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December 11, 2019
Striking Amendment

Sponsor: Gossett and Dembowski

[ak]

LG → carried

Proposed No.: 2019-0477

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2019-0477, VERSION**

2 **2**

3 On page 4, beginning on line 87, strike everything through page 162, line 3682, and
4 insert:

5 "STATEMENT OF FACTS:

6 1. In 1976, the King County affirmative action committee was
7 established, and was replaced in November 1995 by the King County civil
8 rights commission by Ordinance 12058.

9 2. The civil rights commission was established to serve in an advisory
10 capacity to the executive and the council on matters concerning
11 affirmative action, disability access, equal employment opportunity,
12 contract compliance, fair housing, minority and woman owned businesses,
13 and access to public accommodations to ensure the consistent application
14 of all county ordinances, rules, and regulations concerning these programs.

15 3. The scope of work and activities of the civil rights commission have
16 diminished over the years due to various factors. Currently, only two of
17 the twelve commission positions are filled and the last civil rights
18 commission briefing received by the council was on June 2010 where the

19 council was briefed on the commission's 2009 annual report.

20 4. For many years, the commission was the primary advisory body on
21 county activities relating to equity and social justice, in particular the
22 efforts to adopt the county's "Equity and Social Justice Ordinance," which
23 is Ordinance 16948, efforts to establish the office of law enforcement and
24 oversight, efforts to change the county name to the Martin Luther King,
25 Jr., County and to establish the Martin Luther King, Jr., County logos, and
26 efforts to establish the immigrant and refugee task force. However, as
27 these activities have become a priority for the county, they have been
28 delegated to newly established county entities such as the office of law
29 enforcement oversight community advisory committee, the immigrant and
30 refugee commission, and the office of equity and social justice.

31 5. The commission was also tasked with reviewing and conducting
32 informal investigations of complaints alleging violations of county
33 antidiscrimination ordinances that apply to King County as an employer
34 and in unincorporated King County. However, the number of cases has
35 decreased over time, in part, due to annexations and incorporations that
36 have occurred in the county over the years reducing the area over which
37 the county has jurisdictional responsibility.

38 6. The commission has historically been active in community engagement
39 by establishing relationships with other regional human and civil rights
40 commissions, meeting and networking with community organizations, and
41 educating communities and the public at large on the work of the

42 commission. The commission included such activities in its annual work
43 plans from 2014 through 2017; however, it is unclear whether the
44 commission conducted such activities during those years or whether it
45 continues to do so currently. If the commission failed to undertake these
46 activities, the lack of community engagement activities may also have
47 contributed to the decrease in the number of complaints that relate to
48 violations of county ordinances related to discrimination.

49 7. The office of civil rights under the county executive is authorized to
50 enforce county ordinances related to discrimination and provide staff
51 support to the commission. However, through the 2017-2018 Biennial
52 Budget Ordinance, Ordinance 18409, the council moved the functions of
53 the office of civil rights to the office of equity and social justice, which
54 administratively changed the office of civil rights to a civil rights program.

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

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

65 recommendations:

66 a. grant greater authority to the civil rights commission to implement
67 the county's civil rights laws;

68 b. include language in the enabling law of the commission that
69 explicitly establishes the independence and objectivity of the work of the
70 commission and its staff;

71 c. establish the commission's permanence through a new provision in
72 the county charter;

73 d. to ensure independence and representation, create a balanced process
74 for appointment of commissioners that takes into account the
75 representation and input of protected classes;

76 e. to ensure independence, create a new position of executive director
77 of the commission who would be responsible for the day-to-day operations
78 of the commission and for the appointment and supervision of staff;

79 f. reestablish an independent staff, led by the executive director and
80 separate from other offices in the executive branch, supported by
81 sufficient funding and resources to accomplish the goals and workload
82 contemplated by the ordinances;

83 g. consider whether renaming the commission to incorporate both civil
84 rights and human rights into the name will enhance community
85 engagement and inclusion in the work of the commission by indicating the
86 county's commitment to protecting the rights of all residents;

87 h. engage in a robust stakeholder process to determine the need for new

88 policies to address inequity proactively and propose related legislation;

89 i. consider expanding protections to additional classes of people to

90 ensure equal treatment for broader segments of the population;

91 j. update affirmative action policy based on the scope of the new state

92 law; and

93 k. explore interlocal agreements with municipalities located within the

94 county that do not have the resources to enact or enforce their own civil

95 rights laws.

