. The executive shall file an electronic copy of a risk monitored project
 2134 designation letter with the clerk of the council, who shall retain an electronic copy and
 2135 provide electronic copies to all councilmembers, the lead staff for the budget and fiscal
 2136 management committee or its successor and the county auditor.

2137 SECTION 35. Ordinance 15556, Section 3, as amended, and K.C.C. 4A.200.190
 2138 are hereby amended to read as follows:

2139 A. There is hereby created the Climate Exchange fund, classified as a special
 2140 revenue fund, for the purpose of accounting for any revenue generated by the sale of
 2141 carbon credits and other emission credits, and the expenditures incurred for the purchase
 2142 of carbon credits or other emission credits, in accordance with the rules of emissions
 2143 trading programs in which the county may participate. Carbon credits include but are not
 2144 limited to those credits sold or purchased through the Chicago Climate Exchange. This

Ordinance 20082

2145 fund may also be used for the purpose of accounting for the sale or purchase of other
2146 emission credits as the county may develop.

2147 B. Any financial benefit that accrues to the county from the sale of carbon or
2148 other emissions credits shall be appropriately invested in actions that either reduce
2149 emissions or address global warming impacts, or both.

2150 C. The ~~((office of performance, strategy and))~~ budget director in the executive's
2151 office shall be the fund manager for the Climate Exchange fund.

2152 D. For investment purposes, the Climate Exchange fund shall be considered a
2153 first tier fund.

2154 SECTION 36. Ordinance 19841, Section 1, and K.C.C. 4A.200.213 are hereby
2155 amended to read as follows:

2156 A. There is hereby created the county hospital levy fund.

2157 B. The fund shall be a first-tier fund. It is a special revenue fund.

2158 C. The ~~((director of the office of performance, strategy and))~~ budget director in
2159 the executive's office shall be the manager of the fund.

2160 D. The fund shall account for the proceeds of the property tax levy authorized by
2161 RCW 36.62.090. The levy proceeds are for the express purpose of the operation,
2162 maintenance, and capital expenses of the hospital, and any outpatient clinics operated by
2163 the hospital, and for the payment of principal and interest on bonds issued for such
2164 purposes.

2165 SECTION 37. Ordinance 19786, Section 1, and K.C.C. 4A.200.266 are hereby
2166 amended to read as follows:

2167 A. There is hereby created the Doors Open Program fund.

Ordinance 20082

2168 B. The fund shall be a first tier fund. It is a special revenue fund.

2169 C. The ~~((director of the office of performance strategy and))~~ budget director in
 2170 the executive's office shall be the manager of the fund.

2171 D. The fund shall receive all proceeds of an additional one-tenth of one percent
 2172 sales and use tax imposed by the county as authorized in chapter 36.160 RCW.

2173 E. Proceeds of the sales tax shall be used to support cultural organizations
 2174 consistent with RCW 36.160.110 and Ordinance 19710, including transfer of proceeds to
 2175 the cultural development authority, as the county's designated public agency under RCW
 2176 36.160.070, to perform its functions under Ordinance 19710.

2177 SECTION 38. Ordinance 18662, Section 5, and K.C.C. 4A.200.317 are hereby
 2178 amended to read as follows:

2179 A. There is hereby created the general fund technology capital fund.

2180 B. The fund shall be a second tier fund. It is a capital projects fund.

2181 C. The ~~((director of the office of performance strategy and))~~ budget director in
 2182 the executive's office shall be the manager of the fund.

2183 D. The fund shall account for the proceeds of receipts from transfers from
 2184 operating funds, bond proceeds, grants, and other revenues identified in the budget
 2185 process to support approved technology projects. Receipts will be transferred into the
 2186 capital fund on a reimbursable or scheduled basis.

2187 E. The fund shall be used to support technology capital projects which support
 2188 the operations of the general fund.

2189 F. Any subfund of the fund created to hold and manage bond proceeds shall be
 2190 treated as a first tier fund.

Ordinance 20082

2191 SECTION 39. Ordinance 18938, Section 1, and K.C.C. 4A.200.405 are hereby
2192 amended to read as follows:

2193 A. There is hereby created the lodging tax fund.

2194 B. The fund shall be a first tier fund. It is a special revenue fund.

2195 C. The ~~((director of the office of performance strategy and))~~ budget director in
2196 the executive's office shall be the manager of the fund.

2197 D. All revenues from the lodging tax shall be deposited into the fund beginning
2198 January 1, 2021.

2199 E. The fund shall distribute lodging tax revenues consistent with the requirements
2200 of Washington state law and Ordinance 18788. Moneys in the fund shall only be used for
2201 the following purposes:

2202 1. Transit oriented development projects that preserve or develop affordable
2203 workforce housing;

2204 2. Services that support homeless youth;

2205 3. For art museums, cultural museums, heritage museums, the arts and the
2206 performing arts; and

2207 4. Capital or operating programs that promote tourism.

2208 SECTION 40. Ordinance 15961, Section 1, as amended, and K.C.C. 4A.200.570
2209 are hereby amended to read as follows:

2210 A. There is hereby created the rainy day reserve fund.

2211 B. The fund shall be a first tier fund. It is a subfund of the general fund.

2212 C. The ~~((director of the office of performance strategy and))~~ budget director in
2213 the executive's office shall be the manager of the fund.

Ordinance 20082

2214 D. The fund shall receive revenue when available in an annual or supplemental
2215 budget ordinance.

2216 E. The fund shall be used in the event of an emergency, as declared by a vote of
2217 the county council for the following purposes:

2218 1. Maintenance of essential county services in the event that current expense
2219 fund revenue collections in a given fiscal year are less than ninety-seven percent of
2220 adopted estimates;

2221 2. Payment of current expense fund legal settlements or judgments in excess of
2222 the county's ability to pay from other sources;

2223 3. Catastrophic losses in excess of the county's other insurances against such
2224 losses; and

2225 4. Other emergencies, as determined by the council.

2226 SECTION 41. Ordinance 17527, Section 69, and K.C.C. 4A.200.580 are hereby
2227 amended to read as follows:

2228 A. There is hereby created the real estate excise tax, number 1 fund.

2229 B. The fund shall be a first tier fund. It is a capital projects fund.

2230 C. The ~~((director of the office of performance strategy and))~~ budget director in
2231 the executive's office shall be the manager of the fund.

2232 D. The fund may only be used for capital needs of the unincorporated area of the
2233 county.

2234 SECTION 42. Ordinance 12076, Section 27, as amended, and K.C.C.
2235 4A.200.590 are hereby amended to read as follows:

2236 A. There is hereby created the real estate excise tax, number 2 fund.

Ordinance 20082

2237 B. The fund shall be a first tier fund. It is a capital projects fund.

2238 C. The ~~((director of the department of performance, strategy and))~~ budget ~~((lead))~~

2239 director in the executive's office shall be the manager of the fund.

2240 D. All receipts from K.C.C. 4A.510.120 shall be deposited in the fund.

2241 E. The fund may only be used:

2242 1. For the planning, construction, reconstruction, repair, rehabilitation or

2243 improvement of parks located in or providing a benefit and open to residents of the

2244 unincorporated area of King County; or

2245 2. For the planning, acquisition, construction, reconstruction, repair,

2246 replacement, rehabilitation, or improvement of roads and bridges in the unincorporated

2247 area of King County necessary to respond to, or mitigate damages resulting from, an

2248 emergency proclaimed by the county executive. The uses specified in this subsection E.2.

2249 expire March 31, 2027.

2250 SECTION 43. Ordinance 14596, Section 1, as amended, and K.C.C. 4A.200.620

2251 are hereby amended to read as follows:

2252 A. There is hereby created the risk abatement fund.

2253 B. The fund shall be a second tier fund. It is a special revenue fund.

2254 C. The ~~((director of the office of performance strategy and))~~ budget director in

2255 the executive's office shall be the manager of the fund.

2256 D. The fund shall be used to process administrative and related costs associated

2257 with fund activity.

2258 SECTION 44. Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120

2259 are hereby amended to read as follows:

Ordinance 20082

2260 A. A franchisee or applicant for a franchise shall not deny cable service, or
2261 otherwise discriminate against any subscriber, access programmer, or resident on the
2262 basis of one or more of the protected classes as defined in K.C.C. chapter 3.12D, political
2263 affiliation, or income of the residents of the area in which the person resides. The
2264 franchisee shall comply at all times with all other applicable federal, state, and local laws,
2265 rules and regulations relating to nondiscrimination.

2266 B. A franchisee shall not refuse to employ, nor discharge from employment, nor
2267 discriminate against any person in compensation or in terms, conditions, or privileges of
2268 employment because of one or more of the protected classes as defined in K.C.C. chapter
2269 3.12D, political affiliation, or income.

2270 C. A franchisee shall comply with all applicable federal, state, and local equal
2271 employment opportunity requirements.

2272 D. The franchisee shall establish, maintain, and execute an equal employment
2273 opportunity plan and a minority/women's business procurement program, which shall be
2274 consistent with the intent of the county's affirmative action and minority/women's
2275 business procurement policies. Upon request, the franchisee shall file with the cable
2276 office a copy of their equal employment opportunity report submitted annually to the
2277 FCC and shall file with ~~((King County office of equity and racial and social justice))~~ the
2278 executive's office an annual compliance report detailing its progress with its
2279 minority/women's business procurement program during the previous year. The
2280 franchisee must also provide the cable office, upon request, copies of all other reports and
2281 information filed with federal, state, or local agencies concerning equal employment

Ordinance 20082

2282 opportunity or employment discrimination laws. This subsection shall apply only to
2283 franchise agreements entered into after December 2, 1991.

2284 E. Despite the other provisions of this section, no provision of this section shall
2285 invalidate any other section of this chapter.

2286 SECTION 45. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010
2287 are hereby amended to read as follows:

2288 The definitions in this section apply throughout this chapter unless the context
2289 clearly requires otherwise.

2290 A. "Business enterprise" means a licensed business organization located in or
2291 doing business in unincorporated King County or that is required to comply with this
2292 chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

2293 B. "Charging party" means the person aggrieved by an alleged unfair contracting
2294 practice or the person making a complaint on another person's behalf, or the executive's
2295 office ~~((of equity and racial and social justice))~~ when the civil rights program office ~~((of~~
2296 ~~equity and racial and social justice))~~ files a complaint.

2297 C. "Commercially significant contract" means a contract for the provision of
2298 services, including, but not limited to, construction services, consulting services or
2299 bonding or other financial services, or the sale of goods that exceeds five thousand
2300 dollars.

2301 D. "Contract" means an agreement to perform a service or provide goods that
2302 entails a legally binding obligation and that is performed or intended to be wholly or
2303 partly performed within unincorporated King County or that includes King County as a

Ordinance 20082

2304 party. "Contract" does not include the following: a contract for the purchase and sale of
2305 residential real estate; a contract for employment; and a collective bargaining agreement.

2306 E. "Contracting agency" means a person who for compensation engages in
2307 recruiting, procuring, referral, or placement of contracts with a contractor, and that is
2308 doing business in King County.

2309 F. "Contractor" means a business enterprise, including, but not limited to, a
2310 company, partnership, corporation, or other legal entity, excluding real property lessors
2311 and lessees, contracting to do business within the county. "Contractor" includes, but is
2312 not limited to, a public works contractor, a consultant contractor, a provider of
2313 professional services, a service agency, a vendor, and a supplier selling or furnishing
2314 materials, equipment, goods, or services, but does not include a governmental agency
2315 other than King County.

2316 G. "Discriminate," "discrimination," and "discriminatory act" mean an action,
2317 other than an action taken in accordance with a lawful affirmative action program, or
2318 failure to act, whether by itself or as part of a practice, the effect of which is to adversely
2319 affect or differentiate between or among individuals or groups of individuals, by reasons
2320 of one or more of the protected classes as defined in K.C.C. chapter 3.12D unless based
2321 upon a bona fide contractual qualification.

2322 H. "Party" includes the person making a complaint alleging an unfair contracting
2323 practice and the person alleged to have committed an unfair contracting practice.

2324 I. "Person" includes one or more individuals, partnerships, business enterprises,
2325 associations, organizations, corporations, cooperatives, legal representatives, trustees,
2326 trustees in bankruptcy, receivers, or group of persons, and includes King County.

Ordinance 20082

2327 J. "Respondent" means a person who has been alleged or found to have
 2328 committed an unfair contracting practice prohibited by this chapter.

2329 K. "Retaliate" means to take action against any person because that person has:

2330 1. Opposed any practice forbidden by this chapter;

2331 2. Complied or proposed to comply with this chapter or any order issued under
 2332 this chapter; or

2333 3. Filed a complaint, testified or assisted in any manner in any investigation,
 2334 proceeding, or hearing initiated under this chapter.

2335 L. "Trade association" means an association of businesses organizations engaged
 2336 in similar fields of business that is formed for mutual protection, the interchange of ideas,
 2337 information, and statistics or the maintenance of standards within their industry.

2338 SECTION 46. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030
 2339 are hereby amended to read as follows:

2340 A. An individual complaint alleging an unfair contracting practice in connection
 2341 with a commercially significant contract may be filed with the ~~((office of equity and~~
 2342 ~~racial and social justice))~~ civil rights program by or on behalf of any person who claims
 2343 to be aggrieved by that unfair contracting practice.

2344 B. A complaint alleging that a group is being subjected to an unfair contracting
 2345 practice in connection with a commercially significant contract may be filed by:

2346 1. Any member of the group;

2347 2. The ~~((office of equity and racial and social justice))~~ civil rights program;

Ordinance 20082

2348 3. A state or federal agency concerned with discrimination in contracting
2349 whenever the agency has reason to believe that an unfair contracting practice has been or
2350 is being committed; or

2351 4. A trade association that has reason to believe that an unfair contracting
2352 practice has been or is being committed against any of its members.

2353 C. A complaint alleging an unfair contracting practice shall be in writing on a
2354 form or in a format determined by the ~~((office of equity and racial and social justice))~~
2355 civil rights program, shall be signed by the charging party, shall describe with
2356 particularity the unfair contracting practice complained of and shall include a statement
2357 of the dates, places and circumstances and the persons responsible for the acts and
2358 practices. The complaint must be filed within one hundred eighty days of the time of the
2359 alleged unfair contracting practice or within one hundred eighty days of when the
2360 charging party, through exercise of due diligence, should have had notice or been aware
2361 of the occurrence. However, the ~~((office of equity and racial and social justice))~~ civil
2362 rights program shall not reject a complaint as insufficient because of failure to include all
2363 required information, if the ~~((office of equity and racial and social justice))~~ civil rights
2364 program determines that the complaint substantially meets the informational
2365 requirements necessary for processing.

2366 D. If a complaint has been filed in accordance with this chapter, the ~~((office of~~
2367 ~~equity and racial and social justice))~~ civil rights program shall initiate an investigation
2368 under this chapter. If the ~~((office of equity and racial and social justice))~~ civil rights
2369 program determines that a violation of this chapter or a rule or regulation adopted under
2370 this chapter has occurred, the office shall issue an order in accordance with this chapter.

Ordinance 20082

2371 With respect to violations of this chapter, the notice, service and hearings provisions in
2372 this chapter control over K.C.C. Title 23.

2373 E. The charging party or the (~~((office of equity and racial and social justice))~~) civil
2374 rights program may amend a complaint: to cure technical defects or omissions; to clarify
2375 and amplify allegations made in the complaint; or to add allegations related to or arising
2376 out of the subject matter set forth, or attempted to be set forth, in the original complaint.
2377 For jurisdictional purposes, the amendments shall relate back to the date the original
2378 complaint was first filed. Either the charging party or the (~~((office of equity and racial and~~
2379 ~~social justice))~~) civil rights program, or both, may amend a complaint for these reasons as
2380 a matter of right before service of notice of hearing on the matter, as provided under
2381 K.C.C. 12.17.070, and thereafter may amend a complaint only with permission of the
2382 hearing examiner, which permission shall be granted if justice will be served by the
2383 permission. All parties must be allowed time to prepare their cases with respect to
2384 additional or expanded allegations that the parties did not and could not have reasonably
2385 foreseen would be an issue at the hearing.

2386 F. The charging party may also amend a complaint to include allegations of
2387 additional unrelated unfair contracting practices that arose after filing of the original
2388 complaint. The amendment must be filed within one hundred eighty days after the
2389 occurrence of the additional alleged unfair contracting practices and before the issuance
2390 of findings of fact and a determination with respect to the original complaint by (~~((office~~
2391 ~~of equity and racial and social justice))~~) civil rights program. The amendments may be
2392 made at any time during the investigation of the original complaint if the (~~((office of~~
2393 ~~equity and racial and social justice))~~) civil rights program will have adequate time to

Ordinance 20082

investigate the additional allegations and the parties will have adequate time to present the ~~((office of equity and racial and social justice))~~ civil rights program with evidence concerning the allegations before the issuance of findings of fact and a determination.

G. Upon the receipt of a complaint, the ~~((office of equity and racial and social justice))~~ civil rights program shall serve notice upon the charging party acknowledging the filing.

SECTION 47. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are hereby amended to read as follows:

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the ~~((office of equity and racial and social justice))~~ civil rights program shall, within twenty days, cause to be served or mailed to the respondent by certified mail, return receipt requested, a copy of the complaint along with a notice advising of procedural rights and obligations of respondents under this chapter, and shall promptly make an investigation of the complaint. Each respondent may file an answer to the complaint, not later than twenty days after receipt of notice from the ~~((office of equity and racial and social justice))~~ civil rights program. If the respondent is unable to file a response within twenty days, the respondent may request an extension of time from the ~~((office of equity and racial and social justice))~~ civil rights program. The extension may be granted if good cause is shown.

B. The investigation shall be commenced promptly. It shall be directed to ascertain the facts concerning the discriminatory practice alleged in the complaint and shall be conducted in an objective and impartial manner.

Ordinance 20082

2416 C. During the investigation, the ~~((office of equity and racial and social justice))~~
2417 civil rights program shall consider any statement of position or evidence with respect to
2418 the allegations of the complaint which the charging party or the respondent wishes to
2419 submit. A person who is not named as a respondent in a complaint, but who is identified
2420 as a respondent in the course of the investigation, may be joined as an additional or
2421 substitute respondent upon written notice to the person from the ~~((office of equity and~~
2422 ~~racial and social justice))~~ civil rights program. The notice, in addition to meeting the
2423 requirements of subsection A. of this section, shall explain the basis for the belief of the
2424 ~~((office of equity and racial and social justice))~~ civil rights program that the person to
2425 whom the notice is addressed is properly joined as a respondent.

2426 D. During the period beginning with the filing of the complaint and ending with
2427 the issuance of the findings of fact, the ~~((office of equity and racial and social justice))~~
2428 civil rights program shall, to the extent feasible, engage in settlement discussions with
2429 respect to the complaint. Nothing said or done in the course of the settlement discussions
2430 may be used as evidence in a subsequent proceeding under this chapter without the
2431 written consent of the persons concerned. A prefinding settlement agreement arising out
2432 of the settlement discussions shall be an agreement between the respondent and the
2433 charging party, and is subject to approval by the ~~((office of equity and racial and social~~
2434 ~~justice))~~ civil rights program. Failure to comply with the prefinding settlement
2435 agreement may be enforced under K.C.C. 12.17.070.

2436 E. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2437 seek the voluntary cooperation of all persons: to obtain access to premises, records,
2438 documents, individuals, and other possible sources of information; to examine, record,

Ordinance 20082

2439 and copy necessary materials; and to take and record testimony or statements of persons
2440 reasonably necessary for the furtherance of the investigation. The ~~((office of equity and~~
2441 ~~racial and social justice))~~ civil rights program may conduct discovery in aid of the
2442 investigation by the following methods or others: deposition upon oral examination or
2443 written questions; written interrogatories; requests for the production of documents or
2444 evidence; inspection and physical and mental examinations; and requests for admissions.
2445 The ~~((office of equity and racial and social justice))~~ civil rights program may sign and
2446 issue subpoenas requiring the attendance and testimony of witnesses, the production of
2447 evidence including, but not limited to, books, records, correspondence, e-mail, or
2448 documents in the possession or under the control of the person subpoenaed, access to
2449 evidence for the purpose of examination and copying as are necessary for the
2450 investigation. The ~~((office of equity and racial and social justice))~~ civil rights program
2451 shall consult with the prosecuting attorney before issuing any subpoena under this
2452 section.

2453 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
2454 testify when requested concerning any matter under investigation, the ~~((office of equity~~
2455 ~~and racial and social justice))~~ civil rights program may invoke the aid of the King County
2456 prosecuting attorney who may petition the King County superior court for an order or
2457 other appropriate action necessary to secure enforcement of the subpoena. The petition
2458 shall:

- 2459 1. Be accompanied by a copy of the subpoena and proof of service;
2460 2. Set forth in what specific manner the subpoena has not been complied with;
2461 and

Ordinance 20082

2462 3. Ask an order of the court to compel the witness to appear and testify or
2463 cooperate in the investigation of the unfair contracting practice.

2464 G. If the ~~((office of equity and racial and social justice))~~ civil rights program
2465 concludes after the filing of a complaint that prompt judicial action is necessary to carry
2466 out the purposes of this chapter, the ~~((office of equity and racial and social justice))~~ civil
2467 rights program may invoke the aid of the prosecuting attorney who may file a civil action
2468 for appropriate temporary, injunctive or preliminary relief pending final disposition of the
2469 complaint.

2470 H. The results of the investigation shall be reduced to written findings of fact and
2471 a finding shall be made that there either is or is not reasonable cause for believing that an
2472 unfair contracting practice has been or is being committed.

2473 I. If a finding is made that there is no reasonable cause, the finding shall be
2474 served on the charging party and respondent. Within thirty days after service of the
2475 negative finding, the charging party may file a written request with the ~~((office of equity~~
2476 ~~and racial and social justice))~~ civil rights program asking for reconsideration of the
2477 finding. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2478 furnish the charging party with information regarding how to request reconsideration.
2479 The ~~((office of equity and racial and social justice))~~ civil rights program shall respond in
2480 writing within a reasonable time by granting or denying the request.

2481 SECTION 48. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050
2482 are hereby amended to read as follows:

2483 A.1. If the finding is made initially or on request for reconsideration that
2484 reasonable cause exists to believe that an unfair contracting practice occurred, the ~~((office~~

Ordinance 20082

2485 ~~of equity and racial and social justice))~~ civil rights program shall endeavor to eliminate
2486 the unfair practice by conference, conciliation, and persuasion, which may include as a
2487 condition of settlement:

- 2488 a. elimination of the unfair contracting practice;
- 2489 b. payment of actual damages including payment of lost profits not in excess
2490 of the amount of monetary damage actually incurred;
- 2491 c. payment of damages caused by emotional distress, humiliation, and
2492 embarrassment;
- 2493 d. payment of attorneys' fees and costs; and
- 2494 e. such other requirements as may be agreed upon by the parties and the
2495 ~~((office of equity and racial and social justice))~~ civil rights program.

2496 2. A settlement agreement shall be reduced to writing and signed by the
2497 respondent and the charging party and shall be approved by the ~~((office of equity and
2498 racial and social justice))~~ civil rights program. An order shall then be entered by the
2499 ~~((office of equity and racial and social justice))~~ civil rights program setting forth the
2500 terms of the agreement. Copies of the order shall be delivered to all affected parties and
2501 the original of the order filed with the records and licensing services division. Failure to
2502 comply with the postfinding settlement agreement or order may be enforced under
2503 K.C.C. 12.17.070. Each postfinding settlement agreement is a public record.

2504 B.1. If the parties cannot reach agreement, the ~~((office of equity and racial and
2505 social justice))~~ civil rights program shall make a finding to that effect, incorporate the
2506 findings in the order and furnish a copy of the order to all affected parties. The order
2507 shall also include:

Ordinance 20082

2508 a. a finding that an unfair contracting practice has occurred;

2509 b. the basis for the finding; and

2510 c. an order requiring the respondent to cease and desist from the unfair practice

2511 and to take appropriate affirmative measures, which may include:

2512 (1) payment of actual damages including payment of lost profits not in excess

2513 of the amount of monetary damages actually incurred;

2514 (2) payment of damages caused by emotional distress, humiliation and

2515 embarrassment;

2516 (3) payment of attorneys' fees and costs; and

2517 (4) such other action as in the judgment of the ~~((office of equity and racial~~

2518 ~~and social justice))~~ civil rights program will effectuate the purposes of this chapter, which

2519 may include the requirement for a report on the matter of compliance.

2520 2. If the ~~((office of equity and racial and social justice))~~ civil rights program

2521 finds the respondent willfully or knowingly committed any unfair contracting practice,

2522 the ~~((office of equity and racial and social justice))~~ civil rights program may further order

2523 the respondent to pay a civil penalty of up to one thousand dollars per violation, which

2524 penalty shall be paid to the King County treasury for deposit in the county general fund.