96 10. The Universal Declaration of Human Rights ("the UDHR") was

97 proclaimed by the United Nations General Assembly on December 1948,

98 by General Assembly Resolution 217 A. The UDHR includes thirty

99 articles that proclaims fundamental human rights to be universally

100 protected for all peoples and all nations.

101 11. Historically, bodies established to address racial conflict, inequality,

102 and discrimination in local governments across the United States often

103 included "human relations" in their names. That label was so widely

104 accepted that in the late 1990s, the United States Department of Justice,

105 Community Relations Service issued Guidelines for Effective Human

106 Relations Commissions. More recently, however, most jurisdictions have

107 moved away from the language of "human relations," and have moved

108 toward incorporating either a human rights or a civil rights emphasis, or

109 both, into the name of commissions focused on discrimination and

110 equality. Some local governments have also made an explicit

111 commitment to refer to the UDHR to inform their work. The field of
112 human rights is broader, but encompasses civil rights, and including a
113 commitment to human rights would expand advancing the rights of its
114 residents. Including "human rights" acknowledges the changing nature of
115 the county's community, and its local government's commitment to
116 including and promoting the rights of all, as stated in the UDHR, and
117 serve to communicate to the community the broad vision King County
118 would take in protecting the rights of its residents.

119 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

120 SECTION 1. Sections 2 through 9 of this ordinance should constitute a new
121 chapter in K.C.C. Title 2.

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

124 A. "Antidiscrimination ordinances" means K.C.C. chapters 2.15, 3.12D, 12.17,
125 12.18, 12.20 and 12.22 and K.C.C. 6.27A.120 and 7.08.080.

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

127 C. "Protected class" means sex, race, color, age, gender, marital status, sexual
128 orientation, religion, ancestry, national origin, disability or use of a service or assistive
129 animal by an individual with a disability.

130 NEW SECTION. SECTION 3.

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

132 B. The organization and administration of the commission shall be sufficiently
133 independent to assure that no interference or influence external to the commission

134 adversely affects the independence and objectivity of the commission.

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

140 NEW SECTION. SECTION 4. The commission shall have the following powers
141 and duties:

142 A. Enforce antidiscrimination ordinances and assist departments in complying
143 with antidiscrimination ordinances;

144 B. Assist departments in complying with the federal Americans with Disabilities
145 Act of 1990, Section 504 of the federal Rehabilitation Act of 1973 and other laws and
146 rules regarding access to county programs, facilities and services for people with
147 disabilities;

148 C. Serve as the county Americans with Disabilities Act coordinator relating to
149 public access and process and respond to Americans with Disabilities Act grievances
150 under the federal Americans with Disabilities Act of 1990;

151 D. Serve as the county federal Civil Rights Act Title VI coordinator and
152 investigate and coordinate responses to complaints filed under Title VI of the Civil
153 Rights Act of 1964;

154 E. Propose ordinances to the council to implement and carry out the purposes and
155 provisions of this chapter which may include, but are not limited to, additional human
156 and civil rights protections that strengthen county antidiscrimination ordinances,

157 additional human and civil rights protections to address issues of concern to county
158 residents, new policies to proactively prevent discrimination and address inequalities at
159 the front end that would benefit communities who have historically lacked power in the
160 community, policies related to affirmative action and updates to the county's list of
161 protected class based on robust community and stakeholder engagement. Community
162 engagement shall be prioritized for communities most disproportionately impacted by
163 inequities and discrimination such as the African American, Native American and Alaska
164 Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and
165 disability communities. Stakeholders should include, but not be limited to, the immigrant
166 and refugee commission, the women's advisory board, Section 504/ADA advisory
167 committee, the office of equity and social justice and the various King County
168 Unincorporated Area Councils;

169 F. Promulgate, amend and rescind rules and regulations as may be necessary to
170 implement its authority under this chapter, including but not limited to, the investigation
171 and enforcement of antidiscrimination ordinances and implementation of affirmative
172 action policies;

173 G. Conduct and prioritize a robust and ongoing community and stakeholder
174 engagement process to ensure community input to implement and carry out the purposes
175 and provisions of this chapter. Community engagement shall be prioritized for
176 communities most disproportionately impacted by inequities and discrimination such as
177 the African American, Native American and Alaska Native, Asian/Pacific Islander,
178 Latinx, lesbian, gay, bisexual, transgender and queer and disability communities.
179 Stakeholders should include, but not be limited to, the office of law enforcement

180 oversight, the community advisory committee for law enforcement oversight, the
181 immigrant and refugee commission, the women's advisory board, Section 504/ADA
182 advisory committee, the office of equity and social justice, the county auditor, the hearing
183 examiner, and the office of citizen complaints;

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

186 2. Conduct public hearings to ascertain the status and treatment of county
187 residents based on their protected class;

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

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

192 I. Upon approval of the council, enter into a written agreement with any
193 governmental entity within King County, or any state or federal agency, whereby the
194 commission and the entity may agree to jointly process, transfer, or refer from one to the
195 other for processing and investigation an individual's complaint alleging unlawful
196 discrimination, sexual harassment or other human and civil rights violation;

197 J. Whenever practical, coordinate with any governmental entity within King
198 County, or any state or federal agency charged with investigating discrimination to avoid
199 duplication of effort and create effective working relationships;

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

202 L. Lead county efforts in raising community awareness, conducting education,

203 assistance and information programs on human and civil rights issues and on the purpose
204 and work of the commission;

205 M. Advise the county executive, the council and the public on the following:

- 206 1. The county's equal employment opportunity affirmative action plan;
- 207 2. County policies, programs and other initiatives related to human and civil
208 rights or that impact communities most disproportionately impacted by inequities and
209 discrimination such as the African American, Native American and Alaska Native,
210 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and
211 disability communities; and
- 212 3. Equitable allocation of county resources, with investments that are consistent
213 with human and civil rights values, focused on people and places with the greatest needs;

214 N. Adopt bylaws to support the powers and duties as required by this chapter for
215 the executive director, staff and its own conduct; and

216 O. Beginning in 2021, deliver an annual report to the county executive and
217 council that shall include, but not be limited to, a quantitative and qualitative summary of
218 completed and ongoing commission activities as required in this chapter, progress on the
219 work program outlined in the prior calendar year annual report and a work program for
220 the following calendar year. The commission shall file the report by April 15 of each
221 year, in the form of a paper original and an electronic copy with the clerk of the council,
222 who shall retain the original and provide an electronic copy to all councilmembers,
223 county executive and the council chief of staff. The report shall be available on the
224 county website, distributed widely to the communities most impacted by inequities and
225 shared with the media. The commission shall provide annual briefings to media and

226 elected officials representing cities, the county and the state to ensure that the
227 commission's lessons learned and achievements are shared with the public and policy
228 makers.