2525 C. If there is a failure to reach an agreement for the elimination of any unfair

2526 contracting practice where the respondent is an executive department, division, or office

2527 of the county, the ~~((office of equity and racial and social justice))~~ civil rights program

2528 may compel compliance by the executive department, division, or office with any

2529 settlement agreement agreed to between the complainant and the ~~((office of equity and~~

2530 ~~racial and social justice))~~ civil rights program.

Ordinance 20082

2531 SECTION 49. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060
2532 are hereby amended to read as follows:

2533 A. A party aggrieved by an order of the ((~~office of equity and racial and social~~
2534 ~~justice~~)) civil rights program may appeal in accordance with K.C.C. 20.22.080.

2535 B. If the order of the ((~~office of equity and racial and social justice~~)) civil rights
2536 program is appealed, the office of the hearing examiner shall conduct a hearing for the
2537 purpose of affirming, denying or modifying the order. There shall be a verbatim record
2538 kept of the hearing and the hearing examiner shall have such rule-making and other
2539 power necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22.
2540 The order of the ((~~office of equity and racial and social justice~~)) civil rights program shall
2541 not be presumed correct. The hearing examiner's decision shall be based upon a
2542 preponderance of the evidence. The hearing shall be conducted within a reasonable time
2543 after receipt of the request for appeal. Written notice of the time and place of the hearing
2544 shall be given at least ten days before the date of the hearing to each affected party and to
2545 the ((~~office of equity and racial and social justice~~)) civil rights program.

2546 C. Each party has the following rights, among others:

- 2547 1. To call and examine witnesses on any matter relevant to the issues of the
2548 complaint;
- 2549 2. To introduce documentary and physical evidence;
- 2550 3. To cross-examine opposing witnesses on any matter relevant to the issues of
2551 the complaint;
- 2552 4. To impeach any witness regardless of which party first called the witness to
2553 testify;

Ordinance 20082

2554 5. To rebut evidence against the party; and

2555 6. To self-represent or to be represented by anyone of the party's choice who is

2556 lawfully permitted to do so.

2557 D. Following review of the evidence submitted, the hearing examiner presiding at

2558 the hearing shall enter written findings and conclusions and shall affirm or modify the

2559 order previously issued if the hearing examiner finds that a violation has occurred. The

2560 hearing examiner shall reverse the order if the hearing examiner finds that a violation did

2561 not occur. The hearing examiner may grant any relief that the ~~((office of equity and~~

2562 ~~racial and social justice))~~ civil rights program could grant under K.C.C. 12.17.050.B. A

2563 copy of the hearing examiner's decision shall be delivered to all affected parties. The

2564 order of the hearing examiner is final unless reviewed by a court under K.C.C.

2565 20.22.270.B.

2566 SECTION 50. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070

2567 are hereby amended to read as follows:

2568 A. If the ~~((office of equity and racial and social justice))~~ civil rights program has

2569 reasonable cause to believe that a respondent has breached a prefinding or postfinding

2570 settlement agreement executed under K.C.C. 12.17.040 or 12.17.050 or violated an order

2571 of the ~~((office of equity and racial and social justice))~~ civil rights program issued under

2572 K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060, the

2573 ~~((office of equity and racial and social justice))~~ civil rights program shall refer the matter

2574 to the prosecuting attorney for the filing of a civil action under subsection B. of this

2575 section for the enforcement of the agreement.

Ordinance 20082

2576 B. The prosecuting attorney may commence a civil action in King County
2577 superior court for appropriate relief with respect to a breach of a prefinding or postfinding
2578 settlement agreement or violation of an order of the ~~((office of equity and racial and~~
2579 ~~social justice))~~ civil rights program issued under K.C.C. 12.17.050 or an order of the
2580 hearing examiner issued under K.C.C. 12.17.060. The action may be commenced no
2581 later than ninety days after the referral of the alleged break underlying the referral under
2582 subsection A. of this section.

2583 SECTION 51. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080
2584 are hereby amended to read as follows:

2585 A. An aggrieved person may commence a civil action in King County superior
2586 court not later than one year after the occurrence or the termination of an alleged unfair
2587 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the
2588 unfair contracting practice.

2589 B. The computation of the one-year period does not include time during which an
2590 administrative proceeding under this chapter was pending with respect to a complaint or
2591 charge under this chapter based upon the discriminatory contracting practices.

2592 C. An aggrieved person may commence a civil action under this section whether
2593 or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status
2594 of any such a complaint, except as provided in subsection D. of this section, but if a
2595 settlement or conciliation agreement has been reached with the consent of an aggrieved
2596 person, an action may not be filed under this subsection by the aggrieved person with
2597 respect to the alleged unfair contracting practice that forms the basis for the complaint
2598 except for the purpose of enforcing the terms of the agreement.

Ordinance 20082

2599 D. An aggrieved person may not commence a civil action under this section with
2600 respect to an alleged unfair contracting practice which forms the basis of a complaint if a
2601 hearing on the complaint has been convened by the office of the King County hearing
2602 examiner.

2603 E. In a civil action under this section, if the court finds that an unfair contracting
2604 practice has occurred or is about to occur, the court may grant as relief any relief that the
2605 ~~((office of equity and racial and social justice))~~ civil rights program could grant under
2606 K.C.C. 12.17.050.B.

2607 F. Relief granted under this section does not affect any contract, sale,
2608 encumbrance or lease consummated before the granting of the relief and involving a bona
2609 fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint
2610 with the ~~((office of equity and racial and social justice))~~ civil rights program or civil
2611 action under this title.

2612 G. Upon timely application, the prosecuting attorney may intervene in the civil
2613 action if the prosecuting attorney determines that the case is of general public importance.

2614 H. This section is intended to provide private judicial remedies for violations of
2615 this chapter that are expansive as the powers granted by the Constitution and laws of the
2616 state of Washington.

2617 SECTION 52. Ordinance 13981, Section 10, as amended, and K.C.C. 12.17.090
2618 are hereby amended to read as follows:

2619 The executive's office ~~((of equity and racial and social justice))~~ may implement
2620 such forms, administrative processes and operational procedures as are necessary to
2621 implement this chapter. The forms, processes, and procedures shall be adopted in

Ordinance 20082

compliance with K.C.C. chapter 2.98. The ~~((office of equity and racial and social justice))~~ civil rights program shall further assist other county agencies and departments upon request in effectuating and promoting the purposes of this chapter.

SECTION 53. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are hereby amended to read as follows:

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

A. "Aggrieved person" includes a person who claims to have been injured by an unfair employment practice.

B. "Charging party" means any person alleging an unfair employment practice under this chapter by filing a complaint with the ~~((office of equity and racial and social justice))~~ civil rights program.

C. "Discriminate," "discrimination," or "discriminatory act" means any action or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among, individuals or groups of individuals, by reasons of one or more of the protected classes as defined in K.C.C. chapter 3.12D unless based upon a bona fide occupational qualification.

D. "Employee" means any person who works for another in return for financial or other compensation, and does not include any individual employed by the individual's parents, spouse, or child, or in the domestic service of any person.

E. "Employer" means King County or any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons in unincorporated

Ordinance 20082

2644 King County, and includes neither any religious or sectarian organization not organized
2645 for private profit nor any governmental body other than King County.

2646 F. "Employment agency" means any person who for compensation engages in
2647 recruiting, procuring, referral, or placement of employees with an employer.

2648 G. "Gender identity or expression" means an individual's gender-related identity,
2649 appearance, or expression, whether or not associated with the individual's sex assigned at
2650 birth, and includes an individual's attitudes, preferences, beliefs, and practices pertaining
2651 to the individual's own gender identity or expression.

2652 H. "Labor organization" means any organization existing for the purpose of:

2653 1. Dealing with employers concerning grievances, terms or conditions of
2654 employment; or

2655 2. Providing other mutual aid or protection in connection with employment.

2656 I. "Party" includes the person making a complaint or upon whose behalf a
2657 complaint is made alleging an unfair employment practice, the person alleged or found to
2658 have committed an unfair employment practice, and the ~~((office of equity and racial and~~
2659 ~~social justice))~~ civil rights program.

2660 J. "Person" includes one or more individuals, partnerships, associations,
2661 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
2662 bankruptcy, receivers, or groups of persons, and includes King County.

2663 K. "Respondent" means any person who is alleged to or found to have committed
2664 an unfair employment practice prohibited by this chapter.

2665 L. "Settlement discussions" or "conference, conciliation, and persuasion" means
2666 the attempted resolution of issues raised by a complaint, or by the investigation of a

Ordinance 20082

2667 complaint, through informal negotiations involving the charging party, the respondent
2668 and the ~~((office of equity and racial and social justice))~~ civil rights program.

2669 SECTION 54. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are
2670 hereby amended to read as follows:

2671 A. A complaint alleging an unfair employment practice may be filed by:

2672 1. Any aggrieved person;

2673 2. A state, local, or federal agency concerned with discrimination in
2674 employment, including the ~~((office of equity and racial and social justice))~~ civil rights
2675 program, if the agency has reason to believe that an unfair employment practice has been
2676 or is being committed; or

2677 3. Any labor organization that has reason to believe that an unfair employment
2678 practice has been or is being committed.

2679 B. A complaint alleging an unfair employment practice shall be in writing and
2680 signed by the charging party, and shall describe with particularity the unfair employment
2681 practice complained of, the location of the practice and the person alleged to have
2682 committed the unfair employment practice. The complaint must be filed with the ~~((office~~
2683 ~~of equity and racial and social justice))~~ civil rights program within two years of the time
2684 of the alleged unfair employment practice or within two years of when the charging
2685 party, through exercise of due diligence, should have had notice or been aware of the
2686 occurrence. However, the ~~((office of equity and racial and social justice))~~ civil rights
2687 program shall not reject a complaint as insufficient because of failure to include all
2688 required information, if the ~~((office of equity and racial and social justice))~~ civil rights

Ordinance 20082

2689 program determines that the complaint substantially meets the informational
2690 requirements necessary for processing.

2691 C. Upon the receipt of a complaint, the ~~((office of equity and racial and social~~
2692 ~~justice))~~ civil rights program shall serve upon the charging party notice acknowledging
2693 the filing.

2694 D. The charging party or the ~~((office of equity and racial and social justice))~~ civil
2695 rights program may amend a complaint: to cure technical defects or omissions; to clarify
2696 and amplify allegations made in the complaint; or to add allegations related to or arising
2697 out of the subject matter set forth, or attempted to be set forth, in the original complaint.
2698 For jurisdictional purposes, the amendments relate back to the date the original complaint
2699 was first filed. Either the charging party or the ~~((office of equity and racial and social~~
2700 ~~justice))~~ civil rights program, or both, may amend a complaint for these reasons as a
2701 matter of right before service of notice of hearing on the matter, as provided under
2702 K.C.C. 12.18.070, and thereafter may amend a complaint only with permission of the
2703 hearing examiner, which permission shall be granted if justice will be served by the
2704 permission. All parties must be allowed time to prepare their cases with respect to
2705 additional or expanded allegations that the parties did not and could not have reasonably
2706 foreseen would be an issue at the hearing.

2707 E. The charging party may also amend a complaint to include allegations of
2708 additional unrelated unfair employment practices that arose after filing of the original
2709 complaint. The charging party must file any amendments adding the allegations within
2710 two years of the time of the additional unfair employment practice or within two years of
2711 when the charging party, through exercise of due diligence, should have had notice or

Ordinance 20082

2712 been aware of the additional discriminatory act, and before the issuance of findings of
2713 fact and a determination with respect to the original complaint by the ~~((office of equity~~
2714 ~~and racial and social justice))~~ civil rights program. The amendments may be made at any
2715 time during the investigation of the original complaint if the ~~((office of equity and racial~~
2716 ~~and social justice))~~ civil rights program will have adequate time to investigate the
2717 additional allegations and the parties will have adequate time to present the ~~((office of~~
2718 ~~equity and racial and social justice))~~ civil rights program with evidence concerning the
2719 allegations before the issuance of findings of fact and a determination.

2720 SECTION 55. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are
2721 hereby amended to read as follows:

2722 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C.,
2723 the ~~((office of equity and racial and social justice))~~ civil rights program shall cause to be
2724 served or mailed, by certified mail, return receipt requested, a copy of the complaint to
2725 the respondent within twenty days after the filing of the complaint and shall promptly
2726 make an investigation of the complaint. Each respondent may file an answer to the
2727 complaint not later than twenty days after receipt of notice from the ~~((office of equity and~~
2728 ~~racial and social justice))~~ civil rights program. If a respondent is unable to file a response
2729 within twenty days, the respondent may request an extension of time from the ~~((office of~~
2730 ~~equity and racial and social justice))~~ civil rights program. The ~~((office of equity and~~
2731 ~~racial and social justice))~~ civil rights program may grant the extension if good cause is
2732 shown.

2733 B. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2734 direct the investigation to ascertain the facts concerning the unfair employment practice

Ordinance 20082

2735 alleged in the complaint and shall conduct the investigation in an objective and impartial
2736 manner.

2737 C. During the investigation, the ~~((office of equity and racial and social justice))~~
2738 civil rights program shall consider any statement of position or evidence with respect to
2739 the allegations of the complaint which the charging party or the respondent wishes to
2740 submit. A person who is not named as a respondent in a complaint, but who is identified
2741 as a respondent in the course of investigation, may be joined as an additional or substitute
2742 respondent upon written notice, under subsection A. of this section, to the person from
2743 the ~~((office of equity and racial and social justice))~~ civil rights program. The notice, in
2744 addition to meeting the requirements of subsection A. of this section, must explain the
2745 basis for the ~~((office of equity and racial and social justice))~~ civil rights program belief
2746 that the person to whom the notice is addressed is properly joined as a respondent.

2747 D. During the period beginning with the filing of the complaint and ending with
2748 the issuance of the findings of fact, the ~~((office of equity and racial and social justice))~~
2749 civil rights program shall, to the extent feasible, engage in settlement discussions with
2750 respect to the complaint. Anything said or done in the course of the settlement
2751 discussions may not be made public or used as evidence in a subsequent proceeding
2752 under this chapter without the written consent of the persons concerned. A prefinding
2753 settlement agreement arising out of the settlement discussions must be an agreement
2754 between the respondent and the charging party and is subject to approval by the ~~((office~~
2755 ~~of equity and racial and social justice))~~ civil rights program. Each prefinding settlement
2756 agreement is a public record. Failure to comply with the prefinding settlement agreement
2757 may be enforced under K.C.C. 12.18.080.

Ordinance 20082

2758 E. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2759 seek the voluntary cooperation of all persons: to obtain access to premises, records,
2760 documents, individuals, and other possible sources of information; to examine, record,
2761 and copy necessary materials; and to take and record testimony or statements of persons
2762 reasonably necessary for the furtherance of the investigation. The ~~((office of equity and~~
2763 ~~racial and social justice))~~ civil rights program may conduct discovery in aid of the
2764 investigation by the following methods or others: deposition upon oral examination or
2765 written questions; written interrogatories; requests for the production of documents or
2766 other evidence, for inspection and other purposes; physical and mental examinations; and
2767 requests for admissions. The ~~((office of equity and racial and social justice))~~ civil rights
2768 program may sign and issue subpoenas requiring the attendance and testimony of
2769 witnesses and the production of or access to evidence including books, records,
2770 correspondence, e-mail, or documents in the possession or under the control of the person
2771 subpoenaed as are necessary for the investigation. The ~~((office of equity and racial and~~
2772 ~~social justice))~~ civil rights program shall consult with the prosecuting attorney before
2773 issuing a subpoena under this section.

2774 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
2775 testify if requested concerning any matter under investigation, the ~~((office of equity and~~
2776 ~~racial and social justice))~~ civil rights program may invoke the aid of the prosecuting
2777 attorney, who may petition to the superior court for an order or other appropriate action
2778 necessary to secure enforcement of the subpoena. The petition shall:

2779 1. Be accompanied by a copy of the subpoena and proof of service;

Ordinance 20082

2780 2. Set forth in what specific manner the subpoena has not been complied with;
2781 and

2782 3. Ask for an order of the court to compel the witness to appear and testify or
2783 cooperate in the investigation of the unfair employment practice.

2784 G. If the ~~((office of equity and racial and social justice))~~ civil rights program
2785 concludes at any time after the filing of a complaint that prompt judicial action is
2786 necessary to carry out the purposes of this chapter, the ~~((office of equity and racial and~~
2787 ~~social justice))~~ civil rights program may invoke the aid of the prosecuting attorney, who
2788 may file a civil action for appropriate temporary, injunctive, or preliminary relief pending
2789 final disposition of the case.

2790 H. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2791 reduce the results of the investigation to written findings of fact and make a finding that
2792 there either is or is not reasonable cause for believing that an unfair employment practice
2793 has been or is being committed.

2794 I. If a finding is made that there is no reasonable cause, the finding shall be
2795 served on the charging party and respondent. Within thirty days after service of such a
2796 negative finding, the charging party may file a written request with the ~~((office of equity~~
2797 ~~and racial and social justice))~~ civil rights program asking for reconsideration of the
2798 finding. The ~~((office of equity and racial and social justice))~~ civil rights program shall
2799 furnish the charging party with information regarding how to request reconsideration.
2800 The ~~((office of equity and racial and social justice))~~ civil rights program shall respond in
2801 writing within a reasonable time by granting or denying the request.

Ordinance 20082

2802 SECTION 56. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are
2803 hereby amended to read as follows:

2804 A.1. If the ~~((office of equity and racial and social justice))~~ civil rights program
2805 makes the finding initially or on request for reconsideration that reasonable cause exists
2806 to believe that an unfair employment practice occurred, the ~~((office of equity and racial~~
2807 ~~and social justice))~~ civil rights program shall endeavor to eliminate the unfair practice by
2808 conference, conciliation and persuasion which may include as a condition of settlement:

- 2809 a. elimination of the unfair employment practice;
- 2810 b. payment of back pay not in excess of the amount of monetary damage
2811 actually incurred;
- 2812 c. payment of other actual damages, including damages caused by emotional
2813 distress, humiliation and embarrassment;
- 2814 d. reinstatement;
- 2815 e. payment of attorneys' fees and costs;
- 2816 f. participation in training on fair employment laws; and
- 2817 g. such other requirements as may lawfully be agreed upon by the parties and
2818 the ~~((office of equity and racial and social justice))~~ civil rights program.

2819 2. Any postfinding settlement agreement shall be reduced to writing and signed
2820 by all parties, with the approval of the ~~((office of equity and racial and social justice))~~
2821 civil rights program. The ~~((office of equity and racial and social justice))~~ civil rights
2822 program shall then enter an order setting forth the agreement and furnish copies of the
2823 order to all affected parties. Each postfinding settlement agreement is a public record.

Ordinance 20082

2824 Failure to comply with the postfinding agreement or order may be enforced under K.C.C.
 2825 12.18.080.

2826 B.1. If the parties cannot reach agreement, the ~~((office of equity and racial and~~
 2827 ~~social justice))~~ civil rights program shall make a finding to that effect, incorporate the
 2828 finding in the order and furnish a copy of the order to all affected parties. The order shall
 2829 also include:

2830 a. a finding that an unfair employment practice occurred;
 2831 b. the basis for the finding; and
 2832 c. an order requiring the respondent to cease and desist from the unfair practice
 2833 and to take appropriate affirmative measures, which may include:

2834 (1) payment of back pay not in excess of the amount of monetary damage
 2835 actually incurred;
 2836 (2) payment of other actual damages, including damages caused by emotional
 2837 distress, humiliation, and embarrassment;
 2838 (3) reinstatement;
 2839 (4) payment of attorneys' fees and costs;
 2840 (5) participation in training on fair employment laws; and
 2841 (6) such other action as in the judgment of the ~~((office of equity and racial~~
 2842 ~~and social justice))~~ civil rights program will effectuate the purposes of this chapter, which
 2843 may include the requirement for a report on the matter of compliance.

2844 2. If the ~~((office of equity and racial and social justice))~~ civil rights program
 2845 finds the respondent willfully or knowingly committed any unfair employment practice,
 2846 the ~~((office of equity and racial and social justice))~~ civil rights program may further order

Ordinance 20082

2847 the respondent to pay a civil penalty of up to ((s)) one thousand dollars per violation,
2848 which penalty shall be paid to the King County treasury for deposit in the county general
2849 fund.

2850 C. If the parties fail to reach an agreement for the elimination of any unfair
2851 employment practice in which the respondent is an executive department, division or
2852 office of the county, the King County executive may compel compliance by the executive
2853 department, division or office with any settlement agreement agreed to between any
2854 charging party and the ((office of equity and racial and social justice)) civil rights
2855 program.

2856 SECTION 57. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are
2857 hereby amended to read as follows:

2858 A. Any respondent or charging party, after ((by)) an order of the ((office of
2859 equity and racial and social justice)) civil rights program is made in accordance with
2860 K.C.C. 12.18.060.B., may appeal that order in accordance with K.C.C. 20.22.080.

2861 B. If the order of the ((office of equity and racial and social justice)) civil rights
2862 program is appealed, the hearing examiner shall conduct a hearing for the purpose of
2863 affirming, denying, or modifying the order. There shall be a verbatim record kept of the
2864 hearing. The hearing examiner has such rule-making and other powers necessary for the
2865 conduct of the hearing as are specified by K.C.C. chapter 20.22. The ((office of equity
2866 and racial and social justice)) civil rights program shall not be presumed correct. The
2867 hearing examiner's decision shall be based upon a preponderance of the evidence. The
2868 hearing shall be conducted within a reasonable time after receipt of the request for
2869 appeal. Written notice of the time and place of the hearing shall be given at least ten days

Ordinance 20082

2870 before the date of the hearing to each affected party and to the ((office of equity and
2871 racial and social justice)) civil rights program.

2872 C. Each party may, among exercising other rights:

2873 1. Call and examine witnesses on any matter relevant to the issues of the
2874 complaint;

2875 2. Introduce documentary and physical evidence;

2876 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
2877 complaint;

2878 4. Impeach any witness regardless of which party first called the witness to
2879 testify;

2880 5. Rebut evidence against the party; and

2881 6. Self-represent or be represented by anyone of the party's choice who is
2882 lawfully permitted to do so.

2883 D. Following review of the evidence submitted, the hearing examiner presiding at
2884 the hearing shall enter written findings and conclusions and shall affirm or modify the
2885 order previously issued if the hearing examiner finds that a violation occurred. The
2886 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
2887 not occur. The hearing examiner may grant as relief any relief that the civil rights
2888 program ((office of equity and racial and social justice)) could grant under K.C.C.

2889 12.18.060.B. A copy of the hearing examiner's decision shall be delivered to all affected
2890 parties. The order of the hearing examiner is final unless reviewed by a court under
2891 K.C.C. 20.22.270.B.

Ordinance 20082

2892 SECTION 58. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are
2893 hereby amended to read as follows:

2894 A. If the ~~((office of equity and racial and social justice))~~ civil rights program has
2895 reasonable cause to believe that a respondent breached a prefinding or postfinding
2896 settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or violated an order
2897 of the ~~((office of equity and racial and social justice))~~ civil rights program issued under
2898 K.C.C. 12.18.060 or an order of the hearing examiner issued in accordance with K.C.C.
2899 12.18.070, the ~~((office of equity and racial and social justice))~~ civil rights program shall
2900 refer the matter to the prosecuting attorney for the filing of a civil action under subsection
2901 B. of this section for the enforcement of the agreement.

2902 B. The prosecuting attorney may commence a civil action in superior court for
2903 appropriate relief with respect to a breach of a prefinding or postfinding settlement
2904 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of
2905 the ~~((office of equity and racial and social justice))~~ civil rights program issued under
2906 K.C.C. 12.18.060 or an order of the hearing examiner issued under K.C.C. 12.18.070.
2907 This action may be commenced no later than ninety days after the referral of the alleged
2908 breach under subsection A. of this section.

2909 SECTION 59. Ordinance 15399, Section 17, as amended, and K.C.C. 12.18.085
2910 are hereby amended to read as follows:

2911 A. An aggrieved person may commence a civil action in superior court not later
2912 than three years after the occurrence or termination of an alleged unfair employment
2913 practice or ninety days after a determination of reasonable cause is issued by the ~~((office~~

Ordinance 20082

2914 ~~of equity and racial and social justice))~~ civil rights program, whichever occurs last, to
2915 obtain appropriate relief with respect to the unfair employment practice.

2916 B. A civil action may be filed under this section whether or not an administrative
2917 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such
2918 a complaint. However, if ~~((office of equity and racial and social justice))~~ civil rights
2919 program obtained a prefinding or postfinding settlement or conciliation agreement with
2920 the consent of the aggrieved person, an action may not be filed under this section by the
2921 aggrieved person with respect to the alleged unfair employment practice that forms the
2922 basis for the complaint except for the purpose of enforcing the agreement. To preclude
2923 such a filing, the prefinding or postfinding settlement or conciliation agreement must
2924 include language that the aggrieved person knowingly waives any right to file a civil
2925 action based on the same alleged unfair employment practice.