229 NEW SECTION. SECTION 5.

230 A. The commission shall be composed of eleven regular members and up to five
231 special members with the following requirements:

232 1. Membership shall reflect representation from a broad range of protected
233 classes to reflect the diversity of the county's communities, with an emphasis on those
234 most disproportionately impacted by inequities and discrimination such as the African
235 American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian,
236 gay, bisexual, transgender and queer and disability communities;

237 2. All members shall demonstrate active and engaged civic participation in
238 human and civil rights and be well-versed on the issues affecting the county's
239 communities;

240 3. Membership shall reflect gender diversity;

241 4. Membership shall represent a diverse range of age groups;

242 5. At least one regular member shall have experience with investigations and
243 enforcement of human and/or civil rights or both;

244 6. At least one regular member shall have experience with the federal
245 Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of
246 1973 or other laws, regulations and rules related to individuals with disabilities;

247 7. At least one regular member shall have familiarity with King County
248 government, systems and agencies;

249 8. All members must be residents of King County; and

250 9. A member shall not hold or campaign for elective office.

251 B. One special member shall be appointed from each governmental entity within
252 King County that has entered into an interlocal agreement with King County for the
253 county to provide the services of investigating and enforcing antidiscrimination laws
254 adopted by that governmental entity, in accordance with the terms of the interlocal
255 agreement and this chapter. Appointment of a special member shall be in accordance
256 with the procedures of the appointing governmental entity. Except as otherwise provided
257 in this section, the term of any special member position for a governmental entity under
258 this section shall be coterminous with the term of the governmental entity's interlocal
259 agreement with the county. If there are six or more governmental entities that have
260 entered into an interlocal agreement with King County for the county to provide services
261 of investigating and enforcing antidiscrimination laws, then those governmental entities
262 shall convene to select individuals to the five special member positions, the term of each
263 shall be determined by the convening governmental entities but shall not exceed the term
264 of the interlocal agreement of the governmental entity appointing the individual.

265 C. For the initial selection of regular members and for vacancies of regular
266 members thereafter, the county executive and council shall jointly announce a call for
267 applications to seek candidates for appointment. The county executive and council shall
268 work collaboratively to ensure that the announcement is publicized widely, in particular
269 to those communities that are disproportionately impacted by inequities and
270 discrimination such as the African American, Native American and Alaska Native,
271 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and

272 disability communities. Publicity methods shall include, but not be limited to, non-
273 English language newspapers and periodicals, community-based organizations and
274 community leaders with expertise and focus on human and civil rights and the county's
275 website.

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

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

293 E. Ten regular members of the commission shall be appointed by the county
294 executive and confirmed by the council. The eleventh member shall be appointed by the

295 other ten regular members and confirmed by the council. The commission shall ensure
296 that the eleventh member shall meet the requirements as outlined in this section.

297 F. For the initial commission formation, five regular commission positions shall
298 have initial terms of three years, three positions shall have initial terms of two years and
299 the remainder of the positions shall have initial terms of one year. The commission shall
300 determine by lot the initial term for each regular commission position.

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

307 H. At its first meeting after January 1 of each year, the commission shall elect
308 from its membership a chairperson and a vice-chairperson. The chairperson shall preside
309 at all meetings of the commission. In the absence of the chairperson, the vice-
310 chairperson shall preside.

311 I. Regular members of the commission may remove a regular member for cause
312 with eight regular members voting in favor of the removal, subject to approval by the
313 council.

314 NEW SECTION. SECTION 6.

315 A. The commission may issue a subpoena to compel any individual to appear,
316 give sworn testimony or produce documentary or other evidence reasonable in scope and
317 relevant to the matter under inquiry and limited to the matters associated with the

318 authority granted under the county's antidiscrimination ordinances.

319 B. An individual required by the commission to provide information shall be paid
320 the same fees and allowances, in the same manner and under the same conditions, as are
321 extended to witnesses whose attendance has been required in the courts of this state,
322 excepting that city or county employees who are receiving compensation for the time that
323 they are witnesses shall not be paid the set fees and allowances.

324 C. An individual who, with or without service of compulsory process, provides
325 oral or documentary information requested by the commission shall be accorded the same
326 privileges and immunities as are extended to witnesses in the courts of this state.