2926 C. Subject to subsection D. of this section, after the filing of a civil action
2927 involving the same claim or arising from the same facts and circumstances, whether
2928 under this chapter or similar law, the ~~((office of equity and racial and social justice))~~ civil
2929 rights program may administratively close a complaint of an unfair employment practice.

2930 D. If a court dismisses a private cause of action without reaching the merits and
2931 on grounds that would not preclude pursuit of a complaint under this chapter, the
2932 charging party may request, within ninety days of the entry of the court's order of
2933 dismissal, that the ~~((office of equity and racial and social justice))~~ civil rights program
2934 reopen a previously filed case. Upon such a request, ~~((office of equity and racial and~~
2935 ~~social justice))~~ civil rights program may reopen a case that was administratively closed
2936 upon the filing of a civil action. If the ~~((office of equity and racial and social justice))~~

Ordinance 20082

2937 civil rights program closes a case based on a "no reasonable cause" finding, the case shall
2938 not be reopened except as provided through reconsideration under K.C.C. 12.18.050.

2939 E. A charging party or aggrieved person may not secure relief from more than
2940 one governmental agency, instrumentality, or tribunal for the same harm or injury.

2941 F. An aggrieved person may not commence a civil action under this section with
2942 respect to an alleged unfair employment practice that forms the basis of a complaint if a
2943 hearing on the complaint has been convened under K.C.C. 12.18.070.

2944 G. In a civil action under this section, if the court finds that an unfair practice
2945 occurred, the court may grant such relief as is available for violations of the Washington
2946 state Law Against Discrimination, chapter 49.60 RCW.

2947 H. Upon timely application, the prosecuting attorney may intervene in the civil
2948 action if the prosecuting attorney determines that the case is of general public importance.

2949 I. This section is intended to provide private judicial remedies for violations of
2950 this chapter that are as expansive as the powers granted by the Constitution and laws of
2951 the state of Washington.

2952 SECTION 60. Ordinance 7430, Section 9, as amended, and K.C.C. 12.18.090 are
2953 hereby amended to read as follows:

2954 The ((~~office of equity and racial and social justice~~)) civil rights program may
2955 implement such forms, administrative processes, and operational procedures as are
2956 necessary to comply with this chapter. The forms, processes, and procedures shall be
2957 adopted in compliance with K.C.C. chapter 2.98.

2958 SECTION 61. Ordinance 13263, Section 52, and K.C.C. 12.18.097 are hereby
2959 amended to read as follows:

Ordinance 20082

2960 A. If a complaint is filed under this chapter, the ~~((office of equity and racial and~~
2961 ~~social justice))~~ civil rights program shall initiate an investigation under this chapter.

2962 B. If the ~~((office of equity and racial and social justice))~~ civil rights program
2963 determines that a violation of this chapter or any rules and regulations adopted under this
2964 chapter occurred, the ~~((office of equity and racial and social justice))~~ civil rights program
2965 shall issue an order in accordance with this chapter. For the enforcement of this chapter,
2966 if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over
2967 K.C.C. Title 23.

2968 SECTION 62. Ordinance 19762, Section 12, and K.C.C. 12.18B.030 are hereby
2969 amended to read as follows:

2970 A. Beginning January 1, 2026, the ~~((manager of the office of performance,~~
2971 ~~strategy, and budget, or its designee,))~~ executive or designee shall annually convene a
2972 workgroup to: evaluate whether the current hourly minimum wage rate as established by
2973 this chapter is sufficient to meet the basic needs of working households in King County;
2974 and analyze the current hourly minimum wage rate's impact to the region's economy.
2975 The workgroup's evaluation and analysis shall include, but not be limited to, the
2976 following considerations:

2977 1. The Self-Sufficiency Standard for Washington State, developed in
2978 partnership with the University of Washington's Center for Women's Welfare and the
2979 Workforce Development Council of Seattle-King County;

2980 2. Impacts to the county labor market including, but not limited to, employment
2981 rates, small business labor costs, and ability to attract new businesses to the region;

Ordinance 20082

2982 3. Impacts on the number of county residents that receive the federal Earned
 2983 Income Tax Credit, the Washington State Working Families Tax Credit, and any other
 2984 government benefits that are provided to low- and middle-income households; and
 2985 4. Disproportionate impacts to Black, Indigenous, and People of Color
 2986 communities, if any.

2987 B. Workgroup membership shall include, but not be limited to, the following:

2988 1. The ~~((manager of the office of performance, strategy, and budget, or~~
 2989 ~~designee))~~ executive or designee;

2990 2. The county's chief economist, or designee;

2991 3. The manager of the finance and business operations division, or designee;

2992 4. The director of the department of local services, or designee;

2993 5. The director of the department of human resources, or designee; and

2994 6. The chair of the budget and fiscal management committee, or its successor, or
 2995 designee.

2996 C. The workgroup shall seek input from the community on its evaluation and
 2997 analysis work as described in subsection A. of this section. The community shall include,
 2998 but not be limited to, the following:

2999 1. Economists and wage experts from accredited colleges and universities in the
 3000 state of Washington;

3001 2. Representatives from the King County Coalition of Unions;

3002 3. Employers that contract with the county or have showed interest in
 3003 contracting with the county; and

Ordinance 20082

3004 4. Organizations that represent employees and employers in unincorporated
3005 King County.

3006 D. On behalf of the workgroup, the executive shall transmit a report of its
3007 findings and a recommendation, if any, to modify the hourly minimum wage rate
3008 established by this chapter. The executive shall electronically file the report and any
3009 proposed ordinance that would amend this chapter and any other chapters related to the
3010 hourly minimum wage rate of county employees and county contractors to implement the
3011 hourly minimum wage rate as recommended by the workgroup no later than June 30 of
3012 each year with the clerk of the council, who shall retain an electronic copy and provide an
3013 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
3014 transportation, economy, and environment committee, or its successor. The executive
3015 shall electronically distribute the report to all government entities in the county and to
3016 relevant state and federal agencies, including, but not limited to, the Washington state
3017 Department of Labor and Industries, or its successor.

3018 SECTION 63. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are
3019 hereby amended to read as follows:

3020 The definitions in this section apply throughout this chapter unless the context
3021 clearly requires otherwise.

3022 A. "Aggrieved person" includes a person who:

- 3023 1. Claims to have been injured by an unfair housing practice; or
- 3024 2. Believes that the person will be injured by an unfair housing practice that is
- 3025 about to occur.

Ordinance 20082

3026 B. "Alternative source of income" means lawful, verifiable income derived from
3027 sources other than wages, salaries, or other compensation for employment. It includes
3028 but is not limited to moneys derived from Social Security benefits, other retirement
3029 programs, supplemental security income, unemployment benefits, child support, the state
3030 Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance, and
3031 any other federal, state, local government, private, or nonprofit-administered cash benefit
3032 program.

3033 C. "Charging party" means any person alleging an unfair housing practice under
3034 this chapter by filing a complaint with the ~~((office of equity and racial and social justice))~~
3035 civil rights program.

3036 D.1. "Disability" means:

3037 a. a physical or mental impairment that substantially limits one or more of a
3038 person's major life activities, either temporarily or permanently;

3039 b. a person is regarded as having such an impairment; or

3040 c. a person has a disability under the Washington state Law Against
3041 Discrimination, chapter 49.60 RCW.

3042 2. "Disability" does not include current, illegal use of a controlled substance, as
3043 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

3044 E. "Discriminate" means any action or failure to act, whether by single act or as
3045 part of a practice, the effect of which is to adversely affect or differentiate between or
3046 among individuals or groups of individuals, because of one or more of the protected
3047 classes as defined in K.C.C. chapter 3.12D, participation in the Section 8 program or
3048 other housing subsidy program, or alternative source of income.

Ordinance 20082

3049 F. "Dwelling" or "dwelling unit" mean any building, structure, or portion of a
3050 building or structure that is occupied as, or designed or intended for occupancy as, a
3051 residence by one or more families or individuals, and any vacant land that is offered for
3052 sale or lease for the construction or location thereon of any such a building, structure, or
3053 portion of a building or structure.

3054 G. "Gender identity or expression" means an individual's gender-related identity,
3055 appearance, or expression, whether or not associated with the individual's sex assigned at
3056 birth, and includes an individual's attitudes, preferences, beliefs, and practices pertaining
3057 to the individual's own gender identity or expression.

3058 H. "Housing accommodations" means any dwelling or dwelling unit, rooming
3059 unit, rooming house, lot, or parcel of land in unincorporated King County that is used,
3060 intended to be used or arranged or designed to be used as, or improved with, a residential
3061 structure for one or more human beings.

3062 I.1. "Parental status" means one or more individuals, who have not attained the
3063 age of eighteen years, being domiciled with:

3064 a. a parent or another person having legal custody of the individual or
3065 individuals; or

3066 b. the designee of such a parent or other person having the custody, with the
3067 written permission of the parent or other person.

3068 2. The protections afforded against discrimination on the basis of familial status
3069 apply to a person who is pregnant or is in the process of securing legal custody of an
3070 individual who has not attained the age of eighteen years.

Ordinance 20082

3071 J. "Participation in the Section 8 program or other housing subsidy program"
3072 means participating in a short- or long-term federal, state, or local government, private,
3073 nonprofit, or other assistance program in which a tenant's rent is paid either partially or
3074 completely by the program, through a direct arrangement between the program and the
3075 owner or lessor of the real property. Other housing subsidy programs include, but are not
3076 limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and
3077 Essential Needs funds and short-term rental assistance provided by rapid rehousing
3078 subsidies.

3079 K. "Party" includes the person charging or making a complaint or upon whose
3080 behalf a complaint is made alleging an unfair practice, the person alleged or found to
3081 have committed an unfair practice and the ~~((office of equity and racial and social justice))~~
3082 civil rights program.

3083 L. "Person" means one or more individuals, partnerships, associations,
3084 organizations, corporations, cooperatives, legal representatives, trustees and receivers, or
3085 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
3086 employee whether one or more natural persons. "Person" also includes any political or
3087 civil subdivisions of the state and any agency or instrumentality of the state or of any
3088 political or civil subdivision of the state.

3089 M. "Real estate transaction" includes, but is not limited to, the sale, conveyance,
3090 exchange, purchase, rental, lease, or sublease of real property.

3091 N. "Real estate-related transaction" means any of the following:

3092 1. The making or purchasing of loans or providing other financial assistance:

Ordinance 20082

3093 a. for purchasing, constructing, improving, repairing, or maintaining real
 3094 property; or

3095 b. secured by real property; or

3096 2. The selling, brokering, or appraising of real property.

3097 O. "Real property" includes, but is not limited to, buildings, structures, real
 3098 estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,
 3099 and hereditaments, corporeal and incorporeal, or any interest therein.

3100 P. "Respondent" means any person who is alleged or found to have committed an
 3101 unfair practice prohibited by this chapter.

3102 Q. "Senior citizens" means persons who are sixty-two years of age or older.

3103 R. "Settlement discussions" and "conference, conciliation, and persuasion" mean
 3104 the attempted resolution of issues raised by a complaint, or by the investigation of a
 3105 complaint, through informal negotiations involving the charging party, the respondent,
 3106 and the ~~((office of equity and racial and social justice))~~ civil rights program.

3107 S. "Verifiable" means the source of income can be confirmed as to its amount or
 3108 receipt.

3109 SECTION 64. Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070 are
 3110 hereby amended to read as follows:

3111 A. A complaint alleging an unfair housing practice may be filed by:

3112 1. Any aggrieved person; or

3113 2. Any state, local, or federal agency concerned with discrimination in housing,
 3114 including the ~~((office of equity and racial and social justice))~~ civil rights program has
 3115 reason to believe that an unfair housing practice has been or is being committed.

Ordinance 20082

3116 B. A complaint alleging an unfair housing practice shall be in writing and signed
3117 by the charging party. The complaint must be filed by the charging party with the
3118 ~~((office of equity and racial and social justice))~~ civil rights program within three hundred
3119 sixty-five days after the occurrence or termination of the alleged unfair housing practice.
3120 The complaint must describe with particularity the practice complained of and the
3121 location of the practice and must identify the person being charged with committing an
3122 unfair housing practice. However, the ~~((office of equity and racial and social justice))~~
3123 civil rights program shall not reject a complaint as insufficient because of failure to
3124 include all required information, if the ~~((office of equity and racial and social justice))~~
3125 civil rights program determines that the complaint substantially meets the informational
3126 requirements necessary for processing.

3127 C. Upon the receipt of a complaint alleging an unfair housing practice, the
3128 ~~((office of equity and racial and social justice))~~ civil rights program shall serve notice
3129 upon the charging party acknowledging the filing and advising the charging party of the
3130 time limits provided under this chapter and of the choice of forums provided by this
3131 chapter.

3132 D. The charging party or the ~~((office of equity and racial and social justice))~~ civil
3133 rights program may amend a complaint: to cure technical defects or omissions; to clarify
3134 and amplify allegations made in the complaint; or to add allegations related to or arising
3135 out of the subject matter set forth, or attempted to be set for, in the original complaint.
3136 For jurisdictional purposes, the amendments relate back to the date the original complaint
3137 was first filed. Either the charging party or the ~~((office of equity and racial and social~~
3138 ~~justice))~~ civil rights program, or both, may amend a complaint for these reasons as a

Ordinance 20082

3139 matter of right before service of notice of hearing on the matter, as provided under
3140 K.C.C. 12.20.100, and thereafter may amend a complaint only with permission of the
3141 hearing examiner, which permission shall be granted if justice will be served by the
3142 permission, and all parties shall be allowed time to prepare their case with respect to
3143 additional or expanded allegations they did not and could not have reasonably foreseen
3144 would be an issue at the hearing.

3145 E. The charging party may also amend a complaint to include allegations of
3146 additional unrelated discriminatory practices that arose after the filing of the original
3147 complaint. The charging party must file any amendments adding the allegations within
3148 three hundred sixty-five days after the occurrence or termination of the additional
3149 discriminatory practices and before the issuance of findings of fact and a determination
3150 with respect to the original complaint by the ~~((office of equity and racial and social
3151 justice))~~ civil rights program. The amendments may be made at any time during the
3152 investigation of the original complaint if the ~~((office of equity and racial and social
3153 justice))~~ civil rights program will have adequate time to investigate the additional
3154 allegations and the parties will have adequate time to present the ~~((office of equity and
3155 racial and social justice))~~ civil rights program with evidence concerning the allegations
3156 before the issuance of findings of fact and a determination.

3157 SECTION 65. Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080 are
3158 hereby amended to read as follows:

3159 A. After the filing of a complaint, the ~~((office of equity and racial and social
3160 justice))~~ civil rights program shall cause to be served on or mailed to the respondent, by
3161 certified mail, return receipt requested, a copy of the complaint, along with a notice

Ordinance 20082

advising of procedural rights and obligations of respondents under this chapter promptly and in no case longer than twenty days after the filing the complaint. Each respondent may file an answer to the complaint, not later than ten days after receipt of notice from the ~~((office of equity and racial and social justice))~~ civil rights program. If the respondent is unable to file a response within ten days, the respondent may request an extension of time from the ~~((office of equity and racial and social justice))~~ civil rights program not to exceed five days. The ~~((office of equity and racial and social justice))~~ civil rights program may grant the extension if good cause is shown.

B. The investigation shall be commenced promptly and in no event later than thirty days after receipt of the complaint. It shall be directed to ascertain the facts concerning the unfair practice alleged in the complaint and shall be conducted in an objective and impartial manner. The investigation shall be completed within one hundred days after the filing of the complaint, unless it is impracticable to do so. If the ~~((office of equity and racial and social justice))~~ civil rights program is unable to complete the investigation within the one hundred days, the ~~((office of equity and racial and social justice))~~ civil rights program shall notify the charging party and respondent, in writing, of the reasons for not doing so. The ~~((office of equity and racial and social justice))~~ civil rights program shall make final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the ~~((office of equity and racial and social justice))~~ civil rights program is unable to do so, the ~~((office of equity and racial and social justice))~~ civil rights program shall notify the charging party and respondent, in writing, of the reasons for not doing so.

Ordinance 20082

3184 C. During the investigation, the ~~((office of equity and racial and social justice))~~
3185 civil rights program shall consider any statement of position or evidence with respect to
3186 the allegations of the complaint that the charging party or the respondent wishes to
3187 submit.

3188 D. A person who is not named as a respondent in a complaint, but who is
3189 identified as a respondent in the course of investigation, may be joined as an additional or
3190 substitute respondent upon written notice, under subsection A. of this section, to the
3191 person from the ~~((office of equity and racial and social justice))~~ civil rights program. The
3192 notice, in addition to meeting the requirements of subsection A. of this section, shall
3193 explain the basis for the belief of the ~~((office of equity and racial and social justice))~~ civil
3194 rights program that the person to whom the notice is addressed is properly joined as a
3195 respondent.

3196 E. During the period beginning with the filing of the complaint and ending with
3197 the issuance of the findings of fact, the ~~((office of equity and racial and social justice))~~
3198 civil rights program shall, to the extent feasible, engage in settlement discussions with
3199 respect to the complaint. Nothing said or done in the course of the settlement discussions
3200 may be made public or used as evidence in a subsequent proceeding under this chapter
3201 without the written consent of the persons concerned. A prefinding settlement agreement
3202 arising out of the settlement discussions shall be an agreement between the respondent
3203 and the charging party, and is subject to approval by the ~~((office of equity and racial and~~
3204 ~~social justice))~~ civil rights program. Each prefinding settlement agreement is a public
3205 record. Failure to comply with the prefinding settlement agreement may be enforced
3206 under K.C.C. 12.20.120.

Ordinance 20082

3207 F. The ~~((office of equity and racial and social justice))~~ civil rights program shall
3208 seek the voluntary cooperation of all persons to: obtain access to premises, records,
3209 documents, individuals, and other possible sources of information; examine, record, and
3210 copy necessary materials; and take and record testimony or statements of persons
3211 reasonably necessary for the furtherance of the investigation. The ~~((office of equity and~~
3212 ~~racial and social justice))~~ civil rights program may conduct discovery in aid of the
3213 investigation by the following methods or others: deposition upon oral examination or
3214 written questions; written interrogatories; requests for the production of documents or
3215 evidence, for inspection and other purposes; physical and mental examinations; and
3216 requests for admissions. The ~~((office of equity and racial and social justice))~~ civil rights
3217 program may sign and issue subpoenas requiring the attendance and testimony of
3218 witnesses, the production of evidence including books, records, correspondence, e-mail,
3219 or documents in the possession or under the control of the person subpoenaed and access
3220 to evidence for the purpose of examination and copying as are necessary for the
3221 investigation. The ~~((office of equity and racial and social justice))~~ civil rights program
3222 shall consult with the prosecuting attorney before issuing any subpoena under this
3223 section.

3224 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
3225 testify when requested concerning any matter under investigation, the ~~((office of equity~~
3226 ~~and racial and social justice))~~ civil rights program may invoke the aid of the prosecuting
3227 attorney, who shall petition to the superior court for an order or other appropriate action
3228 necessary to secure enforcement of the subpoena. The petition shall:

3229 1. Be accompanied by a copy of the subpoena and proof of service;

Ordinance 20082

3230 2. Set forth in what specific manner the subpoena has not been complied with;
3231 and

3232 3. Ask for an order of the court to compel the witness to appear and testify or
3233 cooperate in the investigation of the unfair housing practice.

3234 H. If the (~~(office of equity and racial and social justice))~~ civil rights program
3235 concludes at any time after the filing of a complaint that prompt judicial action is
3236 necessary to carry out the purposes of this chapter, the (~~(office of equity and racial and~~
3237 ~~social justice))~~ civil rights program may invoke the aid of the prosecuting attorney, who
3238 shall file a civil action for appropriate temporary, injunctive or preliminary relief pending
3239 final disposition of the case.

3240 I. The (~~(office of equity and racial and social justice))~~ civil rights program shall
3241 reduce the results of the investigation to written findings of fact and make a finding that
3242 there either is or is not reasonable cause for believing that an unfair housing practice has
3243 been or is being committed.

3244 J. If a finding is made that there is no reasonable cause, the finding shall be
3245 served on the charging party and respondent. Within thirty days after service of such a
3246 negative finding, the charging party may file a written request with the (~~(office of equity~~
3247 ~~and racial and social justice))~~ civil rights program asking for reconsideration of the
3248 finding. The (~~(office of equity and racial and social justice))~~ civil rights program shall
3249 furnish the charging party with information regarding how to request reconsideration.
3250 The (~~(office of equity and racial and social justice))~~ civil rights program shall respond in
3251 writing within a reasonable time by granting or denying the request.

Ordinance 20082

3252 SECTION 66. Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090 are
 3253 hereby amended to read as follows:

3254 A.1. If the ~~((office of equity and racial and social justice))~~ civil rights program
 3255 makes the finding initially or on request for reconsideration that reasonable cause exists
 3256 to believe that an unfair housing practice occurred or is about to occur, the ~~((office of~~
 3257 ~~equity and racial and social justice))~~ civil rights program shall endeavor to eliminate the
 3258 unfair practice by conference, conciliation and persuasion, which may include as a
 3259 condition of settlement the:

- 3260 a. elimination of the unfair housing practice;
- 3261 b. payment of actual damages, including damages caused by emotional
 3262 distress, humiliation and embarrassment;
- 3263 c. reinstatement to tenancy;
- 3264 d. payment of attorneys' fees and costs;
- 3265 e. payment of a civil penalty to vindicate the public interest up to the limits in
 3266 42 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006,
 3267 which penalty shall be paid to King County for deposit in the county general fund;
- 3268 f. participation in training on fair housing laws; and
- 3269 g. such other requirements as may lawfully be agreed upon by the parties and
 3270 the ~~((office of equity and racial and social justice))~~ civil rights program.

3271 2. Any postfinding settlement agreement shall be reduced to writing and signed
 3272 by all parties, with the approval of the ~~((office of equity and racial and social justice))~~
 3273 civil rights program. The ~~((office of equity and racial and social justice))~~ civil rights
 3274 program shall then enter an order setting forth the agreement and furnish copies of the

Ordinance 20082

order to all affected parties. Failure to comply with the postfinding agreement or order may be enforced under K.C.C. 12.20.120. Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the ~~((office of equity and racial and social justice))~~ civil rights program shall make a finding to that effect, incorporate the finding in an order, and furnish a copy of the order to all affected parties. The order shall also include:

a. a finding that an unfair housing practice is about to occur or has occurred;
b. the basis for the finding; and
c. an order requiring the respondent to cease and desist from such unfair practice and to take appropriate affirmative action, including:

(1) payment of actual damages, including damages caused by emotional distress, humiliation and embarrassment;

(2) reinstatement to tenancy;

(3) payment of attorneys' fees and costs;

(4) participation in training on fair housing laws; and

(5) such other action as in the judgment of the ~~((office of equity and racial and social justice))~~ civil rights program will effectuate the purposes of this chapter, which may include the requirement for report on the matter of compliance, injunctive relief and the payment of a civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec. 3612(g)(3) as it exists on April 16, 2006.

SECTION 67. Ordinance 10469, Section 11, as amended, and K.C.C. 12.20.095 are hereby amended to read as follows:

Ordinance 20082

3298 In the case of an order with respect to a discriminatory housing practice that
3299 occurred in the course of a business subject to a licensing or regulation by a
3300 governmental agency, the ~~((office of equity and racial and social justice))~~ civil rights
3301 program shall, not later than thirty days after the date of the issuance of the order or, if
3302 the order is appealed pursuant to K.C.C. 12.20.100, thirty days after the order is in
3303 substance affirmed upon the review:

3304 A. Send copies of the findings of fact, conclusions of law and the order, to that
3305 governmental agency; and

3306 B. Recommend to that governmental agency appropriate disciplinary action
3307 including, if appropriate, the suspension or revocation of the license of the respondent.

3308 SECTION 68. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are
3309 hereby amended to read as follows:

3310 A.1. Any charging party, respondent, or aggrieved person on whose behalf the
3311 finding was made, after an order of the ~~((office of equity and racial and social justice))~~
3312 civil rights program is made in accordance with K.C.C. 12.20.090.B., may appeal the
3313 order by electing to have the claims on which reasonable cause was found decided in a
3314 civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The
3315 ~~((office of equity and racial and social justice))~~ civil rights program shall provide the
3316 charging party, respondent, and aggrieved person on whose behalf the finding was made
3317 with information regarding how to make the election. This election must be made not
3318 later than thirty days after the receipt by the electing person of service of the order. The
3319 person making the election shall give notice of the election stating which forum is elected
3320 to the ~~((office of equity and racial and social justice))~~ civil rights program and to all other

Ordinance 20082

3321 charging parties and respondents to whom the complaint relates. The notice of election
3322 should identify clearly and specifically:

- 3323 a. the errors that the appellant believes were made in the action or decision that
3324 is being appealed, or the procedural irregularities associated with that action or decision;
3325 b. specific reasons by the county's action should be reversed or modified; and
3326 c. the desired outcome of the appeal.