327 D. Any witness in a proceeding before the commission shall have the right to be
328 represented by counsel.

329 E. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
330 testify when requested concerning any matter under examination or investigation at the
331 hearing, the commission may petition the superior court of King County for enforcement
332 of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof
333 of service, and shall set forth in what specific manner the subpoena has not been
334 complied with, and shall ask an order of the court to compel the witness to appear and
335 testify before the commission. The court, upon such a petition, shall enter an order
336 directing the witness to appear before the court at a time and place to be fixed in the
337 order, and then and there to show cause why the witness has not responded to the
338 subpoena or has refused to testify. A copy of the order shall be served upon the witness.
339 If it appears to the court that the subpoena was properly issued and that the particular
340 questions that the witness refuses to answer are reasonable and relevant, the court shall

341 enter an order that the witness appear at the time and place fixed in the order and testify
342 or produce the required papers and on failing to obey the order the witness shall be dealt
343 with as for a contempt of court.

344 NEW SECTION. SECTION 7.

345 A. The commission shall appoint an executive director, who shall be confirmed
346 by the council by motion. The commission shall commit to affirmative action practices
347 and consider principles of racial justice and equity in appointing an executive director.

348 B. Under the supervision of the commission, the executive director shall:

349 1. Perform the duties included in sections 4 and 6 of this ordinance, as delegated
350 by the commission;

351 2. Upon approval by the commission, make and enforce contracts;

352 3. Propose to the commission a recommended budget; and

353 4. coordinate with county departments, governmental entities within King
354 County, any state or federal agency and any other stakeholders that would support the
355 work of the commission;

356 5. Disburse funds as authorized by the commission's budget and by county
357 ordinances; accept funds due to the county on account of the work of the commission;
358 and deposit funds received to be deposited to the county;

359 6. Upon approval by the commission, develop job descriptions, appoint and
360 remove staff, manage the work of the staff and delegate authority to staff as appropriate;
361 and

362 7. Perform other duties as assigned by the commission.

363 C. Neither the executive director nor staff to the commission may hold or

364 campaign for elective office.

365 D. The commission may remove its executive director for cause upon a two-
366 thirds majority vote of its membership and notice of that vote to the council and shall be
367 effective thirty days after the notice to the council unless the council, within that thirty
368 day period, by a six vote majority passes a motion rejecting the removal of the executive
369 director.

370 E. The commission shall adopt rules that specify those duties and responsibilities
371 that may be delegated to the executive director and staff, and those duties and
372 responsibilities that shall remain with the members of the commission.

373 F. An employee from the office of equity and social justice shall staff the
374 commission until the initial executive director is appointed by the commission.

375 NEW SECTION. SECTION 8.

376 A. The council shall appropriate available moneys to support the activities of the
377 commission as required by this chapter.

378 B. The council shall delegate to the commission to transmit a biennial budget to
379 the executive and comply with budgeting and reporting requirements as outlined in
380 K.C.C. chapter 4A.100.

381 C. Commission members shall receive per diem compensation of fifty dollars for
382 attendance at one commission meeting per month. The purpose of the compensation is to
383 alleviate financial burden as a barrier to serving as a commission member and ensure
384 representation from communities that are most impacted by inequities and discrimination.
385 Commission members also may receive reimbursements as authorized in subsection D. of
386 this section. The per diem amount shall be automatically adjusted annually, beginning

387 January 1, 2021, and every year thereafter, using the U.S. Department of Labor, Bureau
388 of Labor Statistics Consumer January through December Price Index for All Urban
389 Consumers for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area, which is
390 known as "the CPI-U". However, if the CPI-U is negative, there shall not be an
391 adjustment.

392 D. Commission members shall be reimbursed for mileage at the standard county
393 reimbursement rate for travel to and from scheduled commission meetings, workgroup
394 meetings and community meetings, and for parking at meetings.

395 NEW SECTION. SECTION 9. All boards and commissions, county departments
396 or agencies and the officers, employees and agents of those departments and agencies
397 shall cooperate fully and in good faith with the commission to support the powers and
398 duties of the commission as required by this chapter.

399 SECTION 10. Ordinance 18665, Section 8, and K.C.C. 2.15.100 are hereby
400 amended to read as follows:

401 A person who has been injured or otherwise sustained damages as a result of a
402 violation of this chapter may file a complaint with the ~~((King County office of))~~ human
403 and civil rights commission in accordance with K.C.C. 12.22.040.

404 SECTION 11. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are
405 hereby amended to read as follows:

406 A. The county administrative officer shall be the director of the department of
407 executive services. The department shall include the records and licensing services
408 division, the finance and business operations division, the facilities management division,
409 the fleet services division, the airport division, the administrative office of risk

410 management, the administrative office of emergency management((;)) and the
411 administrative office of the business resource center (~~and the administrative office of~~
412 ~~civil rights~~). In addition, the county administrative officer shall be responsible for
413 providing staff support for the board of ethics.

414 ~~((A.))~~ B. The duties of the records and licensing services division shall include
415 the following:

416 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and
417 pet licenses, collecting license fee revenues and providing licensing services for the
418 public;

419 2. Enforcing county and state laws relating to animal control;

420 3. Managing the recording, processing, filing, storing, retrieval and certification
421 of copies of all public documents filed with the division as required;

422 4. Processing all real estate tax affidavits; and

423 5. Acting as the official custodian of all county records, as required by general
424 law, except as otherwise provided by ordinance.

425 ~~((B.))~~ C. The duties of the finance and business operations division shall include
426 the following:

427 1. Monitoring revenue and expenditures for the county. The collection and
428 reporting of revenue and expenditure data shall provide sufficient information to the
429 executive and to the council. The division shall be ultimately responsible for maintaining
430 the county's official revenue and expenditure data;

431 2. Performing the functions of the county treasurer;

432 3. Billing and collecting real and personal property taxes, local improvement

- 433 district assessments and gambling taxes;
- 434 4. Processing transit revenue;
- 435 5. Receiving and investing all county and political subjurisdiction moneys;
- 436 6. Managing the issuance and payment of the county's debt instruments;
- 437 7. Managing the accounting systems and procedures;
- 438 8. Managing the fixed assets system and procedures;
- 439 9. Formulating and implementing financial policies for other than revenues and
- 440 expenditures for the county and other applicable agencies;
- 441 10. Administering the accounts payable and accounts receivable functions;
- 442 11. Collecting fines and monetary penalties imposed by district courts;
- 443 12. Developing and administering procedures for the procurement of and
- 444 awarding of contracts for tangible personal property, services, professional or technical
- 445 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
- 446 and state laws and regulations;
- 447 13. Establishing and administering procurement and contracting methods, and
- 448 bid and proposal processes, to obtain such procurements;
- 449 14. In consultation with the prosecuting attorney's office and office of risk
- 450 management, developing and overseeing the use of standard procurement and contract
- 451 documents for such procurements;
- 452 15. Administering contracts for goods and services that are provided to more
- 453 than one department;
- 454 16. Providing comment and assistance to departments on the development of
- 455 specifications and scopes of work, in negotiations for such procurements, and in the

456 administration of contracts;

457 17. Assisting departments to perform cost or price analyses for the procurement
458 of tangible personal property, services and professional or technical services, and price
459 analysis for public work procurements;

460 18. Developing, maintaining and revising as may be necessary from time to
461 time the county's general terms and conditions for contracts for the procurement of
462 tangible personal property, services, professional or technical services and public work;

463 19. Managing the payroll system and procedures, including processing benefits
464 transactions in the payroll system and administering the employer responsibilities for the
465 retirement and the deferred compensation plans;

466 20. Managing and developing financial policies for borrowing of funds,
467 financial systems and other financial operations for the county and other applicable
468 agencies;

469 21. Managing the contracting opportunities program to increase opportunities
470 for small contractors and suppliers to participate on county-funded contracts. Submit an
471 annual report as required by K.C.C. 2.97.090;

472 22. Managing the apprenticeship program to optimize the number of apprentices
473 working on county construction projects. Submit an annual report as required by K.C.C.
474 12.16.175; and

475 23. Serving as the disadvantaged business enterprise liaison officer for federal
476 Department of Transportation and other federal grant program purposes. The
477 disadvantaged business enterprise liaison officer shall have direct, independent access to
478 the executive on disadvantaged business enterprise program matters consistent with 49

479 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
480 officer shall report to the manager of the finance and business operations division.