3327 2. Any order issued by the (~~(office of equity and racial and social justice))~~ civil
3328 rights program under K.C.C. 12.20.090.B. becomes final thirty days after service of the
3329 order unless a written notice of election is filed with the (~~(office of equity and racial and~~
3330 ~~social justice))~~ civil rights program within the thirty-day period. If the order becomes
3331 final, parties violating the order are subject to the enforcement provisions of K.C.C.
3332 12.20.120.

3333 B. If no election of civil action is made, and an election for hearing is made, the
3334 complaint, any and all findings made and either affirmative action measures or civil
3335 penalties, or both, required shall be certified by the (~~(office of equity and racial and social~~
3336 ~~justice))~~ civil rights program to the office of the hearing examiner for hearing.

3337 C. A hearing shall be conducted by the office of the hearing examiner for the
3338 purpose of affirming, denying or modifying the order. There shall be a verbatim record
3339 kept of the hearing. The hearing examiner shall have such rule-making and other powers
3340 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The
3341 (~~(office of equity and racial and social justice))~~ civil rights program shall maintain the
3342 action and the order of the (~~(office of equity and racial and social justice))~~ civil rights
3343 program shall not be presumed correct. The hearing examiner's decision shall be based

Ordinance 20082

3344 upon a preponderance of the evidence. The hearing shall be conducted within a
3345 reasonable time after receipt of the certification. Written notice of the time and place of
3346 the hearing shall be given at least ten days before the date of the hearing to each affected
3347 party and to the ~~((office of equity and racial and social justice))~~ civil rights program.

3348 D. Each party may, among exercising other rights:

- 3349 1. Call and examine witnesses on any matter relevant to the issues of the
3350 complaint;
- 3351 2. Introduce documentary and physical evidence;
- 3352 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
3353 complaint;
- 3354 4. Impeach any witness regardless of which party first called the witness to
3355 testify;
- 3356 5. Rebut evidence against the party; and
- 3357 6. Self-represent or be represented by anyone of the party's choice who is
3358 lawfully permitted to do so.

3359 E. Following review of the evidence submitted, the hearing examiner presiding at
3360 the hearing shall enter written findings and conclusions and shall affirm or modify the
3361 order previously issued if the hearing examiner finds that a violation is about to occur or
3362 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that
3363 a violation is not about to occur or did not occur. The hearing examiner may grant as
3364 relief any relief that the ~~((office of equity and racial and social justice))~~ civil rights
3365 program could grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's

Ordinance 20082

findings, conclusions, and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

SECTION 69. Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120 are hereby amended to read as follows:

A. If the ~~((office of equity and racial and social justice))~~ civil rights program has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the ~~((office of equity and racial and social justice))~~ civil rights program issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100, the ~~((office of equity and racial and social justice))~~ civil rights program shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the ~~((office of equity and racial and social justice))~~ civil rights program issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced no later than ninety days after the referral of the alleged breach under subsection A. of this section.

SECTION 70. Ordinance 10469, Section 13, as amended, and K.C.C. 12.20.122 are hereby amended to read as follows:

A. An aggrieved person may commence a civil action in superior court not later than one year after the occurrence or the termination of an alleged discriminatory housing

Ordinance 20082

3389 practice, whichever occurs last, to obtain appropriate relief with respect to such
3390 discriminatory housing practice.

3391 B. The computation of the one-year period shall not include any time during
3392 which an administrative proceeding under this chapter was pending with respect to a
3393 complaint or charge under this chapter based upon the discriminatory housing practices.

3394 C. An aggrieved person may commence a civil action under this section whether
3395 or not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status
3396 of any such complaint. However, if the ~~((office of equity and racial and social justice))~~
3397 civil rights program or the United States Department of Housing and Urban Development
3398 has obtained a prefinding or postfinding settlement or conciliation agreement with the
3399 consent of an aggrieved person, an action may not be filed under this section by the
3400 aggrieved person with respect to the alleged discriminatory housing practice that forms
3401 the basis for the complaint except for the purpose of enforcing the agreement. To
3402 preclude such a filing, the prefinding or postfinding settlement or conciliation agreement
3403 must include language that the charging party knowingly waives any right to file a civil
3404 action based on the same alleged unfair housing practice.

3405 D. Subject to subsection E. of this section, after the filing of a civil action
3406 involving the same claim or arising from the same facts and circumstances, whether
3407 under this chapter or similar law, the ~~((office of equity and racial and social justice))~~ civil
3408 rights program may administratively close a complaint of an unfair housing practice.

3409 E. If a court dismisses a private cause of action without reaching the merits and
3410 on grounds that would not preclude pursuit of a complaint under this chapter, the
3411 charging party may request, within ninety days of the entry of the court's order of

Ordinance 20082

3412 dismissal, that the ((office of equity and racial and social justice)) civil rights program
3413 reopen a previously filed case. Upon such a request, the ((office of equity and racial and
3414 social justice)) civil rights program may reopen a case that was administratively closed
3415 upon the filing of a civil action. If the ((office of equity and racial and social justice))
3416 civil rights program closes a case based on a "no reasonable cause" finding, the case shall
3417 not be reopened except as provided through reconsideration under K.C.C. 12.20.080. A
3418 charging party or aggrieved person may not secure relief from more than one
3419 governmental agency, instrumentality, or tribunal for the same harm or injury.

3420 F. An aggrieved person may not commence a civil action under this section with
3421 respect to an alleged discriminatory housing practice that forms the basis of a complaint
3422 if a hearing on the complaint has been convened by the office of the hearing examiner.

3423 G. In a civil action under subsection A., of this section, if the court finds that a
3424 discriminatory practice occurred or is about to occur, the court may order remedies as
3425 allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages
3426 as provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this
3427 section, may grant as relief, as the court deems appropriate, any permanent or temporary
3428 injunction, temporary restraining order or other order, including an order enjoining the
3429 defendant from engaging in the practice or ordering such affirmative action as might be
3430 appropriate. The court may also allow reasonable attorneys' fees and costs to the
3431 prevailing party.

3432 H. Relief granted under this section shall not affect any contract, sale,
3433 encumbrance or lease consummated before the granting of the relief and involving a bona
3434 fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint

Ordinance 20082

3435 with the ((office of equity and racial and social justice)) civil rights program or civil
3436 action under this chapter.

3437 I. Upon timely application, the prosecuting attorney may intervene in the civil
3438 action if the prosecuting attorney determines that the case is of general public importance.

3439 J. This section is intended to provide private judicial remedies for violations of
3440 this chapter that are as expansive as the powers granted by the Constitution of laws of the
3441 state of Washington.

3442 SECTION 71. Ordinance 10469, Section 14, as amended, and K.C.C. 12.20.124
3443 are hereby amended to read as follows:

3444 A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a
3445 civil action, the ((office of equity and racial and social justice)) civil rights program shall
3446 authorize and, not later than thirty days after the election is made, shall commence, on
3447 behalf of the charging party, a civil action in superior court to affirm or modify the order
3448 of the ((office of equity and racial and social justice)) civil rights program issued under
3449 K.C.C. 12.20.090.

3450 B. Any aggrieved person with respect to the issues to be determined in a civil
3451 action under this section may intervene as of right in that civil action.

3452 C. In a civil action under this section, if the court finds that a discriminatory
3453 housing practice has occurred, or is about to occur, the court may grant as relief any relief
3454 which a court could grant with respect to such discriminatory housing practice in a civil
3455 action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved
3456 person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also
3457 accrues to that aggrieved person in a civil action under this section. If monetary relief is

Ordinance 20082

sought for the benefit of an aggrieved person who does not intervene in that civil action, the court shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

SECTION 72. Ordinance 10469, Section 16, as amended, and K.C.C. 12.20.133 are hereby amended to read as follows:

The ~~((office of equity and racial and social justice))~~ civil rights program may implement such forms, administrative processes, and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98.

SECTION 73. Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150 are hereby amended to read as follows:

A. If a complaint has been filed under this chapter, the ~~((office of equity and racial and social justice))~~ civil rights program shall initiate an investigation under this chapter.

B. If the ~~((office of equity and racial and social justice))~~ civil rights program determines that a violation of this chapter or any rules and regulations adopted under this chapter is about to occur or has occurred the ~~((office of equity and racial and social justice))~~ civil rights program shall issue an order in accordance with this chapter. For enforcement of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

SECTION 74. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are hereby amended to read as follows:

Ordinance 20082

3480 The definitions in this section apply throughout this chapter unless the context
3481 clearly requires otherwise.

3482 A. "Aggrieved person" includes any person who claims to have been injured by
3483 an act of discrimination in a place of public accommodation;

3484 B. "Charging party" means any person alleging an act of discrimination in a place
3485 of public accommodation under this chapter by filing a complaint with the ~~((office of~~
3486 ~~equity and racial and social justice))~~ civil rights program.

3487 C. "Discrimination" or "discriminatory practice or act" means any action or
3488 failure to act, whether by a single act or part of a practice, the effect of which is to
3489 adversely affect or differentiate between or among individuals, because of one or more of
3490 the protected classes as defined in K.C.C. chapter 3.12D.

3491 D. "Gender identity or expression" means an individual's gender-related identity,
3492 appearance, or expression, whether or not associated with the individual's sex assigned at
3493 birth, and includes an individual's attitudes, preferences, beliefs, and practices pertaining
3494 to the individual's own gender identity or expression.

3495 E. "Owner" includes a person who owns, leases, subleases, rents, operates,
3496 manages, has charge of, controls, or has the right of ownership, possession, management,
3497 charge, or control of real property on the person's own behalf or on behalf of another.

3498 F. "Party" includes a person making a complaint or upon whose behalf a
3499 complaint is made alleging an unfair public accommodations practice, a person alleged or
3500 found to have committed an unfair public accommodations practice, and the ~~((office of~~
3501 ~~equity and racial and social justice))~~ civil rights program.

Ordinance 20082

3502 G. "Person" means one or more individuals, partnerships, associations,
3503 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
3504 bankruptcy, receivers, or any group of persons, and includes King County but no
3505 governmental body other than King County. "Person" also includes any owner, lessee,
3506 proprietor, manager, agent, or employee whether one or more natural persons.

3507 H. "Place of public accommodation" means any place, store, or other
3508 establishment, either licensed or unlicensed, that supplies goods or services to the general
3509 public. "Place of public accommodation" includes, but is not limited to, the following
3510 types of services or facilities: hotels, or other establishments provide lodging to transient
3511 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, or other
3512 facilities principally engaged in selling or offering for sale food for consumption upon the
3513 premises; motion picture houses, theatres, concert halls, convention halls, sport arenas,
3514 stadiums, or other places of exhibition or entertainment; bowling alleys and amusement
3515 parks; retail establishments; transportation carriers; barber shops; beauty shops; bars or
3516 taverns or other facilities engaged in selling or offering for sale alcoholic beverages for
3517 consumption upon the premises; food banks, senior citizens centers, and other social
3518 service organizations and establishments; places of public accommodation operated by
3519 King County; and public burial facilities if the facilities are owned and operated by any
3520 cemetery corporation or burial association.

3521 I. "Respondent" means a person who is alleged or found to have discriminated in
3522 a place of public accommodation.

3523 J. "Senior citizen" means an individual as old or older than an age set for a senior
3524 category. The minimum age for the senior category is fifty-five years.

Ordinance 20082

3525 K. "Settlement discussions" or "conference, conciliation, and persuasion" means
3526 the attempted resolution of issues raised by a complaint, or by the investigation of a
3527 complaint, through informal negotiations involving the charging party, the respondent
3528 and the ~~((office of equity and racial and social justice))~~ civil rights program.

3529 SECTION 75. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are
3530 hereby amended to read as follows:

3531 A. A complaint alleging discrimination in a place of public accommodation may
3532 be filed by:

- 3533 1. Any aggrieved person; or
3534 2. Any state, local, or federal agency concerned with discrimination in places of
3535 public accommodation, including the ~~((office of equity and racial and social justice))~~ civil
3536 rights program, if the agency has reason to believe that a discriminatory act or practice
3537 has been or is being committed.

3538 B. A complaint alleging discrimination in a place of public accommodation shall
3539 be in writing and signed by the charging party. The complaint must be filed with the
3540 ~~((office of equity and racial and social justice))~~ civil rights program within one hundred
3541 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
3542 days of when the charging party, through exercise of due diligence, should have had
3543 notice or been aware of the occurrence. The complaint must describe with particularity
3544 the practice complained of and the location of the practice and must identify the person
3545 being charged with committing the discrimination. However, the ~~((office of equity and~~
3546 ~~racial and social justice))~~ civil rights program shall not reject a complaint as insufficient
3547 because of failure to include all required information, if the ~~((office of equity and racial~~

Ordinance 20082

3548 ~~and social justice))~~ civil rights program determines that the complaint substantially meets
3549 the informational requirements necessary for processing.

3550 C. Upon the receipt of a complaint, the ~~((office of equity and racial and social~~
3551 ~~justice))~~ civil rights program shall serve notice upon the charging party acknowledging
3552 the fling.

3553 D. The charging party or the ~~((office of equity and racial and social justice))~~ civil
3554 rights program may amend a complaint: to cure technical defects or omissions; to clarify
3555 and amplify allegations made in the complaint; or to add allegations related to or arising
3556 out of the subject matter set forth, or attempted to be set forth, in the original complaint.
3557 For jurisdictional purposes, the amendments relate back to the date the original complaint
3558 was first filed. Either the charging party or the ~~((office of equity and racial and social~~
3559 ~~justice))~~ civil rights program, or both, may amend a complaint for these reasons as a
3560 matter of right before service of notice of hearing on the matter as provided under K.C.C.
3561 12.22.070, and thereafter may amend a complaint only with the permission of the hearing
3562 examiner, which permission shall be granted if justice will be served by the permission,
3563 and all parties shall be allowed time to prepare their cases with respect to additional or
3564 expanded allegations that the parties did not and could not have reasonably foreseen
3565 would be an issue at the hearing.

3566 E. The charging party may also amend a complaint to include allegations of
3567 additional unrelated discriminatory acts that arose after filing of the original complaint.
3568 The charging party must file any amendments adding the allegations within one hundred
3569 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
3570 days of when the charging party, through exercise of due diligence, should have had

Ordinance 20082

notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the ~~((office of equity and racial and social justice))~~ civil rights program. The amendments may be made at any time during the investigation of the original complaint if the ~~((office of equity and racial and social justice))~~ civil rights program will have adequate time to investigate the additional allegations and the parties will have adequate time to present the ~~((office of equity and racial and social justice))~~ civil rights program with evidence concerning the allegations before the issuance of findings of fact and a determination.

SECTION 76. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are hereby amended to read as follows:

A. After the filing of a complaint, the ~~((office of equity and racial and social justice))~~ civil rights program shall serve notice of the complaint and a copy of the complaint on the respondent within twenty days after the filing of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the ~~((office of equity and racial and social justice))~~ civil rights program. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the ~~((office of equity and racial and social justice))~~ civil rights program. The extension may be granted by the ~~((office of equity and racial and social justice))~~ civil rights program if good cause is shown. The ~~((office of equity and racial and social justice))~~ civil rights program shall commence the investigation of the complaint promptly.

B. The ~~((office of equity and racial and social justice))~~ civil rights program shall direct the investigation to ascertain the facts concerning the discrimination in public

Ordinance 20082

3594 accommodations alleged in the complaint and shall conduct the investigation in an
3595 objective and impartial manner. During the investigation, the ((office of equity and racial
3596 and social justice)) civil rights program shall consider any statement of position or
3597 evidence with respect to the allegations of the complaint that the charging party or the
3598 respondent wishes to submit. A person who is not named as a respondent in a complaint,
3599 but who is identified as a respondent in the course of the investigation, may be joined as
3600 an additional or substitute respondent upon written notice, as provided under subsection
3601 A. of this section, to the person from the ((office of equity and racial and social justice))
3602 civil rights program. The notice, in addition to meeting the requirements of subsection A.
3603 of this section, must explain the basis for the belief of the ((office of equity and racial and
3604 social justice)) civil rights program that the person to whom the notice is addressed is
3605 properly joined as a respondent.

3606 C. During the period beginning with the filing of the complaint and ending with
3607 the issuance of the findings of fact, the ((office of equity and racial and social justice))
3608 civil rights program, to the extent feasible, engage in settlement discussions with respect
3609 to the complaint. Anything said or done in the course of the settlement discussions may
3610 not be made public or used as evidence in a subsequent proceeding under this chapter
3611 without the written consent of the persons concerned. A prefinding settlement agreement
3612 arising out of the settlement discussions must be an agreement between the respondent
3613 and the charging party, and is subject to approval by the ((office of equity and racial and
3614 social justice)) civil rights program. Each prefinding settlement agreement is a public
3615 record. Failure to comply with the prefinding settlement agreement may be enforced
3616 under K.C.C. 12.22.080.

Ordinance 20082

3617 D. The ~~((office of equity and racial and social justice))~~ civil rights program shall
3618 seek the voluntary cooperation of all persons to obtain access to premises, records,
3619 documents, individuals and other possible sources of information; to examine, record and
3620 copy necessary materials; and to take and record testimony or statements of persons
3621 reasonably necessary for the furtherance of the investigation. The ~~((office of equity and~~
3622 ~~racial and social justice))~~ civil rights program may conduct discovery in aid of the
3623 investigation by the following methods or others: deposition upon oral examination or
3624 written questions; written interrogatories; requests for the production of documents or
3625 other evidence, inspection and other purposes; physical and mental examinations; and
3626 requests for admissions. The ~~((office of equity and racial and social justice))~~ civil rights
3627 program may sign and issue subpoenas requiring the attendance and testimony of
3628 witnesses and the production of or access to evidence including books, records,
3629 correspondence, e-mail or documents in the possession or under the control of the person
3630 subpoenaed as are necessary for the investigation. The ~~((office of equity and racial and~~
3631 ~~social justice))~~ civil rights program shall consult with the prosecuting attorney before
3632 issuing a subpoena under this section.

3633 E. If an individual fails to obey a subpoena issued under this section, or obeys the
3634 subpoena but refuses to testify if requested concerning a matter under investigation under
3635 this section, the ~~((office of equity and racial and social justice))~~ civil rights program may
3636 invoke the aid of the prosecuting attorney who may petition to the superior court for an
3637 order or other appropriate action necessary to secure enforcement of the subpoena. The
3638 petition shall:

3639 1. Be accompanied by a copy of the subpoena and proof of service;

Ordinance 20082

3640 2. Set forth in what specific manner the subpoena has not been complied with;
3641 and

3642 3. Ask for an order of the court to compel the witness to appear and testify or
3643 cooperate in the investigation of the discrimination in public accommodations.

3644 F. If the (~~((office of equity and racial and social justice))~~) civil rights program
3645 concludes at any time after the filing of a complaint that prompt judicial action is
3646 necessary to carry out the purposes of this chapter, the (~~((office of equity and racial and~~
3647 ~~social justice))~~) civil rights program may invoke the aid of the prosecuting attorney who
3648 may file a civil action for appropriate temporary, injunctive, or preliminary relief pending
3649 final disposition of the case.

3650 G. The (~~((office of equity and racial and social justice))~~) civil rights program shall
3651 reduce the results of the investigation to written findings of fact make and a finding that
3652 there either is or is not reasonable cause for believing that an act of discrimination in a
3653 place of public accommodations has been or is being committed.

3654 H. If a finding is made that there is no reasonable cause, the finding shall be
3655 served on the charging party and respondent. Within thirty days after service of such a
3656 negative finding, the charging party may file a written request with the (~~((office of equity~~
3657 ~~and racial and social justice))~~) civil rights program asking for reconsideration of the
3658 finding. The (~~((office of equity and racial and social justice))~~) civil rights program shall
3659 furnish the charging party with information regarding how to request reconsideration.
3660 The (~~((office of equity and racial and social justice))~~) civil rights program shall respond in
3661 writing within a reasonable time by granting or denying the request.

Ordinance 20082

3662 SECTION 77. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are
3663 hereby amended to read as follows:

3664 A.1. If the ~~((office of equity and racial and social justice))~~ civil rights program
3665 makes the finding initially or on request for reconsideration that reasonable cause exists
3666 to believe that discrimination in a place of public accommodation occurred, the ~~((office~~
3667 ~~of equity and racial and social justice))~~ civil rights program shall endeavor to eliminate
3668 the discriminatory practice by conference, conciliation, and persuasion, which may
3669 include as a condition of settlement:

- 3670 a. elimination of the discriminatory practice;
- 3671 b. payment of refunds or credits not in excess of the amount of monetary
3672 damage actually incurred;
- 3673 c. payment of other actual damages, including damages caused by emotional
3674 distress, humiliation and embarrassment;
- 3675 d. payment of attorneys' fees and costs;
- 3676 e. participation in training on public accommodations laws; and
- 3677 f. such other requirements as may lawfully be agreed upon by the parties and
3678 the ~~((office of equity and racial and social justice))~~ civil rights program.

3679 2. Any postfinding settlement agreement shall be reduced to writing and signed
3680 by all parties, with the approval of the ~~((office of equity and racial and social justice))~~
3681 civil rights program. The ~~((office of equity and racial and social justice))~~ civil rights
3682 program shall then enter an order setting forth the agreement and furnish copies of the
3683 order to all affected parties. Each postfinding settlement agreement is a public record.

Ordinance 20082

3684 Failure to comply with the postfinding settlement agreement or order may be enforced
3685 under K.C.C. 12.22.080.

3686 B.1. If the parties cannot reach agreement, the ~~((office of equity and racial and~~
3687 ~~social justice))~~ civil rights program shall make a finding to that effect, incorporate the
3688 finding in the order and furnish a copy of the order to all affected parties. The order shall
3689 also include:

3690 a. a finding that discrimination in a place of public accommodation occurred;
3691 b. the basis for the finding;
3692 c. an order requiring the respondent to cease and desist from such
3693 discriminatory practice and to take appropriate affirmative measures, which may include:

3694 (1) payment of refunds or credit or other damages not to exceed monetary
3695 damage actually incurred;

3696 (2) payment of other actual damages, including damages caused by emotional
3697 distress, humiliation, and embarrassment;

3698 (3) payment of attorneys' fees and costs;

3699 (4) participation in training in public accommodations laws; or

3700 (5) such other action as in the judgment of the ~~((office of equity and racial~~
3701 ~~and social justice))~~ civil rights program will effectuate the purposes of this chapter, which
3702 may include the requirement for a report on the matter of compliance.

3703 2. If the ~~((office of equity and racial and social justice))~~ civil rights program
3704 finds the respondent willfully or knowingly committed any discrimination in a place of
3705 public accommodation, the ~~((office of equity and racial and social justice))~~ civil rights
3706 program may further order the respondent to pay a civil penalty of up to one thousand

Ordinance 20082

3707 dollars per violation, which penalty shall be paid to the King County treasury for deposit
3708 in the county general fund.

3709 SECTION 78. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are
3710 hereby amended to read as follows:

3711 A.1. Any respondent or charging party, after an order of the ((~~office of equity and~~
3712 ~~racial and social justice~~)) civil rights program is made in accordance with K.C.C.
3713 12.22.060.B., may request an appeal hearing before the hearing examiner by filing a
3714 written request for hearing within thirty days of the service of the order. The request for
3715 hearing shall be filed with the ((~~office of equity and racial and social justice~~)) civil rights
3716 program. The request for hearing must identify clearly and specifically:

- 3717 a. the errors that the appellant believes were made in the action or decision that
3718 is being appealed, or the procedural irregularities associated with that action or decision;
3719 b. specific reasons why the county's action should be reversed or modified; and
3720 c. the desired outcome of the appeal.

3721 2. Unless the hearing examiner authorizes an amendment to the statement of
3722 appeal, the identification of errors and the statement of reasons for reversal or
3723 modification defines and limits the issues that the examiner may consider.

3724 B. Any order issued by the ((~~office of equity and racial and social justice~~)) civil
3725 rights program in accordance with procedures in this chapter becomes final thirty days
3726 after service of the order unless a written request for hearing is filed with the ((~~office of~~
3727 ~~equity and racial and social justice~~)) civil rights program within the thirty-day period.

3728 C. If the order of the ((~~office of equity and racial and social justice~~)) civil rights
3729 program is appealed, the hearing examiner shall conduct a hearing for the purpose of

Ordinance 20082

3730 affirming, denying or modifying the order. There shall be a verbatim record kept of the
3731 hearing. The hearing examiner has such rule-making and other powers necessary for the
3732 conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ((office
3733 of equity and racial and social justice)) civil rights program shall not be presumed
3734 correct. The hearing examiner's decision shall be based upon a preponderance of the
3735 evidence. The hearing shall be conducted within a reasonable time after receipt of the
3736 request for appeal. Written notice of the time and place of the hearing shall be given at
3737 least ten days before the date of the hearing to each affected party and to the ((office of
3738 equity and racial and social justice)) civil rights program.

3739 D. Each party may, among exercising other rights:

- 3740 1. Call and examine witnesses on any matter relevant to the issues of the
3741 complaint;
- 3742 2. Introduce documentary and physical evidence;
- 3743 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
3744 complaint;
- 3745 4. Impeach any witness regardless of which party first called the witness to
3746 testify;
- 3747 5. Rebut evidence against the party; and
- 3748 6. Self-represent or be represented by anyone of the party's choice who is
3749 lawfully permitted to do so.

3750 E. Following review of the evidence submitted, the hearing examiner presiding at
3751 the hearing shall enter written findings and conclusions and shall affirm or modify the
3752 order previously issued if the hearing examiner finds that a violation occurred. The

Ordinance 20082

hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that ~~((office of equity and racial and social justice))~~ civil rights program could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

SECTION 79. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are hereby amended to read as follows:

A. If the ~~((office of equity and racial and social justice))~~ civil rights program has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the ~~((office of equity and racial and social justice))~~ civil rights program issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070, the ~~((office of equity and racial and social justice))~~ civil rights program shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the ~~((office of equity and racial and social justice))~~ civil rights program issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no later than ninety days after the referral of the alleged breach underlying the referral under subsection A. of this section.

Ordinance 20082

3776 SECTION 80. Ordinance 15399, Section 59, as amended, and K.C.C. 12.22.085
3777 are hereby amended to read as follows:

3778 A. An aggrieved person may commence a civil action in superior court not later
3779 than one year after the occurrence or termination of alleged discrimination in a place of
3780 public accommodation or ninety days after a determination of reasonable cause is issued
3781 by the ((office of equity and racial and social justice)) civil rights program, whichever
3782 occurs last, to obtain appropriate relief with respect to the discrimination in public
3783 accommodations.

3784 B. A civil action may be filed under this section whether or not an administrative
3785 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the
3786 complaint. However, if the ((office of equity and racial and social justice)) civil rights
3787 program obtained a prefinding or postfinding settlement or conciliation agreement with
3788 the consent of the aggrieved person, an action may not be filed by the aggrieved person
3789 with respect to the alleged discrimination in public accommodations that forms the basis
3790 for the complaint except for the purpose of enforcing the agreement. To preclude such a
3791 filing, the prefinding or postfinding settlement or conciliation agreement must include
3792 language that the aggrieved person knowingly waives any right to file a civil action under
3793 this section based on the same alleged discrimination in public accommodations.

3794 C. Subject to subsection D. of this section, after the filing of a civil action
3795 involving the same claim or arising from the same facts and circumstances, whether
3796 under this chapter or similar law, the ((office of equity and racial and social justice)) civil
3797 rights program may administratively close a complaint of discrimination in public
3798 accommodations.

Ordinance 20082

3799 D. If a court dismisses a private cause of action without reaching the merits and
3800 on grounds that would not preclude pursuit of a complaint under this chapter, the
3801 charging party may request, within ninety days of the entry of the court's order of
3802 dismissal, that the ~~((office of equity and racial and social justice))~~ civil rights program
3803 reopen a previously filed case. Upon such a request, the ~~((office of equity and racial and~~
3804 ~~social justice))~~ civil rights program may reopen a case that was administratively closed
3805 upon the filing of a civil action. If the ~~((office of equity and racial and social justice))~~
3806 civil rights program closes a case based on a "no reasonable cause" finding, the case may
3807 not be reopened except as provided through reconsideration under K.C.C. 12.22.050.

3808 E. A charging party or aggrieved person may not secure relief from more than
3809 one governmental agency, instrumentality, or tribunal for the same harm or injury.

3810 F. An aggrieved person may not commence a civil action under this section with
3811 respect to an alleged discrimination in public accommodations practice that forms the
3812 basis of a complaint if a hearing on the complaint has been convened under K.C.C.
3813 12.22.070.

3814 G. In a civil action under this section, if the court finds that discrimination in
3815 public accommodations occurred, the court may grant such relief as is available for
3816 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

3817 H. Upon timely application, the prosecuting attorney may intervene in the civil
3818 action, if the prosecuting attorney determines that the case is of general public
3819 importance.

Ordinance 20082

3820 I. This section is intended to provide private judicial remedies for violations of
3821 this chapter that are as expansive as the powers granted by the Constitution and laws of
3822 the state of Washington.

3823 SECTION 81. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are
3824 hereby amended to read as follows:

3825 The ((~~office of equity and racial and social justice~~)) civil rights program may
3826 implement such forms, administrative processes, and operational procedures as are
3827 necessary to comply with this chapter. The forms, processes and procedures shall be
3828 adopted in compliance with K.C.C. chapter 2.98.

3829 SECTION 82. Ordinance 15399, Section 54, as amended, and K.C.C. 12.22.095
3830 are hereby amended to read as follows:

3831 A. If a complaint has been filed under this chapter, the ((~~office of equity and~~
3832 ~~racial and social justice~~)) civil rights program shall initiate an investigation under the
3833 provisions of this chapter.

3834 B. If the ((~~office of equity and racial and social justice~~)) civil rights program
3835 determines that a violation of this chapter or any rules and regulations adopted under this
3836 chapter occurred, the office shall issue an order under this chapter. For violations of this
3837 chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls
3838 over K.C.C. Title 23.

3839 SECTION 83. Ordinance 13147, Section 27, as amended, and K.C.C. 20.18.110
3840 are hereby amended to read as follows:

Ordinance 20082

3841 A. Notice of the time, place, and purpose of a public hearing before the council to
3842 consider amendments to the Comprehensive Plan or development regulations shall at a
3843 minimum be given at least thirty days before the hearing by the following methods:

3844 1. One publication in a newspaper of general circulation in the county.

3845 2. For land use designation and zoning classification proposals only:

3846 a. one additional publication in the area for which the area zoning is proposed,
3847 if available;

3848 b. mailed to affected property owners, appropriate to the scope of the proposal,
3849 whose names appear on the rolls of the King County assessor and shall at a minimum
3850 include owners of properties within five hundred feet of affected property, at least twenty
3851 property owners in the vicinity of the property, and to any individuals or organizations
3852 that have formally requested to the department of local services, permitting division,
3853 ~~((department of performance, strategy and budget, regional planning section))~~ the
3854 executive's office, or the council, to be kept informed of applications in an identified area.

3855 If the additional publication referenced in subsection A.2.a. of this section is not
3856 available, the mailing radius shall be extended to one thousand feet, and at least forty
3857 property owners in the vicinity of the property. The mail shall be postmarked at least
3858 thirty days before the hearing. If the county sends the mailed notice by bulk mail, the
3859 certificate of mailing shall qualify as a postmark. Failure to notify any specific property
3860 owner shall not invalidate an area zoning proceeding or any resulting reclassification of
3861 land; and

3862 c. posted on the county website.

Ordinance 20082

3863 B. Notice for site-specific land use map amendments shall also be provided in
3864 accordance with K.C.C. 20.18.050.

3865 C. The county shall endeavor to provide notices required by this section in
3866 nontechnical language. The notice shall indicate how the detailed description of the
3867 ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public.

3868 SECTION 84. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are
3869 hereby amended to read as follows:

3870 The examiner makes decisions on:

3871 A. Appeals of orders of the ombuds under the lobbyist disclosure code under
3872 K.C.C. chapter 1.07;

3873 B. Appeals of sanctions of the finance and business operations division in the
3874 department of executive services under K.C.C. chapter 2.97;

3875 C. Appeals of career service review committee conversion decisions for part-time
3876 and temporary employees under K.C.C. chapter 3.12A;

3877 D. Appeals of electric vehicle recharging station penalties by the Metro transit
3878 department under K.C.C. 4A.700.700;

3879 E. Appeals of notice and orders of the manager of records and licensing services
3880 or the department of local services permitting division manager under K.C.C. chapter
3881 6.01;

3882 F. Appeals of adult entertainment license denials, suspensions, and revocations
3883 under K.C.C. chapter 6.09;

3884 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
3885 chapter 17.11;

Ordinance 20082

3886 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
3887 and orders under K.C.C. 6.27A.240;

3888 I. Appeals of notice and orders of the department of natural resources and parks
3889 under K.C.C. chapter 7.09;

3890 J. Appeals of decisions of the director of the department of natural resources and
3891 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

3892 K. Appeals of decisions of the director of the department of natural resources and
3893 parks on requests for rate adjustments to surface and storm water management rates and
3894 charges under K.C.C. chapter 9.08;

3895 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

3896 M. Appeals of notice and orders of the manager of regional animal services under
3897 K.C.C. chapter 11.04;

3898 N. Certifications by the finance and business operations division of the
3899 department of executive services under K.C.C. chapter 12.16;

3900 O. Appeals of orders of the ((~~office of equity and racial and social justice~~)) civil
3901 rights program under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C chapter 12.20,
3902 and K.C.C. chapter 12.22;

3903 P. Appeals of noise-related orders and citations of the department of local
3904 services, permitting division, under K.C.C. chapter 12.86;

3905 Q. A decision on a request for exemption under K.C.C. 12.25.020.F.;

3906 R. Appeals of utilities technical review committee determinations on water
3907 service availability under K.C.C. 13.24.090;

Ordinance 20082

3908 S. Appeals of decisions regarding mitigation payment system, commute trip
3909 reduction, and intersection standards under K.C.C. Title 14;

3910 T. Appeals of changes to speed limits under K.C.C. chapter 14.06;

3911 U. Appeals related to road designations and redesignations under K.C.C. chapter
3912 16.08;

3913 V. Appeals of suspensions, revocations, or limitations of plumbing permits under
3914 K.C.C. chapter 16.32;

3915 W. Appeals from denials of C-PACER applications under K.C.C. chapter 18.19;

3916 X. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the
3917 exception of appeals of shoreline permits, including shoreline substantial development
3918 permits, shoreline variances, and shoreline conditional uses, which are appealable to the
3919 state Shoreline Hearings Board;

3920 Y. Type 3 decisions under K.C.C. chapter 20.20;

3921 Z. Appeals of SEPA decisions under K.C.C. 20.44.120 and public rules adopted
3922 under K.C.C. 20.44.075;

3923 AA. Appeals of completed farm management plans under K.C.C. 21A.30.045;

3924 BB. Appeals of decisions of the interagency review committee created under
3925 K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C.
3926 chapter 21A.37;

3927 CC. Appeals of citations, notices and orders, notices of noncompliance, and stop
3928 work orders issued under K.C.C. Title 23 or King County Board of Health Code BOH
3929 chapter 1.08 ((of the code of the King County board of health code));

Ordinance 20082

3930 DD. Appeals of notices and certifications of junk vehicles to be removed as a
3931 public nuisance under K.C.C. Title 21A and K.C.C. chapter 23.10;

3932 EE. Appeals of decisions not to issue a citation or a notice and order under
3933 K.C.C. 23.36.010;

3934 FF. Appeals of fee waiver decisions by the department of local services,
3935 permitting division under K.C.C. 27.02.040;

3936 GG. Appeals from decisions of the department of natural resources and parks
3937 related to permits, discharge authorizations, violations, and penalties under K.C.C.
3938 28.84.050 and 28.84.060, civil infractions and penalties under K.C.C. 7.12.650, and
3939 suspensions of park privileges under K.C.C. 7.12.700.B.;

3940 HH. Appeals of transit rider suspensions under K.C.C. 28.96.430;

3941 II. Appeals of department of public safety seizures and intended forfeitures, when
3942 properly designated by the chief law enforcement officer of the department of public
3943 safety under RCW 69.50.505; and

3944 JJ. Other applications or appeals prescribed by ordinance.

3945 SECTION 85. Ordinance 19881, Section 164, and K.C.C. 21A.08.055 are hereby
3946 amended to read as follows:

3947 A. Government and education land uses.

SI C#	SPECIFIC LAND USE	A	F	M	RA (1)	UR	R-1	R-4 – R- 8	R-12 – R- 48	N B	CB	RB	O	I
	GOVERNMENT													

Ordinance 20082

	SERVICES:													
*	Public Agency or Utility Office				P2 C4	P2 C4	P2 C	P2 C	P2 C	P	P	P	P	P3
*	Public Agency or Utility Yard				P5	P5	P5	P5	P5			P		P
*	Public Agency Archives											P	P	P
921	Court										P6	P	P	
922 1	Police Facility				P7	P7	P7	P7	P7	P7	P	P	P	P
922 4	Fire Facility				C8	C8	C8	C8	C8	P	P	P	P	P
*	Utility Facility (12)	P1 0 C1 1	P 1 0 C 1 1 1	P 1 0 C 1 1 1	P10 C11	P10 C11	P10 C11	P10 C11	P10 C11	P	P	P	P	P
*	Private Stormwater Management Facility	P1 3 3	P 1 3	P 1 3	P13	P13	P13	P13	P13	P1 3	P1 3	P13	P13	P1 3

Ordinance 20082

*	Vactor Waste Receiving Facility	P	P	P	P14	P14	P14	P14	P14	P1 5	P1 5	P15	P15	P
*	Commuter Parking Lot				P29 C	P29 C		P29 C	P29 C	P	P	P	P	P3 0
	EDUCATIO N SERVICES:													
*	Elementary School				P16 P18	P	P	P	P		P1 7 P1 8	P17 P18	P17 P18	
*	Middle/Junio r High School				P18 C16	P	P	P	P		P1 7 C1 8	P17 C18	P17 C1 8	
*	Secondary or High School				C16 C20	P21	P21	P21	P21		P1 7 C1 9	P17 C19	P17	
822 1- 822 2	College/Univ ersity(26)	P2 2	P 2		P22 C23 S24	P22 C23 S24	P22 C23 S	P22 C23 S	P22 C23 S	P2 2 C2 3 S	P	P	P	P
*	Vocational School					P25 C	P25 C	P25 C	P25 C			P19	P27	P

Ordinance 20082

*	School					P28	P28	P28	P28	C1	P1	P19	P19	P1
	District					C	C	C	C	9	9			9
	Support													
	Facility													

- 3948
- B. Development conditions.
- 3949
1. Subject to review and approval of conditions to comply with trail corridor
- 3950
- provisions of K.C.C. chapter 21A.14.
- 3951
- 2.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 3952
- subject to K.C.C. chapter 21A.32; or
- 3953
- b. only when accessory to a fire facility and the office is no greater than one
- 3954
- thousand five hundred square feet of floor area.
- 3955
3. Only as an accessory use to another permitted use.
- 3956
4. New utility office locations only if there is no commercial/industrial zoning
- 3957
- in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 3958
- no feasible alternative location is possible.
- 3959
- 5a. Utility yards only on sites with utility district offices; or
- 3960
- b. Public agency yards are limited to material storage for road maintenance
- 3961
- facilities.
- 3962
6. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 3963
- 21A.32.
- 3964
7. Limited to storefront police offices. Such offices shall not have:
- 3965
- a. holding cells;
- 3966
- b. suspect interview rooms (except in the NB zone); or
- 3967
- c. long-term storage of stolen properties.

Ordinance 20082

3968 8.a. All buildings and structures shall maintain a minimum distance of twenty
3969 feet from property lines adjoining RA, UR, and R zones;

3970 b. Any buildings from which fire-fighting equipment emerges onto a street
3971 shall maintain a distance of thirty-five feet from such street;

3972 c. No outdoor storage; and

3973 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
3974 feasible alternative location is possible.

3975 10. Excluding local distribution gas storage tanks.

3976 11. Limited to local distribution gas storage tanks that pipe to individual
3977 residences but excluding liquefied natural gas storage tanks.

3978 12. As part of an application for construction of new electric transmission lines
3979 in regional utility corridors, or for the construction or siting of new, modified, or
3980 expanded gas or hazardous liquid transmission pipelines, the applicant shall submit an
3981 equity impact review of the proposal using tools developed by the executive's office ~~((of~~
3982 ~~equity and racial and social justice))~~). Until the tools have been developed and made
3983 publicly available by the executive's office, the equity impact review is not required. The
3984 results from the equity impact review shall be used to assess equity impacts and
3985 opportunities during county permit review and may be used to inform determinations of
3986 project approval.

3987 13. Private stormwater management facilities serving development proposals
3988 located on commercial/industrial zoned lands shall also be located on
3989 commercial/industrial lands, unless participating in an approved shared facility drainage

Ordinance 20082

3990 plan. Such facilities serving development within an area designated urban in the King
3991 County Comprehensive Plan shall only be located in the urban area.

3992 14. Only as an accessory use to a public agency or utility yard, or to a transfer
3993 station.

3994 15. Vector waste treatment, storage, and disposal shall be limited to liquid
3995 materials. Materials shall be disposed of directly into a sewer system or shall be stored in
3996 tanks, covered structures, or enclosed buildings.

3997 16. A school may be located outside of the Urban Growth Area only if allowed
3998 under King County Comprehensive Plan policies. New high school sites shall abut or be
3999 accessible from a public street functioning as an arterial per the King County Design
4000 Standards.

4001 17. If located outside of the urban area, shall be designed to primarily serve the
4002 rural area and natural resource lands and shall be located within a rural town. In CB, RB,
4003 and O zones, only for K-12 schools, and limited to a maximum of one hundred students.

4004 18. Only as a reuse of an existing public school.

4005 19. If located outside of the urban area, limited to projects that are of a size and
4006 scale designed to primarily serve the rural area and natural resource lands and shall be
4007 located within a rural town.

4008 20. A high school may be allowed as a reuse of an existing public school if
4009 allowed under King County Comprehensive Plan policies.

4010 21.a. New high schools permitted in the RA, UR, and R zones shall be subject
4011 to the review process in K.C.C. 21A.42.140.

Ordinance 20082

4012 b. Renovation, expansion, modernization, or reconstruction of a school, or the
4013 addition of relocatable facilities, is allowed.

4014 22. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

4015 23. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
4016 21A.32.

4017 24. Only for facilities related to resource-based research.

4018 25. Only as a reuse of a public school facility or surplus nonresidential facility
4019 subject to K.C.C. chapter 21A.32. Before filing an application with the department, the
4020 applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

4021 26. Except technical institutions, which are classified as vocational schools.

4022 27. All instruction shall occur within an enclosed structure.

4023 28. Only if adjacent to an existing or proposed school.

4024 29. Limited to new commuter parking lots designed for thirty or fewer parking
4025 spaces or commuter parking lots located on existing parking lots for religious facilities,
4026 schools, or other allowed nonresidential uses that have excess capacity available during
4027 commuting, but only if the new or existing lot is adjacent to a designated arterial that has
4028 been improved to a standard acceptable to the department of local services.

4029 30. Allowed as a primary or accessory use to an allowed industrial-zoned land
4030 use.

4031 SECTION 86. Ordinance 10870, Section 337, as amended, and K.C.C.
4032 21A.08.100 are hereby amended to read as follows:

4033 A. Regional land uses.

SIC#	SPECIFIC	A	F	M	RA	UR	R-1	R-4	R-	NB	CB	RB	O	I

Ordinance 20082

	LAND USE							– R-8	12 – R-48					(15)
*	Jail						S	S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S								
*	Work Release Facility				S19	S19	S	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S						S		P
*	Public Agency Training Facility		S		S3						S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S14b		C1 4 S14 b	C1 4 S14 b	C1 4 S14 b	C1 4 S14 b						
*	Nonhydroelectric Generation Facility	C12 S29	C12 S29	C12 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C12 S29	C1 2 S29	P12 S29
*	Renewable Energy Generation Facility	C28	C28	C	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility													S27
*	Battery Energy		S	P	P	P	C	C	C	P	P	P	P	P

Ordinance 20082

	Storage System (30)													
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6c S	C6a S	C6a S	P6b C	P	P	P	P
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S									C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S	S
*	Search and Rescue Facility				C3 1 S31									
*	Regional Transit Authority Facility						P25							
*	Rural Public Infrastructure Maintenance Facility				C2 3									P
*	Transit Bus Base						S	S	S	S	S	S	S	P

Ordinance 20082

*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5	C5	C5	C5	C5	S	S	S	S	P
					S20	S	S	S	S					
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility													P
*	County Fairgrounds Facility				P21									
					S22									
*	Fairground										S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S	S		S	S		
7941	Stadium/Arena											S		S
*	Zoo Animal Breeding Facility	P16	P16		P16									

4034 B. Development conditions.

4035 1. Repealed.

4036 2. Except arboretum.

4037 3. Except weapons armories and outdoor shooting ranges.

4038 4. Except outdoor shooting range.

4039 5. Only in conjunction with an existing or proposed school.

4040 6.a. Limited to no more than three satellite dish antennae.

4041 b. Limited to one satellite dish antenna.

4042 c. Limited to tower consolidations.

Ordinance 20082

- 4043 7. Limited to landing field for aircraft involved in forestry or agricultural
4044 practices or for emergency landing sites.
- 4045 8. Except racing of motorized vehicles.
- 4046 9. Limited to wildlife exhibit.
- 4047 10. Repealed
- 4048 11. Repealed
- 4049 12.a. Limited to gas extraction as an accessory use to a waste management
4050 process, such as wastewater treatment, landfill waste management, livestock manure, and
4051 composting processes, and excluding anaerobic digesters.
- 4052 b. an equity impact review of the proposal using tools developed by the
4053 executive's office (~~(of equity and racial and social justice)~~). Until the tools have been
4054 developed and made publicly available by the executive's office, the equity impact review
4055 is not required. The results from the equity impact review shall be used to assess equity
4056 impacts and opportunities during county permit review and may be used to inform
4057 determinations of project approval.
- 4058 13. Excluding impoundment of water using a dam.
- 4059 14.a. Limited to facilities that comply with the following:
- 4060 (1)(~~(7)~~) Any new diversion structure shall not:
- 4061 (a) exceed a height of eight feet as measured from the streambed; or
- 4062 (b) impound more than three surface acres of water at the normal maximum
4063 surface level;
- 4064 (2) There shall be no active storage;

Ordinance 20082

4065 (3) The maximum water surface area at any existing dam or diversion shall not
4066 be increased;

4067 (4) An exceedance flow of no greater than fifty percent in mainstream reach
4068 shall be maintained;

4069 (5) Any transmission line shall comply with the following:

4070 (a) be limited to right-of-way of five miles or less; and

4071 (b) be limited to capacity of two hundred thirty KV or less;

4072 (6) Any new, permanent access road shall be limited to five miles or less; and

4073 (7) The facility shall only be located above any portion of the stream used by
4074 anadromous fish.

4075 b. The applicant shall submit an equity impact review of the proposal using
4076 tools developed by the executive's office (~~(of equity and racial and social justice)~~). Until
4077 the tools have been developed and made publicly available by the executive's office, the
4078 equity impact review is not required. The results from the equity impact review shall be
4079 used to assess equity impacts and opportunities during county permit review and may be
4080 used to inform determinations of project approval.

4081 15. For I-zoned sites located outside the urban area, uses shown as a conditional
4082 or special use in K.C.C. 21A.08.100.A., except for wastewater treatment facilities and
4083 racetracks, shall be prohibited. All other uses, including wastewater treatment facilities,
4084 shall be subject to the provisions for rural industrial uses in K.C.C.21A.09T.020.

4085 16. The operator of such a facility shall provide verification to the department of
4086 natural resources and parks or its successor organization that the facility meets or exceeds
4087 the standards of the Animal and Plant Health Inspection Service of the United States

Ordinance 20082

4088 Department of Agriculture and the accreditation guidelines of the American Zoo and
4089 Aquarium Association.

4090 17. The following provisions of the table apply only to major communication
4091 facilities. Minor communication facilities shall be reviewed in accordance with the
4092 processes and standard outlined in K.C.C. chapter 21A.27.

4093 18. Repealed.

4094 19. Limited to work release facilities associated with natural resource-based
4095 activities.

4096 20. Limited to projects that do not require or result in an expansion of sewer
4097 service outside the Urban Growth Area boundary, unless a finding is made that no cost-
4098 effective alternative technologies are feasible, in which case a tightline sewer sized only
4099 to meet the needs of the school bus base and serving only the school bus base may be
4100 used. Renovation, expansion, modernization, or reconstruction of a school bus base is
4101 allowed but shall not require or result in an expansion of sewer service outside the Urban
4102 Growth Area boundary, unless a finding is made that no cost-effective alternative
4103 technologies are feasible, in which case a tightline sewer sized only to meet the needs of
4104 the school bus base.

4105 21.((a)) Only in conformance with the King County Fairgrounds Site
4106 Development Plan Attachment A to Ordinance 14808. Modifications to the plan of up to
4107 ten percent are allowed for the following:

- 4108 a. building square footage;
- 4109 b. landscaping;
- 4110 c. parking;

Ordinance 20082

4111 d. building height; or
 4112 e. impervious surface as established in the King County Fairgrounds Site
 4113 Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to
 4114 Ordinance 14808.

4115 22. A special use permit shall be required for any modification or expansion of
 4116 the King County fairgrounds facility that is not in conformance with the King County
 4117 Site Development Plan Report or that exceeds the allowed modifications to the plan
 4118 identified in subsection B.21. of this section.