481 ~~((C.))~~ D. The duties of the facilities management division shall include the
482 following:

- 483 1. Overseeing space planning for county agencies;
- 484 2. Administering and maintaining in good general condition the county's
485 buildings except for those managed and maintained by the department of natural
486 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
- 487 3. Operating security programs for county facilities except as otherwise
488 determined by the council;
- 489 4. Administering all county facility parking programs except for public
490 transportation facility parking;
- 491 5. Administering the supported employment program;
- 492 6. Managing all real property owned or leased by the county, except as provided
493 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
494 closely approximating fair market value;
- 495 7. Maintaining a current inventory of all county-owned or leased real property;
- 496 8. Functioning as the sole agent for the disposal of real properties deemed
497 surplus to the needs of the county;
- 498 9. In accordance with K.C.C. chapter 4A.100, providing support services to
499 county agencies in the acquisition of real properties, except as otherwise specified by
500 ordinance;
- 501 10. Issuing oversized vehicle permits, franchises and permits and easements for

502 the use of county property except franchises for cable television and telecommunications;

503 11. Overseeing the development of capital projects for all county agencies
504 except for specialized roads, solid waste, public transportation, airport, water pollution
505 abatement, surface water management projects and parks and recreation;

506 12. Being responsible for all general projects, such as office buildings or
507 warehouses, for any county department including, but not limited to, the following:

508 a. administering professional services and construction contracts;

509 b. acting as the county's representative during site master plan, design and
510 construction activities;

511 c. managing county funds and project budgets related to capital projects;

512 d. assisting county agencies in the acquisition of appropriate facility sites;

513 e. formulating guidelines for the development of operational and capital
514 project plans;

515 f. assisting user agencies in the development of capital projects and project
516 plans, as defined and provided for in K.C.C. chapter 4A.100;

517 g. formulating guidelines for the use of life cycle cost analysis and applying
518 these guidelines in all appropriate phases of the capital process;

519 h. ensuring the conformity of capital project plans with the adopted space plan
520 and agency business plans;

521 i. developing project cost estimates that are included in capital project plans,
522 site master plans, capital projects and biennial project budget requests;

523 j. providing advisory services, feasibility studies or both services and studies to
524 projects as required and for which there is budgetary authority;

525 k. coordinating with user agencies to assure user program requirements are
526 addressed through the capital development process as set forth in this chapter and in
527 K.C.C. chapter 4A.100;

528 l. providing engineering support on capital projects to user agencies as
529 requested and for which there is budgetary authority; and

530 m. providing assistance in developing the executive budget for capital projects;
531 and

532 13. Providing for the operation of a downtown winter shelter for homeless
533 persons between October 15 and April 30 each year.

534 ~~((D:))~~ E. The duties of the fleet services division shall include the following:

535 1. Acquiring, maintaining and managing the motor pool equipment rental and
536 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund
537 and the wastewater equipment rental and revolving fund. Metro transit department
538 vehicles determined by the Metro transit department director to be intricately involved in
539 or related to providing public transportation services shall not be part of the motor pool;

540 2. Establishing rates for the rental of equipment and vehicles;

541 3. Establishing terms and charges for the sale of any material or supplies that
542 have been purchased, maintained or manufactured with money from the motor pool and
543 equipment revolving fund, the equipment rental and revolving fund and the wastewater
544 equipment rental and revolving fund;

545 4. Managing fleet and equipment training programs, stores function and vehicle
546 repair facilities;

547 5. Administering the county alternative fuel program and take-home assignment

548 of county vehicles policy; and

549 6. Inventorying, monitoring losses and disposing of county personal property in
550 accordance with K.C.C. chapter 4.56.