4119 23. The facility shall be primarily devoted to rural public infrastructure
 4120 maintenance and is subject to the following conditions:

4121 a. The minimum site area shall be ten acres, unless:
 4122 (1) the facility is a reuse of a public agency yard; or
 4123 (2) the site is separated from a county park by a street or utility right-of-way;

4124 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
 4125 between any stockpiling or grinding operations and adjacent R or UR zoned property;

4126 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
 4127 between any office and parking lots and adjacent R or UR zoned property;

4128 d. Access to the site does not use local access streets that abut R or UR zoned
 4129 property, unless the facility is a reuse of a public agency yard;

4130 e. Structural setbacks from property lines shall be as follows:

4131 (1) Buildings, structures, and stockpiles used in the processing of materials
 4132 shall be no closer than:

Ordinance 20082

4133 (a) one hundred feet from any R or UR zoned properties, except that the
4134 setback may be reduced to fifty feet when the grade where the building or structures are
4135 proposed is fifty feet or greater below the grade of the R or UR zoned property;

4136 (b) fifty feet from any other zoned property, except when adjacent to a
4137 mineral extraction or materials processing site;

4138 (c) the greater of fifty feet from the edge of any public street or the setback
4139 from R or UR zoned property on the far side of the street; and

4140 (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall
4141 not be closer than fifty feet from any property line except when adjacent to M or F zoned
4142 property or when a reuse of an existing building. Facilities necessary to control access to
4143 the site, when demonstrated to have no practical alternative, may be located closer to the
4144 property line;

4145 f. On-site clearing, grading, or excavation, excluding that necessary for
4146 required access, roadway, or storm drainage facility construction, shall not be allowed
4147 within fifty feet of any property line except along any portion of the perimeter adjacent to
4148 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
4149 from construction of noise attenuation features located closer than fifty feet shall be
4150 allowed; and

4151 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

4152 24. The following accessory uses to a motor race track operation are allowed if
4153 approved as part of the special use permit:

4154 a. motocross;

4155 b. autocross;

Ordinance 20082

- 4156 c. skidpad;
- 4157 d. garage;
- 4158 e. driving school; and
- 4159 f. fire station.
- 4160 25. Regional transit authority facilities shall be exempt from setback and height
- 4161 requirements.
- 4162 26. Transit comfort facility shall:
- 4163 a. only be located outside of the urban area;
- 4164 b. be exempt from street setback requirements; and
- 4165 c. be no more than two hundred square feet in size.
- 4166 27.a. Required for all new, modified, or expanded fossil fuel facilities.
- 4167 Modification or expansion includes, but is not limited to:
- 4168 (1) new uses or fuel types within existing facilities;
- 4169 (2) changes to the type of refining, manufacturing, or processing;
- 4170 (3) changes in the methods or volumes of storage or transport of raw
- 4171 materials or processed products;
- 4172 (4) changes in the location of the facilities on-site;
- 4173 (5) replacement of existing facilities;
- 4174 (6) increases in power or water demands; or
- 4175 (7) increases in production capacity.
- 4176 b. Before filing an application with the department, the applicant shall hold a
- 4177 community meeting in accordance with K.C.C. 20.20.035.

Ordinance 20082

4178 c. As part of permit application submittal for new, modified, or expanded fossil
4179 fuel facilities, the applicant shall submit the following documentation:

4180 (1) an inventory of similar existing facilities in King County and neighboring
4181 counties, including their locations and capacities;

4182 (2) a forecast of the future needs for the facility;

4183 (3) an equity impact review of the proposal using tools developed by the
4184 executive's office (~~(of equity and racial and social justice)~~). Until the tools have been
4185 developed and made publicly available by the executive's office, the equity impact review
4186 is not required. The results from the equity impact review shall be used to assess equity
4187 impacts and opportunities during county permit review and may be used to inform
4188 determinations of project approval;

4189 (4) an analysis of alternatives to the facility, including location, conservation,
4190 demand management and other strategies;

4191 (5) an analysis of economic and environmental impacts, including mitigation,
4192 of any similar existing facilities and of any new site or sites under consideration as an
4193 alternative to expansion of an existing facility;

4194 (6) an extensive public involvement strategy that strives to effectively engage
4195 a wide range of racial, ethnic, cultural, and socioeconomic groups, including
4196 communities that are the most impacted;

4197 (7) considered evaluation of any applicable prior review conducted by a
4198 public agency, local government, or interested party; and

4199 (8) a greenhouse gas impact analysis prepared by the applicant~~((--))~~, the results
4200 of which shall be used to identify and mitigate the impacts of such facilities.

Ordinance 20082

4201 d. As part of permit application submittal, the applicant shall demonstrate
4202 financial responsibility meeting the requirements of K.C.C. chapter 21A.49. The
4203 financial responsibility shall be reviewed as part of the facility's periodic review under
4204 K.C.C. 21A.22.050.

4205 e. New, modified or expanded fossil fuel facilities shall:

4206 (1) not be located within one thousand feet from any schools, medical care
4207 facilities, or places of assembly that have occupancies of greater than one thousand
4208 persons;

4209 (2) not be located within two hundred fifty feet from a regulated wetland or
4210 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
4211 buffer in K.C.C. chapter 21A.24 shall apply;

4212 (3) maintain an interior setback of at least two hundred feet;

4213 (4) store fossil fuels completely within enclosed structures, tanks, or similar
4214 facilities;

4215 (5) be accessed directly to and from an arterial roadway; and

4216 (6) comply with all applicable regulations in K.C.C. chapter 21A.22.

4217 f. Proposals shall only be approved when the following conditions are met:

4218 (1) the proposed facility can confine or mitigate all operational impacts;

4219 (2) the facility can adequately mitigate conflicts with adjacent land uses;

4220 (3) the full scope of environmental impacts, including life cycle greenhouse
4221 gas emissions and public health, have been evaluated and appropriately conditioned or
4222 mitigated as necessary, consistent with the County's substantive State Environmental
4223 Policy Act authority;

Ordinance 20082

4224 (4) the applicant can comply with applicable federal and state regulations,
4225 including the Clean Water Act, Clean Air Act, and Endangered Species Act;

4226 (5) the applicant has demonstrated early, meaningful, and robust consultation
4227 with Indian tribes, the public, and surrounding property owners to assess impacts to
4228 Indian tribal treaty-protected cultural and fisheries resources; and

4229 (6) risks to public health and public safety can be mitigated.

4230 28. Limited to uses that will not convert more than two acres of farmland or
4231 forestland, or two and one-half percent of the farmland or forestland, whichever is less.

4232 29.a. Before filing an application with the department, the applicant shall hold a
4233 community meeting in accordance with K.C.C. 20.20.035.

4234 b. As part of permit application submittal for nonhydroelectric generation
4235 facilities, the applicant shall submit the following documentation:

4236 (1) an inventory of similar existing facilities in King County and neighboring
4237 counties, including their locations and capacities;

4238 (2) a report demonstrating that the facility would serve a significant portion
4239 of the county or metropolitan region, or is part of a statewide or national system;

4240 (3) a forecast of the future needs for the facility;

4241 (4) an equity impact review of the proposal using tools developed by the
4242 executive's office (~~of equity and racial and social justice~~). Until the tools have been
4243 developed and made publicly available by the executive's office, the equity impact review
4244 is not required. The results from the equity impact review shall be used to assess equity
4245 impacts and opportunities during county permit review and may be used to inform
4246 determinations of project approval;

Ordinance 20082

4247 (5) an analysis of alternatives to the facility, including location, conservation,
4248 demand management, and other strategies;

4249 (6) an analysis of economic and environmental impacts, including mitigation,
4250 of any similar existing facilities and of any new site or sites under consideration as an
4251 alternative to expansion of an existing facility;

4252 (7) an extensive public involvement strategy that strives to effectively engage
4253 a wide range of racial, ethnic, cultural, and socioeconomic groups, including
4254 communities that are the most impacted;

4255 (8) considered evaluation of any applicable prior review conducted by a
4256 public agency, local government, or interested party; and

4257 (9) a greenhouse gas impact analysis prepared by the applicant, the results of
4258 which shall be used to identify and mitigate the impacts of such facilities.

4259 c. As part of permit application submittal, an applicant shall demonstrate
4260 financial responsibility meeting the requirements of K.C.C. chapter 21A.49.

4261 d. Nonhydroelectric generation facilities shall be subject to a periodic review
4262 meeting the same standards given in K.C.C. 21A.22.050. The financial responsibility
4263 required by subsection B.29.c. of this section shall be reviewed as part of the periodic
4264 review.

4265 30. Battery energy storage systems, except those defined as an accessory use
4266 under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025, are subject to the applicable
4267 permit requirements of subsection A. of this section and the following conditions:

Ordinance 20082

- 4268 a. A minimum separation of ten feet shall be maintained between rooms or
4269 enclosures containing battery energy storage systems and landscaping or other
4270 vegetation;
- 4271 b. As part of building permit application submittal, battery energy storage
4272 systems shall demonstrate financial responsibility for public liability and environmental
4273 risks in accordance with K.C.C. chapter 21A.49 if the total system capacity is more than
4274 two megawatts and all three of the following apply:
- 4275 (1) the battery technology requires thermal runaway compliance under WAC
4276 51-54A-1207.6;
- 4277 (2) any individual room, cabinet, container, or other enclosure containing the
4278 system has an energy rating greater than two megawatt-hours, or any two enclosures are
4279 less than ten feet apart; and
- 4280 (3) the system does not qualify as a remote installation under IFC 1207.8.1.;
- 4281 c. As part of building permit application submittal, battery energy storage
4282 systems with a total system capacity more than two megawatts shall demonstrate
4283 financial responsibility for decommissioning in accordance with K.C.C. chapter 21A.49;
- 4284 d. If financial responsibility is required by subsection B.30.b. or c. of this
4285 section, the applicant shall submit verification of financial responsibility to the
4286 department every five years, beginning five years from the date of permit issuance;
- 4287 e. The findings and recommendations of studies, analyses, and testing required
4288 by K.C.C. Title 17, WAC 51-54A-1207, and the International Fire Code should be
4289 incorporated into the permit conditions for the facility; and

Ordinance 20082

4290 f. As part of application submittal, the applicant shall submit verification that
4291 preliminary fire safety and evacuation plans have been shared with the local fire
4292 protection district. The final plans shall be shared with the local fire protection district
4293 before final inspection approval.

4294 31.a. For all search and rescue facilities:

4295 (1) the minimum lot size is four and one half acres;

4296 (2) structures and parking areas for search and rescue facilities shall maintain
4297 a minimum distance of seventy-five feet from interior lot lines that adjoin RA, UR, and R
4298 zones, unless located in a building designated as historic resource under K.C.C. chapter
4299 20.62;

4300 (3) use of the search and rescue facility is limited to activities directly relating
4301 to the search and rescue organization, except that the facility may be used by law
4302 enforcement and other public emergency responders for training and operations related to
4303 search and rescue activities; and

4304 (4) the applicant shall demonstrate the absence of existing search and rescue
4305 facilities that are adequate to conduct search and rescue operations in the rural area.

4306 b. A special use permit is required when helicopter fueling, maintenance, or
4307 storage is proposed.

4308 SECTION 87. Ordinance 14045, Section 30, as amended, and K.C.C.

4309 21A.14.225 are hereby amended to read as follows:

4310 A. Tracts and easements containing hazardous liquid and gas transmission
4311 pipelines and required setbacks from such pipelines may include the following uses,
4312 subject to other regulations applicable to each use and approval of the holder of the

Ordinance 20082

easement: utility structures that are not normally occupied and that are necessary for the operation of the pipeline, landscaping, trails, open space, keeping of animals, agriculture, forestry, commercial signage, minor communication facilities and utility structures that are not normally occupied and that are necessary for the operation of the minor communication facility, and other compatible uses as specified on the face of the recorded plat or short plat; however, structures designed for human occupancy shall never be allowed within pipeline tracts, easements, or setbacks.

B. Hazardous liquid and gas transmission pipelines shall not be located in aquifer recharge areas, landslide hazard areas, or erosion hazard areas. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety, and welfare.

C. As part of an application for the new, modified, or expanded gas or hazardous liquid transmission pipelines, the applicant shall submit an equity impact review of the proposal using tools developed by the executive's office (~~of equity and racial and social justice~~). Until the tools have been developed and made publicly available by the executive's office, the equity impact review is not required. The results from the equity impact review shall be used to assess equity impacts and opportunities during county permit review and may be used to inform determinations of project approval.

SECTION 88. Ordinance 16267, Section 62, as amended, and K.C.C. 21A.28.154 are hereby amended to read as follows:

A. There is hereby created the school technical review committee consisting of the following representatives:

1. One from the department of local services;

Ordinance 20082

4336 2. One from the ((~~regional planning unit of the office of performance, strategy,~~
4337 ~~and budget~~)) executive's office;

4338 3. One from the housing, homelessness, and community development division
4339 of the department of community and human services; and

4340 4. One from the county council staff, as a nonvoting ex officio member.

4341 B. The representative from the department of local services shall serve as the
4342 chair of the committee.

4343 C. The committee shall be charged with reviewing each school district's: capital
4344 facilities plan; enrollment projections; standard of service; overall capacity for the next
4345 six years to ensure consistency with the Growth Management Act, King County
4346 Comprehensive Plan, and adopted subarea plans; calculation and rationale for proposed
4347 impact fees; and evaluation of potential impacts of the proposed impact fee on housing
4348 production.

4349 D. Committee meetings shall be open to the public. The chair of the committee
4350 shall post on the county's website a public notice of the time and place of a committee
4351 meeting least two weeks in advance of the meeting. Materials submitted under K.C.C.
4352 21A.28.152.A. shall be posted on the county's website at the same time as the meeting
4353 notice.

4354 E. At the meeting where the committee will review or act upon the school
4355 district's documents, school district representatives may attend and present testimony to
4356 the committee.

4357 F. In its review, the committee shall consider the following factors:

Ordinance 20082

- 4358 1. Whether the school district's forecasting system for enrollment projections
4359 has been demonstrated to be reliable and reasonable;
- 4360 2. The historic levels of funding and voter support for bond issues in the school
4361 district;
- 4362 3. The inability of the school district to obtain the anticipated state funding or to
4363 receive voter approval for school district bond issues;
- 4364 4. An emergency or emergencies in the school district that required the closing
4365 of a school facility or facilities resulting in a sudden and unanticipated decline in
4366 districtwide capacity;
- 4367 5. The standards of service set by school districts in similar types of
4368 communities. While community differences will be allowed, the standard established by
4369 the school district should be reasonably consistent with the standards set by other school
4370 districts in communities of similar socioeconomic profile;
- 4371 6. The standards identified by the state concerning the ratios of certificated
4372 instructional staff to students; and
- 4373 7. The potential impacts of the proposed impact fee on housing production
4374 within the school district.
- 4375 G. In the event that the school district's standard of service reveals a deficiency in
4376 its current facilities, the committee shall review the school district's capital facilities plan
4377 to determine whether the school district has identified all sources of funding necessary to
4378 achieve the standard of service.

Ordinance 20082

4379 H. The school district in developing the financing plan component of the capital
4380 facilities plan shall plan on a six-year horizon and shall document that it took the
4381 following steps:

4382 1. Establish a six-year financing plan, and propose the necessary bond issues
4383 and levies required by and consistent with that plan and as approved by the school board
4384 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

4385 2. Apply to the state for funding, and comply with the state requirement for
4386 eligibility to the best of the school district's ability.

4387 I. The committee may request that a school district review and resubmit its
4388 capital facilities plan, establish a different standard of service, or review its capacity for
4389 accommodating new students, or any combination thereof, under any of the following
4390 circumstances:

4391 1. The standard of service established by the school district is not reasonable in
4392 light of the factors in subsection F. of this section;

4393 2. The committee finds that the school district's standard of service cannot
4394 reasonably be achieved in light of the secured financial commitments and the historic
4395 levels of support in the school district; or

4396 3. Any other basis that is consistent with this section.

4397 J. If a school district fails to submit its capital facilities plan for review by the
4398 committee, King County shall assume the school district has adequate capacity to
4399 accommodate growth for the following six years.

4400 K. The chair of the committee shall document the outcome of the committee
4401 meeting each school district's capital facility plan and associated proposed impact fees in

Ordinance 20082

4402 a report. The report shall include analysis consistent with subsections F. through J. of
4403 this section and the evaluation by each school district of the potential impact of the
4404 proposed impact fee on housing production within the school district required by
4405 subsection C. of this section. The chair of the committee shall submit copies of its report
4406 to the director, hearing examiner, and school districts and shall post the report on the
4407 county's website.

4408 L. In accordance with K.C.C. 20.18.060 and 20.18.070 and based on committee
4409 input, the chair of the committee shall recommend to the executive, and the executive
4410 shall transmit to the council, a proposed Comprehensive Plan amendment adopting the
4411 school district's capital facilities plan as part of the Comprehensive Plan, for any plan that
4412 the committee concludes accurately reflects the school district's facilities status. The
4413 transmittal shall include the report required by subsection K. of this section.

4414 M. In the event that after reviewing a school district's capital facilities plan and
4415 other documents, the committee is unable to recommend adoption of the school district's
4416 capital facilities plan, the chair of the committee shall submit a statement to the council,
4417 director, hearing examiner, and school district stating the committee's findings. The
4418 committee shall then recommend to the executive, and the executive shall transmit to the
4419 council, consistent with the school capital facility plan timelines established in K.C.C.
4420 20.18.060 and 20.18.070, either proposed amendments to the land use element of the
4421 King County Comprehensive Plan or proposed amendments to the development
4422 regulations implementing the plan, or both, to more closely conform county land use
4423 plans and school district capital facilities plans, including, but not limited to, requiring

Ordinance 20082

4424 mandatory phasing of plats or multiunit development located within the school district's
4425 boundary.

4426 SECTION 89. Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105
4427 are hereby amended to read as follows:

4428 A. The purpose of the master planning demonstration project is to:

4429 1. Create a comprehensive but streamlined process for the review of major land
4430 use proposals that will be developed over the course of several years by:

4431 a. utilizing a concise timeline for project review that incorporates a process for
4432 public outreach and input during project review and facility operation to ensure a timely
4433 and efficient review;

4434 b. executing a development agreement, pursuant to RCW 36.70B.170 that
4435 establishes:

4436 (1) a clearly defined project through a master development plan, which shall
4437 include a master site plan; and

4438 (2) requirements that must be met before approval of each phase of
4439 development; and

4440 c. executing an operating agreement that establishes operating standards
4441 governing all aspects of the project's operation;

4442 2. Utilize a special project manager to oversee the master planning
4443 demonstration process from negotiation of the development agreement and operating
4444 agreements through monitoring of and reporting on the executed agreements;

Ordinance 20082

4445 3. Utilize the hearing examiner, as authorized in K.C.C. 20.22.190, to conduct
4446 fact finding and make recommendations on the development agreement and operating
4447 agreement to the council; and

4448 4. Provide for ongoing monitoring of the executed development agreement and
4449 operating agreement by the council to ensure continued future compliance with the
4450 executed development agreement and operating agreement.

4451 B.1. The master planning process demonstration project shall be implemented
4452 only for a regional motor sports facility only on the Pacific Raceways property as
4453 described in Attachment A to Ordinance 17287.

4454 2. The department of local services, permitting division, shall administer the
4455 demonstration project.

4456 3.a. The executive shall appoint a special project manager for the master
4457 planning demonstration project, who shall be agreed to by the county and the applicant,
4458 and could be a consultant hired by the director's office of the department of local services
4459 or the permitting division's managed accounts team project manager or equivalent.

4460 b. The special project manager will lead the negotiation of the development
4461 agreement and operating agreement, coordinate reviews of the agreements and
4462 subsequent land use and construction permit application review with the permitting
4463 division and other agencies, be the primary point of contact for the applicant and
4464 interested parties, ensure that the timelines established for review in this section are met;
4465 and oversee monitoring of the executed development agreement and operating agreement
4466 over time.

Ordinance 20082

4467 4. The hearing examiner assigned to the master planning demonstration project
4468 shall have experience reviewing development agreements and large, complex projects
4469 developed over several phases.

4470 C. The master planning demonstration project shall be initiated by the applicant
4471 making a written request to the permitting division for a preapplication meeting to
4472 identify the requirements necessary for a complete application under this section. The
4473 applicant shall submit the following information to the permitting division with a request
4474 to schedule a preapplication meeting:

4475 1. A preapplication request form, on a form approved by the permitting
4476 division;

4477 2. Project narrative and questions for county review staff;

4478 3. Preliminary proposed development agreement that incorporates the
4479 requirements for the development agreement outlined in this section; and

4480 4. Preliminary proposed operating agreement that incorporates the requirements
4481 for the operating agreement outlined in this section.

4482 D. An application for a master planning demonstration project shall be
4483 considered complete when the following information and studies have been submitted
4484 and are adequate to review the proposal:

4485 1. A proposed development agreement that incorporates the requirements for the
4486 development agreement outlined in this section and describes the nature, size and scope
4487 and phasing of all proposed activities;

Ordinance 20082

- 4488 2. A proposed site plan that identifies the location and dimensions of proposed
4489 racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage
4490 treatment or holding facilities, and any off-site traffic improvements;
- 4491 3. A proposed master drainage plan under the surface water design manual;
- 4492 4. A proposed grading plan that identifies or includes:
- 4493 a. existing and proposed land contours;
- 4494 b. soil types; and
- 4495 c. phasing, including proposed contours by phase;
- 4496 5. Proposed development conditions relating to:
- 4497 a. on-site vehicle circulation and off-site traffic control measures;
- 4498 b. protection for critical areas, especially adjacent to Soosette creek;
- 4499 c. stormwater flow control and water quality treatment;
- 4500 d. visual screening from adjoining residential properties;
- 4501 e. ongoing monitoring and reporting to measure compliance with the
4502 development agreement and operating agreement;
- 4503 f. fire protection; and
- 4504 g. water supply and service;
- 4505 6. A proposed operating agreement that includes conditions that specify:
- 4506 a. days and hours of operation;
- 4507 b. frequency of events;
- 4508 c. types of activities, including types of motor vehicles;
- 4509 d. maximum noise levels, except that noise levels for existing and approved
4510 uses and activities shall be no more restrictive than noise levels allowed by Conditional

Ordinance 20082

4511 Use Permit Files Nos. A-71-0-81 and Interim Use Permit File No. LUT417-0003; if those
 4512 uses or activities are expanded in scope or size, the impacts created by the expanded
 4513 scope or size may be subject to additional conditions;

4514 7. A State Environmental Policy Act Checklist; and

4515 8. Any necessary information identified through the preapplication process.

4516 E.1. The development agreement shall contain development standards related to
 4517 the development of the site. For existing and approved uses and activities, the
 4518 development standards included in the development agreement shall not be more
 4519 restrictive than the current permits for the site. If those uses or activities are expanded in
 4520 scope or size, the impacts created by the expanded scope or size may be subject to
 4521 additional conditions. Development standards shall include, but shall not be limited to:

4522 a. A master site plan and detailed conditions establishing the:

4523 (1) location and scope of proposed land uses;

4524 (2) location and size of buildings and structures such as grandstands;

4525 (3) layout and dimensions of racing surfaces and circulation roadways;

4526 (4) site elevations and contours established by a master grading plan;

4527 (5) excavation and processing of materials, including dust control, during
 4528 construction of the facilities;

4529 (6) location and dimensions parking areas;

4530 (7) location of stormwater facilities, sewage treatment facilities, water, and
 4531 related features; and

4532 (8) vegetative screening required in subsection F.1. of this section;

Ordinance 20082

- 4533 b. a master drainage plan consistent with the surface water design manual.
- 4534 However, the lower part of the road course, specifically turn 2 through turn 7, which has
- 4535 been in place since 1959, shall be allowed to operate with the existing surface water
- 4536 drainage facilities, as long as no improvements are made to this portion of the road
- 4537 course, unless required by federal or state law;
- 4538 c. a project phasing plan, including threshold requirements that must be met
- 4539 before approval of the next phase of development;
- 4540 d. specified development conditions to ensure that alterations provided for in
- 4541 subsection G. of this section achieve the appropriate level of protections;
- 4542 e. specified development conditions to ensure that stormwater flow control and
- 4543 water quality treatment provided for in subsection H. of this section is achieved;
- 4544 f. specified enforcement mechanisms to address any violations of the
- 4545 conditions of the development agreement, including, but not limited to, the following:
- 4546 (1) a process for monitoring conditions and for review of complaints;
- 4547 (2) a process for expedited review and remedy of possible violations; and
- 4548 (3) a penalty schedule for violations that recognizes the nature and impact of
- 4549 the violation and is sufficient to deter violations that otherwise result in financial benefit
- 4550 to the facility, including, but not limited to, revocation of the operating agreement and
- 4551 right to operate or loss of specific days of operation; and
- 4552 g. a process to approve modifications to the development agreement requested
- 4553 by the applicant, that includes criteria for when modifications are considered minor and
- 4554 require approval by the permitting division, and when modifications are considered major
- 4555 and require approval by ordinance by the council following a public hearing by the

Ordinance 20082

4556 hearing examiner. The process shall also specify any required public notice for
 4557 modifications, and an option for the applicant to ask the council to make decisions on
 4558 minor modifications proposed by the applicant.

4559 2. The operating agreement shall contain operating conditions related to the
 4560 operation of the site. The operating conditions included in the operating agreement:

4561 a. shall not be more restrictive than the current permit restrictions for the site
 4562 for existing and approved uses and activities, unless an existing or approved use or
 4563 activity is expanded in scope or size, in which case the impacts created by the expanded
 4564 scope or size may be subject to additional conditions;

4565 b. shall consider flexibility to adapt as the racing industry and other on-site
 4566 activities evolve in the future; and

4567 c. shall include, but shall not be limited to:

4568 (1) types of racing and nonracing activities, and where on the site the activities
 4569 can occur;

4570 (2) days and times for all racing and nonracing uses, including that, during
 4571 the racing season of May 1 to August 31, two-stroke vehicles on the kart track shall be
 4572 operated only one weekend, defined as Friday through Sunday, per month;

4573 (3) specified noise levels for racing and nonracing uses, including but not
 4574 limited to, how noise levels will be measured and mitigated, but only if, for existing and
 4575 approved uses and activities, maximum noise levels are no more restrictive than noise
 4576 levels allowed by Conditional Use Permit Files No. A-71-0-81 and Interim Use Permit
 4577 File No. LUT417-0003; if those uses or activities are expanded in scope or size, the

Ordinance 20082

4578 impacts created by the expanded scope or size may be subject to additional conditions;
4579 and

4580 (4) specified on-site vehicle circulation and other traffic control measures to
4581 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

4582 (5) specified regular ongoing monitoring and reporting to measure
4583 compliance with the development agreement and operating agreement requirements; and

4584 (6) specified process for the receipt and evaluation by the permitting division
4585 of inquiries and complaints relating to the operation of the facility, in order to allow for
4586 review by the hearing examiner as provided in subsection S. of this section.

4587 3. Uses, activities, or conditions that the permitting division determine are
4588 development and operational in nature may be placed in both the development agreement
4589 and operating agreement.

4590 4. The special project manager shall take the lead to negotiate the development
4591 agreement and operating agreement between the county and the applicant. This includes
4592 drafting proposals, coordinating the review of the permitting division and other agencies,
4593 facilitating all meetings between the county and the applicant, coordinating the
4594 development and review of the State Environmental Policy Act process, attending and
4595 participating in public meetings and public hearings, ensuring all timelines identified in
4596 this section are met, and shall be the point of contact for the applicant and interested
4597 parties.

4598 F. All development under the master plan shall be subject to the following
4599 standards relating to screening and building setbacks: as provided in K.C.C.
4600 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be

Ordinance 20082

4601 constructed on the project to be shielded from view from adjoining residential properties
 4602 using methods that may include, but are not limited to:

- 4603 1. Retention of existing vegetation; and
- 4604 2. Placement of new vegetation to augment existing vegetation.

4605 G.1. Except as otherwise provided in this subsection G.2. of this section, all
 4606 development under the master plan shall comply with K.C.C. chapter 21A.24.

4607 2. The permitting division may approve alterations to critical areas, critical areas
 4608 buffers and critical area setbacks that are not otherwise allowed as an alteration under
 4609 K.C.C. 21A.24.045 when the applicant demonstrates that:

4610 a. the proposal does not pose an unreasonable threat to the public health, safety
 4611 or welfare on or off the site;

4612 b. for proposed alterations within steep slope or landslide hazard areas:

4613 (1) the alterations are necessary to bring existing racing or access road
 4614 surfaces into compliance with applicable racing association safety standards, to construct
 4615 noise barriers, for the terracing and placement of spectator seating, or to create or
 4616 improve sight lines on the interior portion of the road course; and

4617 (2) the alterations can be constructed to maintain the stability of the hazard
 4618 area through the use of structural mitigations identified through a geotechnical analysis
 4619 by a licensed and qualified geotechnical professional; and

4620 c. for proposed alterations to wetlands, aquatic areas, wetland buffers, and
 4621 riparian areas:

4622 (1) the alterations are necessary to comply with applicable racing association
 4623 safety standards either for existing racing surfaces, for providing access for emergency

Ordinance 20082

4624 vehicles to the existing racing surfaces, for the terracing and placement of spectator
4625 seating, or to create or improve sight lines on the interior portion of the road course;
4626 (2) the alteration is the minimum necessary to accommodate the development
4627 proposal;
4628 (3) the alteration has the least adverse impact on the critical area and critical
4629 area buffer;
4630 (4) the critical area is not used as a salmonid spawning area;
4631 (5) alterations to a category I or II wetland shall not be allowed; and
4632 (6) the alterations to any wetland shall be mitigated in accordance with an
4633 approved mitigation plan in accordance with K.C.C. 21A.24.340 based on the type of
4634 mitigation measures proposed.

4635 H. The proposal shall comply with the King County surface water design manual,
4636 including allowed adjustments, deviations, or waivers from the requirements, and shall
4637 develop and implement a water quality monitoring plan for the points of discharge for on-
4638 site surface water drainage, groundwater discharges, and infiltration points to determine
4639 that copper, other metals, hydrocarbons, and other contaminants are not elevated in down
4640 gradient groundwater on-site and in Big Soos and Soosette creeks.

4641 I. Site development that entails extraction and grading of soils to achieve the final
4642 site contours for development shall be subject to the following limits:

4643 1. The amount of materials that may be extracted during any specific phase of
4644 project construction shall be the minimum necessary to achieve final grades for that
4645 phase of the project approved for construction; and

Ordinance 20082

2. The on-site processing of the extracted materials shall be limited to the sorting and crushing of the material into separate dirt, sand, and gravel components.

J. The master planning proposal shall include site designs and features to reduce the level of noise impacts upon nearby residential neighborhoods.

K. The permitting division shall, in close coordination with the special project manager:

1. Complete the preapplication conference with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed modernization of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues. At the preapplication conference, the permitting division shall provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section;

~~((3.))~~ 2. Accept for filing a master planning proposal application submitted by the applicant only if it provides the information and studies required by subsection K.~~((2.))~~1. of this section;

~~((4.))~~ 3. Determine whether the master planning proposal is a complete application under this section and K.C.C. 20.20.033;

~~((5.))~~ 4. Provide a notice of a complete application under K.C.C. 20.20.060.B. In addition to notice of application required under K.C.C. 20.20.060.B., the permitting division shall provide mailed notice to:

a. all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File No. A-71-0-81, Interim Use

Ordinance 20082

4669 Permit File No. LUT417-0003, Proposed Ordinance 2010-0189, or Ordinance 17287,
4670 Ordinance 18184, or Ordinance 20047;

4671 b. persons requesting notification of any county land use action regarding
4672 Pacific Raceways; and

4673 c. residents or property owners of parcels located within twenty-five hundred
4674 feet of the boundaries of the Pacific Raceways site;

4675 ~~((6.))~~ 5. Issue a threshold determination under WAC 197-11-310. If a
4676 determination of nonsignificance or a mitigated determination of nonsignificance is to be
4677 issued, the Optional DNS process in WAC 197-11-355 shall be used as provided in WAC
4678 197-11-310(6)(d). Subject to the requirements and limitations of chapter 197-11 WAC,
4679 the State Environmental Policy Act review shall analyze the potential new impacts that
4680 may occur over and above those impacts currently allowed under the conditions of CUP
4681 File No. A-71-0-81 and Interim Use Permit File No. LUT417-0003 and potential
4682 cumulative impacts;

4683 ~~((7.))~~ 6. Conduct two public meetings on the master planning proposal
4684 application to gather information and public input on all aspects of the master planning
4685 proposal. The first meeting shall be held within thirty days after the applicant has filed
4686 its complete master planning proposal application with the permitting division. At that
4687 public meeting, the applicant shall present its master planning proposal. At the public
4688 meeting, the public shall be provided an opportunity to comment on the master planning
4689 proposal. The permitting division shall record the public meeting and make a written
4690 summary of the meeting available on its website within fourteen days after the meeting.
4691 The permitting division may hold an additional public meeting as it conducts its review

Ordinance 20082

4692 of the master planning proposal application and shall provide an opportunity for the
4693 applicant to respond to questions at each public meeting;

4694 ~~((8-))~~ 7. If a determination of significance is issued, issue the final
4695 environmental impact statement within eighteen months of either issuing to the applicant
4696 a notice of complete application or the master planning proposal is deemed a complete
4697 application under K.C.C. 20.20.033. The consultant for the ~~((EIS))~~ environmental impact
4698 statement may request up to three months of additional time to prepare the final
4699 environmental impact statement;

4700 ~~((9-))~~ 8. Within one hundred twenty days after issuance of a determination of
4701 nonsignificance or mitigated determination of nonsignificance or not later than thirty
4702 days after issuance of the final environmental impact statement, depending upon the
4703 threshold determination, propose for public review and comment a development
4704 agreement and operating agreement consistent with this section. The permitting division
4705 shall provide notice of the proposed development agreement and operating agreement in
4706 the same manner as it provided the notice of application under subsection K.~~((5-))~~4.a.
4707 through c. of this section. The permitting division shall present the proposed
4708 development agreement and operating agreement at a public meeting within fourteen
4709 days after the notice is provided under this subsection K.~~((9-))~~ 8.; and

4710 ~~((10-))~~ 9. Within sixty days after the public meeting required by subsection
4711 K.~~((9-))~~8. of this section:

4712 a. transmit to the hearing examiner the permitting division's recommended
4713 development agreement and operating agreement, together with a proposed ordinance

Ordinance 20082

4714 authorizing the executive to execute the development agreement and operating
4715 agreement;

4716 b. publish its recommended development agreement and operating agreement
4717 on the permitting division's website. As part of the recommended development
4718 agreement and operating agreement, the permitting division shall coordinate and
4719 assemble the reviews of other departments and governmental agencies having an interest
4720 in the application and shall prepare a report summarizing the factors involved and the
4721 permitting division's recommendation; and

4722 c. provide notice of its recommended development agreement and operating
4723 agreement in the same manner as it provided the notice of application under subsection
4724 K.~~((5-))~~4.a. through c. of this section and to those governmental agencies listed in K.C.C.
4725 20.20.090.A. The notice shall also advise:

4726 (1) that the permitting division's recommendation is subject to an open record
4727 public hearing before the hearing examiner;

4728 (2) the date that the permitting division's recommendation has been
4729 transmitted to the hearing examiner; and

4730 (3) that interested persons may appear as parties at the open record public
4731 hearing by filing a notice of appearance with the hearing examiner within fourteen days
4732 of the date that the permitting division's recommendation has been transmitted to the
4733 hearing examiner. The applicant will be presumed to be a party without having to file a
4734 notice of appearance.

4735 L.1. Before the transmittal of the permitting division's recommended
4736 development agreement and operating agreement to the hearing examiner, the local

Ordinance 20082

4737 services and land use committee or its successor may request reports or briefings from the
4738 permitting division and applicant regarding how the demonstration project is proceeding.
4739 The permitting division shall solicit input from those identified in subsection K.~~((5-))~~4.a.
4740 through c. of section to inform the committee in the report and briefing.

4741 2. If the permitting division or the applicant is unable to meet a timeline
4742 established by this section as part of the process for review of the master planning
4743 proposal, the permitting division shall provide written notice to the council within
4744 fourteen days after the missed deadline in the form of a letter to the chair of local services
4745 and land use committee or its successor describing the causes for the delay, and the steps
4746 or actions needed to be taken by the permitting division or the applicant to continue
4747 timely processing of the proposal.

4748 M.1. Unless otherwise agreed to by those that appear as parties, the hearing
4749 examiner shall conduct an open record public hearing within ninety days of the issuance
4750 of the permitting division's recommended development agreement and operating
4751 agreement and, if necessary, shall hold the public hearing over consecutive days.

4752 2. The hearing examiner's recommendation may be to approve or reject the
4753 permitting division's recommended development agreement and operating agreement, or
4754 the examiner may recommend that the council adopt the permitting division's
4755 recommended development agreement and operating agreement with such conditions,
4756 modifications, and restrictions as the examiner finds necessary to carry out applicable
4757 state laws and regulations and the regulations, including chapter 43.21C RCW, K.C.C.
4758 Title 21A and other laws of King County.

Ordinance 20082

4759 3. Within fourteen days after the conclusion of the open record public hearing,
4760 the hearing examiner shall issue a written recommendation and shall, consistent with
4761 K.C.C. 20.20.220 transmit a copy thereof to the council and to all persons who appeared
4762 as parties in the open record public hearing. The recommendation shall include findings
4763 of fact and conclusions from the record that support the decision and the findings and
4764 conclusions shall set forth and demonstrate the manner in which the recommendation is
4765 consistent with, carries out, and helps implement applicable state laws and regulations,
4766 the regulations of King County, and this section.

4767 4. To appeal the hearing examiner's recommendation, an aggrieved party shall
4768 file an appeal with the clerk of the council within fourteen days of the date the hearing
4769 examiner's recommendation is transmitted to the council in conformance with K.C.C.
4770 20.20.230, except that any written responsive statements or arguments to the appeal,
4771 together with proof of service on the other parties, must be filed with the clerk of the
4772 council within fourteen days after the filing of the appeal statement. The clerk of the
4773 council shall cause to have these responsive statements and arguments posted on the
4774 council's webpage.

4775 5. At least fourteen days before the closed record hearing by the council of the
4776 appeal, the clerk of the council will provide the parties of record with written notice of
4777 the hearing time and date. The council's consideration of the appeal shall be based upon
4778 the record as presented to the hearing examiner at the open record public hearing and
4779 upon written appeal statements and arguments submitted by the parties that are based on
4780 the open record public meeting. The council may allow the parties to the appeal a period
4781 of time for oral argument based on the record. Consistent with RCW 36.70B.020(1),

Ordinance 20082

4782 before or at the appeal hearing and upon the request of the council, county staff may
4783 provide a written or oral summary, or both, of the appeal record, issues, and arguments
4784 presented in an appeal and may provide answers, based on the record, to questions with
4785 respect to issues raised in an appeal asked by council members at the appeal hearing.
4786 Nothing in this subsection shall be construed as limiting the ability of the council to seek
4787 and receive legal advice regarding a pending appeal from the office of the prosecuting
4788 attorney or other county legal counsel either within or outside of the hearing.

4789 6. If, after consideration of the record, written appeal statements and any oral
4790 argument the council determines that:

4791 a. an error in fact or procedure may exist or additional information or
4792 clarification is desired, the council shall remand the matter to the hearing examiner for
4793 further hearing to receive additional information or further consideration; or

4794 b. the recommendation of the hearing examiner is based on an error in
4795 judgment or conclusion, the council may modify or reverse the recommendation of the
4796 hearing examiner.

4797 7.a. The council's final action on any recommendation of the hearing examiner
4798 shall be by ordinance, which shall include findings of fact and conclusions from the
4799 record of the hearing examiner's public hearings. The findings and conclusions shall set
4800 forth and demonstrate the manner in which the council's decision is consistent with,
4801 carries out, and helps implement applicable state laws, the regulations of King County,
4802 and this section. The council may adopt as its own all or portions of the hearing
4803 examiner's findings and conclusions.

Ordinance 20082

4804 b. Any ordinance also may contain reasonable conditions, in accordance with
4805 state law and county ordinances, which must be satisfied before the ordinance becomes
4806 effective. The ordinance shall also designate the time period within which any such
4807 conditions must be satisfied. All authority pursuant to such ordinance shall expire if any
4808 of the conditions are not satisfied within the designated time period and the property shall
4809 continue to be subject to all laws, regulations, and zoning as if the ordinance had not been
4810 adopted. The council may extend the period for satisfaction of the conditions if, after a
4811 public hearing by the examiner, the council finds an extension will be in the public
4812 interest and the extension was requested by the applicant within the initial time period.

4813 N. If the hearing examiner's recommendation is not appealed pursuant to
4814 subsection M. of this section:

4815 1. The clerk of the council shall place a proposed ordinance that implements the
4816 examiner's recommended action on the agenda of the next available council meeting for
4817 adoption;

4818 2. No final action to amend or reverse the hearing examiner's recommendation
4819 shall be taken at that meeting and notice to parties shall be given before the adoption of a
4820 substitute or amended ordinance that amends or reverses the examiner's recommendation;

4821 3. The council may either:

4822 a. Refer the matter to the local services and land use committee or its successor
4823 for further consideration deemed necessary before the council takes final action on the
4824 matter or remand the matter to the hearing examiner for further hearing to receive
4825 additional information or further consideration; or

Ordinance 20082

4826 b. Adopt the hearing examiner's recommendation by an ordinance satisfying
4827 the requirements of subsection M.9. of this section.

4828 4. Any final action by the county council may be reconsidered by the council
4829 pursuant to K.C.C. 20.22.280; and

4830 5. Any appeal of the council's final action shall comply with the requirements of
4831 K.C.C 20.22.270.A.

4832 O.1. The development and operating conditions specified in any development
4833 agreement or operating agreement adopted and executed pursuant to the process
4834 established in this section shall control the development and operations for the site and
4835 supersede the development and operating conditions established under Conditional Use
4836 Permit File No. A-71-0-81 and Interim Use Permit File No. LUT417-0003.

4837 2.a. A master plan development agreement approved by the council shall be in
4838 effect for a period of ten years from the effective date of the ordinance approving the
4839 master plan development agreement and authorizing the executive to execute the
4840 development agreement.

4841 b. A master plan operating agreement approved by the council shall govern on-
4842 site operations, so long as the operating conditions have been met by the applicant,
4843 property owner, and operator.

4844 3.a. An approved master plan development agreement may be renewed one time
4845 for not more than ten years.

4846 b. The applicant shall apply to the permitting division for renewal of the
4847 development agreement at least twelve months before the agreement expires. The
4848 permitting division shall provide a notice of the renewal request under subsection K.5.a.

Ordinance 20082

through c. of this section and shall conduct at least one public meeting on the request as provided in subsection K.7. of this section.

c. The permitting division shall make its recommendation to the council on the proposed renewal together with any recommended changes to the development agreement not later than ninety days before the development agreement expires.

d. If the development agreement is not renewed by the council any subsequent development permit application shall be subject to laws in effect at the time the subsequent application is filed.

P. During the period a development agreement is in effect, any subsequent development on the site shall be consistent with the approved development agreement.

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development agreement shall apply to subsequent permits necessary for the uses authorized by the development agreement.

2. The following regulations in effect on the date of a complete application for any permits necessary for a use authorized by the development agreement shall apply:

a. surface water management standards under K.C.C. Title 9;

b. public health and safety codes under K.C.C. Title 13;

c. road standards under K.C.C. Title 14;

~~((e.))~~ d. building codes under K.C.C. Title 16; and

~~((f.))~~ e. fire codes under K.C.C. Title 17.

R.1. During the effective period of the development agreement, the applicant may request in writing one or more modifications to the development agreement. For

Ordinance 20082

4872 those requests where the permitting division determines the modification is a major
4873 modification to the development agreement that requires council approval, they shall be
4874 considered no more than once per year, starting one year after the effective date of this
4875 ordinance. On June 1 of each year, the permitting division shall consolidate all of the
4876 major modification requests into a single proposed modification and within fourteen days
4877 shall provide notice of the proposed modification as provided in subsection K.~~((5-))~~4.a.
4878 through c. of this section. The permitting division shall submit to the hearing examiner
4879 its recommendation on the proposed modification requests not later than August 1 of that
4880 same year. The hearing examiner shall conduct a public hearing on the proposed
4881 modification no later than October 15 of that same year, and make a recommendation to
4882 council no later than December 31 of that same year.

4883 2. The applicant may request in writing modifications to the operating
4884 agreement. For those requests where the permitting division determines it is a major
4885 modification to the operating agreement that requires council approval, they shall be
4886 considered no more than once per year, starting one year after the effective date of this
4887 ordinance. On June 1 of each year, the permitting division shall consolidate all of the
4888 major modification requests into a single proposed modification and within fourteen days
4889 provide notice of the proposed modification as provided in subsection K.5.a. through c.
4890 of this section. The permitting division shall submit to the hearing examiner its
4891 recommendation on the proposed modification not later than August 1 of that same year.
4892 The hearing examiner shall conduct a public hearing on the proposed modification no
4893 later than October 15 of that same year, and make a recommendation to council no later
4894 than December 31 of that same year.

Ordinance 20082

4895 3. The proposed modifications to the development agreement and operating
4896 agreement described in this subsection R. may be considered as part of one ordinance or
4897 as multiple ordinances.

4898 S. The hearing examiner shall conduct the following annual monitoring and
4899 reporting activities for the council:

4900 1. No later than October 15 of each year, the hearing examiner shall conduct a
4901 public meeting in the vicinity of the project site for the purpose of gathering community
4902 input on the operation of facility during the preceding year. The permitting division shall
4903 provide a notice of the meeting as provided in subsection K.~~((5-))~~4.a. through c. of this
4904 section.

4905 2. Beginning on December 31 of the year after the effective date of the
4906 ordinance authorizing the execution of the development agreement and operating
4907 agreement, and for each subsequent year, the hearing examiner shall prepare and submit
4908 to the council a report that:

- 4909 a. describes the current status of the phases of the development;
- 4910 b. evaluates compliance with development agreement and operation agreement
- 4911 conditions during the preceding year;
- 4912 c. identifies issues and concerns that have been brought forward by the
- 4913 community, applicant, and the permitting division;
- 4914 d. evaluates proposed modifications to the development agreement and
- 4915 operating agreement; and
- 4916 e. outlines potential steps to ensure compliance with the development
- 4917 agreement and operating agreement.

Ordinance 20082

4918 3. The report shall be presented in a briefing by the hearing examiner to the
4919 local services and land use committee or its successor, at which the permitting division
4920 and project operator shall be present.

4921 T. The director shall submit a report on the master planning demonstration
4922 project to the council within sixty days of the council's adoption of the ordinance
4923 approving the development agreement and operating agreement. The report shall
4924 evaluate the efficacy of the master planning process and may include recommended
4925 changes to the master planning process to address problems or deficiencies in the process
4926 identified by the permitting division. The permitting division shall solicit comments
4927 from the applicant, the hearing examiner, and the public, identified in subsection
4928 K.~~((5-))~~4.a. through c. of this section, on the master planning process and include a
4929 synopsis of those comments in the report. The report shall be filed electronically with the
4930 clerk of the council, who shall retain an electronic copy and provide an electronic copy to
4931 each councilmember, the council chief of staff, and the lead staff for the local services
4932 and land use committee or its successor.

4933 U.1. Before the application for a master planning proposal application, the
4934 applicant shall be allowed to undertake the following activities, subject to an interim use
4935 permit:

4936 a. construct up to four hundred thousand square feet of buildings, including
4937 required excavation and processing of materials, for uses allowed for a regional motor
4938 sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site
4939 improvements;

Ordinance 20082

4940 b. add paved impervious surface area, including, but not limited to, parking, a
4941 new vehicular access point to SE 304th Street, modifications to the road course, and
4942 internal access roads, with total impervious surface area not to exceed thirty-three and
4943 one-third percent of the site that is subject to the property-specific development condition
4944 known as P-suffix SC-P02;

4945 c. add grandstands to accommodate up to twenty-five thousand persons, and
4946 replace existing grandstand seating; and

4947 d. conduct any of the uses allowed under KCC 21A.06.973C, including that
4948 nonracing driving schools may operate on Mondays and Tuesdays.

4949 2. Excavation and processing of materials under an interim use permit shall be
4950 subject to the following limits:

4951 a. The amount of materials shall be only as is necessary to undertake the
4952 activities allowed by subsection U.1. of this section, subject to review by the permitting
4953 division;

4954 b. The on-site processing of the extracted materials shall be limited to the
4955 sorting of the materials into separate dirt, sand and gravel components, and crushing and
4956 washing of those components that will be used for on-site construction and required site
4957 improvements; and

4958 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday
4959 through Friday.

4960 V. A preapplication meeting shall be required for the interim use permit. The
4961 applicant shall submit the following information to the permitting division with a request
4962 to schedule a preapplication meeting:

Ordinance 20082

- 4963 1. Affidavit of application, on a form approved by the permitting division;
- 4964 2. Project narrative and questions for permitting division staff;
- 4965 3. Preliminary site plan, which shall include:
 - 4966 a. location of the property, with a vicinity map showing cross street;
 - 4967 b. address, if an address has been assigned;
 - 4968 c. parcel number or numbers;
 - 4969 d. zoning of parcel or parcels and adjacent parcel or parcels;
 - 4970 e. north arrow and scaled dimensions;
 - 4971 f. existing and proposed building footprints, with overhangs and projections;
 - 4972 g. existing and proposed grade contours;
 - 4973 h. site area in square feet or acres of the project site;
 - 4974 i. area of either disturbance or development, or both, including utilities, septic
 - 4975 and internal circulation, as needed;
 - 4976 j. existing and proposed easements, including ingress, egress, utilities, or
 - 4977 drainage; and
 - 4978 k. critical areas and their buffers; and
- 4979 4. Preliminary building plan.

4980 W. An interim use permit application shall be considered complete when the
4981 following information and studies have been submitted and are adequate to review the
4982 proposal:

- 4983 1. A proposed site plan that identifies the location and dimensions of the
4984 proposed buildings, structures, and paving, vehicular circulation and parking areas,
4985 critical areas and buffers, landscaping, stormwater facilities, utilities, and fire protection;

Ordinance 20082

- 4986 2. A proposed drainage plan under the surface water design manual for the
4987 improvements proposed under the interim use permit;
- 4988 3. A proposed grading plan that complies with the submittal, operating, and
4989 performance requirements in K.C.C. chapter 16.82;
- 4990 4. A proposed restoration plan that complies with this section;
- 4991 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
4992 permit; and
- 4993 6. Any necessary information identified through the preapplication process.
- 4994 X. The interim use permit shall contain development conditions related to the
4995 grading activities and buildings and shall include, but not be limited to:
- 4996 1. An approved site plan and conditions that establish:
- 4997 a. location, size, and proposed uses of the buildings;
- 4998 b. location and dimensions of vehicular circulation and parking, including
4999 required parking for the existing uses;
- 5000 c. location of stormwater facilities, sewage treatment facilities, water, and
5001 related features;
- 5002 d. landscaping requirements, as required by K.C.C. chapter 21A.16;
- 5003 e. location of on-site critical areas. Development or operations are not allowed
5004 within critical areas or their buffers, and alterations of critical areas or their buffers are
5005 not permitted, as part of the activities allowed with the interim use permit or related
5006 construction permits; and
- 5007 f. necessary on-site and off-site traffic control for construction impacts on
5008 vehicular circulation and on roadways in the vicinity of the project site;

Ordinance 20082

- 5009 2. An approved grading plan in compliance with the requirements of K.C.C.
 5010 chapter 16.82;
- 5011 3. A preliminary drainage plan in compliance with the surface water design
 5012 manual; and
- 5013 4. A restoration plan in compliance with the following requirements:
- 5014 a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and
 5015 the following:
- 5016 (1) be such so as to encourage the uses permitted within the primarily
 5017 surrounding zone or, if applicable, the underlying or potential zone classification; and
- 5018 (2) result in drainage patterns that reestablish natural conditions of aquifer
 5019 recharge, water velocity, volume, and turbidity within six months of restoration and that
 5020 precludes water from collecting or becoming stagnant. Suitable drainage systems
 5021 approved by the permitting division shall be constructed or installed where natural
 5022 drainage conditions are not possible or where necessary to control erosion. All
 5023 constructed drainage systems shall be designed consistent with the Surface Water Design
 5024 Manual; and
- 5025 b. All areas subject to clearing, grading or backfilling shall:
- 5026 (1) be planted with a variety of trees, shrubs, legumes, and grasses indigenous
 5027 to the surrounding area and appropriate for the soil, moisture, and exposure conditions;
 5028 and
- 5029 (2) except for roads and areas incorporated into drainage facilities, be
 5030 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately

Ordinance 20082

5031 surrounding, and to a depth of the topsoil of land area immediately surrounding six
5032 inches, whichever is greater.

5033 Y. For the interim use permit, the executive shall appoint a special project
5034 manager.

5035 1. For the initial interim use permit, the special project manager shall either be
5036 an employee of, or hired as a consultant by, the ~~((regional planning unit of the office of~~
5037 ~~performance, strategy, and budget))~~ executive's office. For any modifications to the
5038 interim use permit, the special project manager((;)) shall be agreed to by the county and
5039 the applicant and could either be a consultant hired by the director's office of the
5040 department of local services or the permitting division's managed account team project
5041 manager or equivalent.

5042 2. The Pacific Raceways property has been designated as a project of statewide
5043 significance under chapter 43.157 RCW.

5044 3. The special project manager will coordinate the reviews within the permitting
5045 division and other agencies, be the primary point of contact for the applicant and
5046 interested parties, and ensure that the timelines established for review of the interim use
5047 permit in this section are met.

5048 4. The special project manager shall evaluate, and provide a recommendation to
5049 the executive, regarding the efficacy of options, such as review by another jurisdiction or
5050 using outside staff to complete the substantive review, for expediting the permit review
5051 process. As part of this review, the special project manager shall ensure that any
5052 recommended option will produce a review that complies with this chapter and other
5053 applicable laws, regulations, and adopted policies.

Ordinance 20082

5054 Z.1. In reviewing the interim use permit, the permitting division shall:

5055 a. process the interim use permit as a Type 3 land use permit, except as

5056 provided in subsection DD. of this section. K.C.C. chapter 20.20 shall apply, except as

5057 modified by this section;

5058 b. conduct a mandatory preapplication meeting within fourteen days of the

5059 applicant's request for a preapplication meeting;

5060 c. within twenty one days of the preapplication meeting, provide a detailed

5061 listing of the required information or studies required for review of the interim permit, in

5062 conformance with this section, the other building, construction and environmental

5063 permits that will be required, and an estimate of cost for review of the interim use permit;

5064 d. accept the interim use permit application if the applicant provides the

5065 information and studies required by the detailed listing provided in subsection Z.1.c. of

5066 this section;

5067 e. determine whether the interim use permit application is complete within

5068 seven days of filing by the applicant, pursuant to K.C.C. 20.20.033, and subject to the

5069 application requirements in subsection W. of this section;

5070 f. provide a notice of complete application under K.C.C. 20.20.033, within

5071 seven days of determining that the application is complete;

5072 g. provide a notice of application under K.C.C. 20.20.060 within fourteen days

5073 of providing the notice of complete application. In addition to the notice required by

5074 these two sections, the permitting division shall provide mailed notice to:

5075 (1) all parties of record, including community groups or organizations,

5076 established during the review of Conditional Use Permit File Nos. A-71-0-81, Interim

Ordinance 20082

5077 Use Permit File No. LUT417-0003, Proposed Ordinance 2010-0189, Ordinance 17287,
5078 Ordinance 18184, and Ordinance 20047;

5079 (2) persons requesting notification of any county land use action regarding
5080 Pacific Raceways; and

5081 (3) residents or property owners of parcels located within twenty-five
5082 hundred feet of the boundaries of the Pacific Raceways site;

5083 h. complete environmental review on the interim use and activities authorized
5084 by the interim use permit;

5085 i. transmit to the hearing examiner the permitting division's recommendation
5086 on the interim use permit and provide notice of the recommendation under K.C.C.
5087 20.20.090. The recommendation shall be based on the conformance of the proposal with
5088 the requirements of this section((;)), and:

5089 (1) for a determination of nonsignificance or mitigated determination of
5090 nonsignificance, transmit the recommendation within forty-five days of the end of the
5091 comment period on threshold determination;

5092 (2) for a determination of significance, transmit the recommendation within
5093 forty five days of the end of the appeal period for the final environmental impact
5094 statement; and

5095 j. coordinate and assemble the reviews of other departments and governmental
5096 agencies having an interest in the application and shall prepare a report summarizing the
5097 factors involved and the permitting division's recommendation. At least seven calendar
5098 days before the scheduled hearing, the permitting division shall file the report with the
5099 hearing examiner and mail copies to those identified in subsection Z.1.g. of this section.

Ordinance 20082

5100 2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C.
5101 shall apply to the review period deadlines outlined in subsection Z. of this section. If the
5102 permitting division is unable to meet the time limits established by this section, it shall
5103 provide written notice of this fact to the applicant. The notice shall include a statement of
5104 reasons why the time limits have not been met and an estimated date for issuance of the
5105 notice of recommendation to the hearing examiner. In no case shall the review of the
5106 interim use permit, from the date a complete application is filed through the date the
5107 permitting division issues the recommendation to the hearing examiner, excluding the
5108 timeframes outlined in K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the
5109 parties agree to an extension.

5110 AA.1. The hearing examiner shall:

5111 a. within fourteen days of receiving the permitting division's recommendation
5112 on the interim use permit, set the date for the prehearing conference and notify the
5113 interested parties.

5114 b. within seven days of the prehearing conference, issue a prehearing order that
5115 includes a tentative schedule and order of proceedings for the hearing required under this
5116 subsection.

5117 c. conduct an open record public hearing within thirty days of the prehearing
5118 conference.

5119 d. within ten days of the public hearing, issue a decision on the interim use
5120 permit. The examiner's determination may be to grant or deny the application, and may
5121 include any conditions, modifications, and restrictions as the examiner finds necessary to

Ordinance 20082

5122 carry out the provisions of this section. The examiner's decision may be appealed to the
5123 council according to K.C.C. 20.22.220.

5124 2. When reasonably required to enable the attendance of all necessary parties at
5125 the hearing, or the production of evidence or to otherwise assure that due process is
5126 afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this
5127 section may be extended by the examiner at the examiner's discretion for an additional
5128 thirty days. With the consent of all parties, the periods may be extended indefinitely.
5129 The reason for the deferral shall be stated in the examiner's decision. Failure to complete
5130 the hearing process within the stated time shall not terminate the jurisdiction of the
5131 examiner.

5132 BB. Issuance of the interim use permit by the county under this section does not
5133 relieve the applicant of its obligations to obtain other approvals required under state and
5134 federal law.

5135 CC. The applicant shall pay fees to the county to cover the actual cost of
5136 providing project management, review, and inspection services for the interim use
5137 permits and including environmental review, in accordance with K.C.C. 27.02.100.

5138 DD. Upon issuance of an interim use permit, the permitting division may review
5139 and approve, in accordance with the code compliance process in K.C.C. chapter 21A.42,
5140 an expansion of, modification to, or addition to the development authorized by the
5141 interim use permit. If the proposed development, taken together with any previously
5142 approved development under the interim use permit, is within the limitations of
5143 subsection U.1. of this section, the development proposal shall be processed as a Type 1
5144 land use decision, subject to all other applicable state and local standards. Subject to the

Ordinance 20082

requirements and limitations of chapter 197-11 WAC, the State Environmental Policy Act review shall analyze the potential new impacts that may occur over and above those impacts currently allowed under the conditions of CUP File No. A-71-0-81 and Interim Use Permit File No. LUT417-0003 and potential cumulative impacts.

EE. Establishment of the use or activity authorized by an interim use permit shall occur within ten years of the effective date of the decision for the interim use permit or subsequent amendment to the interim use permit under subsection DD. of this section.

Upon written request to the permitting division made by the applicant before the expiration of an interim use permit or subsequent amendment, the permitting division shall extend the permit for one or more one-year period, up to a total of five consecutive years, if site conditions have not significantly changed in a manner that would have affected the original permit approval and the applicant pays applicable permit extension fees. Any use or structure established during the term of the interim use permit or an extension of the term may continue to operate after the expiration of the interim use permit, in accordance with K.C.C. chapter 21A.32 and any applicable p-suffix conditions.

FF. The additional uses allowed by the P-suffix condition, in K.C.C. 21A.06.973C, and this section may be allowed in areas over the square footage limitations in LUT417-0003 if approved via the permit process and environmental review required by K.C.C. 21A.55.105.

SECTION 90. Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010 are hereby amended to read as follows:

A process is hereby established for the annual allocation of the conservation futures tax levy proceeds to acquire open space lands, including greenspaces, greenbelts,

Ordinance 20082

wildlife habitat, and trail rights-of-way proposed for preservation for public use by either agencies or nonprofit organizations within the county. Agencies, nonprofit organizations, nongovernmental organizations, and individuals may make application for proceeds in this allocation process. In accordance with chapter 84.34 RCW, only agencies and nonprofit organizations are eligible to receive conservation futures funding to acquire property.

A. The department of natural resources and parks shall determine the deadline for submission of applications for use of conservation futures tax levy proceeds. At least one month before the application submission deadline date, the department shall provide notice on the King County website of the opportunity to apply to the county for a share of the annual allocation of the conservation futures tax levy proceeds available for that year. The department shall also provide notice by email to all agencies, nonprofit organizations, nongovernmental organizations, and individuals anticipated to have potential interest in conservation futures funding. The department shall maintain and update a list of parties anticipated to be interested in conservation futures funding.

B. No later than March 1, the county council may adopt a motion that provides direction to the advisory committee on priorities for evaluating the applications within the open space criteria identified in K.C.C. 26.12.025.

C.1. The advisory committee shall make project recommendations and recommend funding allocations for each project to the executive, including:

- a. a description of each project including project location and acreage;
- b. a report on how each project meets the county open space selection criteria, contained in K.C.C. 26.12.025;

Ordinance 20082

5191 c. the amount of funding requested in each project application;

5192 d. any additional relevant criteria of the jurisdiction in which the potential

5193 acquisition is located; and

5194 e. a description of how projects contain a demonstrable regional visibility, use,

5195 ecological, cultural, historical, or other natural resource significance.

5196 2. The executive shall transmit the advisory committee's project and funding

5197 recommendations for the following year to the council. The report shall be filed

5198 electronically with the clerk of the council, who will retain an electronic copy and

5199 provide an electronic copy to all councilmembers, the council chief of staff, and the lead

5200 staff to the mobility and environment committee or its successor.

5201 3. The committee's recommendations are solely advisory and either the

5202 executive or the council, or both, may adopt, alter, add to, or decline to adopt all or part

5203 of the committee's recommendations in the budget process.

5204 D. The executive's project and funding recommendation shall be transmitted with

5205 the applicable appropriation ordinance.

5206 E. Except for acquisitions of property interests in opportunity areas, the agency

5207 or nonprofit organization receiving conservation futures tax levy proceeds shall commit

5208 to providing a matching contribution no less than twenty-five percent of the total project

5209 costs, and conservation futures shall represent no more than seventy-five percent of the

5210 total project costs. The matching contribution shall be provided before conservation

5211 futures tax levy proceeds are reimbursed to that agency or nonprofit organization. The

5212 contribution may consist of cash, land match with a valuation verified by a reviewed

5213 appraisal or the cash value, excluding King County conservation futures contributions, of

Ordinance 20082

5214 other open spaces acquired within the previous two years from the date of the submittal
5215 of the application by the agency or nonprofit organization. Properties considered as land
5216 match or cash value of other open space acquisitions should be directly linked to the
5217 property under application.

5218 F.1. If an application by an agency other than King County is funded by this
5219 process, the agency shall enter into an interlocal agreement with the county.

5220 2. If an application by a nonprofit organization is funded by this process, the
5221 organization shall enter into an agreement with the county. Before a funding award is
5222 paid to a nonprofit organization, the organization shall obtain a letter of intent from an
5223 agency or a separate nonprofit organization that indicates that if in the future the
5224 acquiring organization ceases to exist, the agency or the separate organization is willing
5225 to be identified on title to the acquired property as an owner. If the property is in the
5226 unincorporated area and the nonprofit organization seeks an agency letter, the
5227 organization shall request the letter from the King County department of natural
5228 resources and parks, or a metropolitan park district within the boundaries of which the
5229 property is located. If the property is in an incorporated area and the nonprofit
5230 organization seeks an agency letter, the organization shall request the letter from the
5231 agency of the jurisdiction in which the project is located, or a metropolitan park district
5232 within the boundaries of which the property is located. If the property is in an
5233 incorporated area, in the event that the legislative body of the agency of the incorporated
5234 area or the park district indicates in writing or through a formal vote that it is not willing
5235 to provide the letter, the nonprofit organization may request a letter from King County.
5236 For any acquisition by a nonprofit organization, King County shall ensure a restriction is

Ordinance 20082

5237 recorded on the chain of title to preserve the conservation values of the property in
5238 perpetuity.

5239 3. If an application by a nongovernmental organization or individual is funded
5240 by this process, the award shall be made either to a nonprofit organization or an agency.
5241 K.C.C. 26.12.010.F.1. applies to an award to an agency. K.C.C. 26.12.010.F.2. applies to
5242 an award to a nonprofit organization.

5243 G. If the King County transfer of development rights program bank, as
5244 established by K.C.C. chapter 21A.37, is awarded conservation futures levy proceeds in
5245 order to purchase development rights and thereby preserve open space in accordance with
5246 purposes and provisions of this chapter, the bank is authorized to sell those development
5247 rights and to use the proceeds from that sale to acquire additional development rights,
5248 thereby preserving additional open space lands in accordance with the terms and
5249 provisions of this chapter. When transferrable development rights are purchased by the
5250 bank in accordance with K.C.C. chapter 21A.37 using conservation futures tax levy
5251 proceeds allocated to a project under K.C.C. 26.12.003.I., and there are subsequent sales
5252 of the transferable development rights, the bank may use sale proceeds as a match to new
5253 projects.

5254 H. Conservation futures tax levy proceeds shall be deposited in the conservation
5255 futures fund for the purpose of administering, disbursing, and accounting for
5256 conservation futures tax levy proceeds authorized by King County. Conservation futures
5257 tax levy proceeds shall be disbursed to projects previously approved by King County
5258 upon receipt and verification by King County of properly completed requests for payment
5259 of the proceeds. ~~((The office of performance, strategy and budget shall prescribe the~~

Ordinance 20082

5260 ~~form for the requests.))~~ The disbursement requests shall be made only for capital project
5261 expenditures that include all costs of acquiring real property, including interests in real
5262 property, and the following costs, though it shall not include the cost of preparing grant
5263 applications for conservation futures moneys: related relocation of eligible occupants;
5264 appraisal; appraisal review; title insurance; closing costs; pro rata real estate taxes;
5265 compensating tax; recording fees; environmental due diligence; survey; boundary line
5266 adjustment; and directly related staff, legal, and administrative costs. Requests may also
5267 include costs for initial site stabilization activities associated with acquisition, which are
5268 limited to signage, fencing, or demolition of structures necessary to secure real property
5269 interests acquired with conservation futures tax levy proceeds for public safety or
5270 resource protection purposes. Approved disbursements for site stabilization activities
5271 shall not exceed in any particular year twenty-five percent of the conservation futures tax
5272 levy moneys raised in the preceding year and shall not be used to supplant existing
5273 funding. The department shall annually review and determine the maximum allowable
5274 per-parcel award for site stabilization, taking inflation into consideration. The agency or
5275 nonprofit organization shall have the property valued by a reviewed appraisal, except in
5276 situations where the department of natural resources and parks determines that an
5277 appraisal is unnecessary because the process for valuing the property is established by
5278 statute, code, or regulation. The agency or nonprofit organization is responsible for the
5279 accuracy of the payment requests and the propriety and timeliness of its disbursements
5280 following receipt of conservation futures tax levy proceeds. Conservation futures tax
5281 levy proceeds may not be used to acquire any property or interest therein through the
5282 exercise of the power of eminent domain.

Ordinance 20082

5283 I. Projects carried out in whole or part with conservation futures tax levy
5284 proceeds shall not be transferred or conveyed except to an agency or nonprofit
5285 organization by written agreement providing that the land or interest in land shall be
5286 continued to be used for the purposes of K.C.C. chapter 26.12 and in strict conformance
5287 with the uses authorized under chapter 84.34 RCW. The land or interest in land shall not
5288 be converted to a different use unless other equivalent lands within King County are
5289 received in exchange for the lands or interest in lands, or cash reimbursement is made, or
5290 a combination of land and cash reimbursement is provided. The land shall be valued in
5291 its changed status or use, and not based upon its value as open space, and the replacement
5292 land or payment amount must be acceptable to King County. Before the conversion of
5293 conservation futures land to another use, the department of natural resources and parks
5294 shall provide written notification to the council. If the proposal is to convert one-half
5295 acre or more of conservation futures land, or if the conservation futures land to be
5296 converted is valued at more than fifty thousand dollars, and the proposal is either for a
5297 cash reimbursement or for proposed equivalent lands that are not within the same
5298 jurisdiction as the conservation futures land proposed to be converted to another use, the
5299 executive shall, at least sixty days before taking action on the proposal, submit the written
5300 notification to the council. Unless the council passes a motion rejecting the proposal
5301 within sixty days of receiving the notification, the executive may proceed with the
5302 proposal. The sixty-day waiting period shall not apply when the conservation futures
5303 land proposed to be converted, as well as the proposed equivalent lands, are within the
5304 same trail corridor or part of the same contiguous open space area.

Ordinance 20082

5305 J. The written notification required by this section shall include, but not be
5306 limited to, the acreage and specific location of both the conservation futures land
5307 proposed to be converted and the proposed equivalent lands, if any, the reason for the
5308 conversion of land and, if cash reimbursement is proposed, a copy of the appraisal for the
5309 conservation futures land to be converted and the amount of the cash reimbursement
5310 proposed. The notification shall be filed electronically with the clerk of the council, who
5311 will retain an electronic copy and provide an electronic copy to all councilmembers, the
5312 council chief of staff and the lead staff to the mobility and environment committee or its
5313 successor. Information on conversions of properties to another use, including a
5314 description of the proposed replacement land or payment amount, shall be included with
5315 the advisory committee's project progress reporting to council as provided in K.C.C.
5316 26.12.035.B. This section does not prevent the grant of easements or franchises or the
5317 making of joint use agreements or other operations compatible with the use of a project
5318 as provided for in this section and authorized under chapter 84.34 RCW.

5319 K. The department of natural resources and parks shall identify and update
5320 opportunity areas as defined by K.C.C. 26.12.003.J.1. at least every three years.

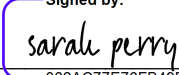
Ordinance 20082

5321 SECTION 91. Ordinance 15378, Section 6, as amended, and K.C.C. 1.36.060 are
5322 hereby repealed.

Ordinance 20082 was introduced on 4/14/2026 and passed as amended by the
Metropolitan King County Council on 6/16/2026, by the following vote:

Yes: 7 - Dembowski, Dunn, Fain, Lewis, Mosqueda, Perry and
von Reichbauer
No: 1 - Balducci
Excused: 1 - Barón

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

062AC77E76FB49B...
Sarah Perry, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

APPROVED this ____ day of 7/14/2026, ____.

Deemed enacted without the Executive's
signature June 29, 2026.

Girmay Zahilay, County Executive

Attachments: None

Certificate Of Completion

Envelope Id: A41C3BB6-2535-8764-8097-2EB9537FA13E

Subject: Complete with Docusign: Ordinance 20082.docx

Source Envelope:

Document Pages: 242

Certificate Pages: 5

AutoNav: Enabled

Envelopeld Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:

Angel Foss

401 5TH AVE

SEATTLE, WA 98104

Angel.Foss@kingcounty.gov

IP Address: 198.49.222.20

Record Tracking

Status: Original

6/17/2026 10:22:33 AM

Security Appliance Status: Connected

Holder: Angel Foss

Angel.Foss@kingcounty.gov

Pool: FedRamp

Location: DocuSign

Signer Events

sarah perry

sarah.perry@kingcounty.gov

Chair, King County Council

Security Level: Email, Account Authentication
(None)

Signature

Signed by:

sarah perry
062AC77E76FB49B...

Signature Adoption: Pre-selected Style

Using IP Address: 198.49.222.20

Timestamp

Sent: 6/17/2026 10:24:56 AM

Viewed: 6/17/2026 10:37:34 AM

Signed: 6/17/2026 10:37:46 AM

Electronic Record and Signature Disclosure:

Accepted: 6/17/2026 10:37:34 AM

ID: 9b136d43-d097-49d4-84b4-2fd264542038

Melani Hay

melani.hay@kingcounty.gov

Clerk of the Council

King County Council

Security Level: Email, Account Authentication
(None)

DocuSigned by:

Melani Hay
8DE1BB375AD3422...

Signature Adoption: Pre-selected Style

Using IP Address: 198.49.222.20

Sent: 6/17/2026 10:37:50 AM

Viewed: 6/17/2026 10:43:12 AM

Signed: 6/17/2026 10:43:21 AM

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:27:12 AM

ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

Girmay Zahilay

execzahilay@kingcounty.gov

Security Level: Email, Account Authentication
(None)

Signed by:

Girmay Zahilay
B7B9CFF6992F49A...

Signature Adoption: Pre-selected Style

Using IP Address: 198.49.222.20

Sent: 6/17/2026 10:43:25 AM

Resent: 6/17/2026 10:46:10 AM

Resent: 7/14/2026 10:24:35 AM

Resent: 7/14/2026 10:35:10 AM

Viewed: 7/14/2026 10:36:11 AM

Signed: 7/14/2026 11:34:54 AM

Electronic Record and Signature Disclosure:

Accepted: 7/14/2026 10:36:11 AM

ID: 96772c5f-21ad-40eb-96c9-a3e5c41b4df2

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
libby hollingshead libby.hollingshead@kingcounty.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 7/14/2026 11:35:00 AM
Carly Pena carly.pena@kingcounty.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 7/14/2026 11:35:00 AM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/17/2026 10:24:56 AM
Envelope Updated	Security Checked	6/17/2026 10:46:09 AM
Certified Delivered	Security Checked	7/14/2026 10:36:11 AM
Signing Complete	Security Checked	7/14/2026 11:34:54 AM
Completed	Security Checked	7/14/2026 11:35:00 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact King County-Department of 02:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from King County-Department of 02

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with King County-Department of 02

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.