551 ~~((E.))~~ F. The duties of the airport division shall include managing the
552 maintenance and operations of the King County international airport, and shall include
553 the following:

554 1. Developing and implementing airport programs under state and federal law
555 including preparing policy recommendations and service models;

556 2. Managing and maintaining the airport system infrastructure;

557 3. Managing, or securing services from other divisions, departments or entities
558 to perform, the design, engineering and construction management functions related to the
559 airport capital program, including new facilities development and maintenance of
560 existing infrastructure; providing support services such as project management,
561 environmental review, permit and right-of-way acquisitions, schedule and project control
562 functions; and

563 4. Preparing and administering airport service and supporting capital facility
564 plans and periodic updates.

565 ~~((F.))~~ G. The duties of the administrative office of risk management shall include
566 the management of the county's insurance and risk management programs consistent with
567 K.C.C. chapter 2.21.

568 ~~((G.))~~ H. The duties of the administrative office of emergency management shall
569 include the following:

570 1. Planning for and providing effective direction, control and coordinated

571 response to emergencies; and

572 2. Being responsible for the emergency management functions defined in
573 K.C.C. chapter 2.56.

574 ~~((H. The duties of the administrative office of civil rights shall include the
575 following:~~

576 ~~1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,
577 12.18, 12.20 and 12.22;~~

578 ~~2. Assisting departments in complying with the federal Americans with
579 Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other
580 legislation and rules regarding access to county programs, facilities and services for
581 people with disabilities;~~

582 ~~3. Serving as the county Americans with Disabilities Act coordinator relating to
583 public access;~~

584 ~~4. Providing staff support to the county civil rights commission;~~

585 ~~5. Serving as the county federal Civil Rights Act Title VI coordinator; and~~

586 ~~6. Coordinating county responses to federal Civil Rights Act Title VI issues and
587 investigating complaints filed under Title VI.))~~

588 I. The duties of the administrative office of the business resource center shall
589 include the following:

590 1. The implementation and maintenance of those systems necessary to generate
591 a regular and predictable payroll through the finance and business operations division;

592 2. The implementation and maintenance of those systems necessary to provide
593 regular and predictable financial accounting and procedures through the finance and

594 business operations division;

595 3. The implementation and maintenance of those systems necessary to generate
596 regular and predictable county budgets, budget reports and budget management tools for
597 the county; and

598 4. The implementation and maintenance of the human resources systems of
599 record for all human resources data for county employment purposes.

600 SECTION 12. Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015 are
601 hereby amended to read as follows:

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

606 B. At-large positions designated for the council shall be appointed by the
607 executive after receiving nominations from the council. When notified of a vacancy in
608 one of these four at-large positions, the council chair shall inform the council at an open
609 public meeting of the vacancy and seek nominations from councilmembers. At a
610 subsequent council meeting, the chair shall inform the council of the names of all
611 nominees received from councilmembers and that all nominations have been forwarded
612 to the executive. If the executive does not appoint a person who has been nominated by
613 the council, the executive must request that the council nominate other candidates for
614 appointment.

615 C. When appointing and confirming members to boards, commissions and
616 committees it shall be the goal to have geographical diversity and balance. The women's

617 advisory board created under K.C.C. 2.30.010, the conservation futures advisory
618 committee established under K.C.C. 2.36.070~~((;))~~ and the Harborview Medical Center
619 board of trustees established under K.C.C. 2.42.030 ~~((and the civil rights commission
620 created under K.C.C. 3.10.010))~~, should not have more than two members from a single
621 council district. This subsection does not apply to a board, commission or committee
622 until the board, commission or committee attains the council district and at-large
623 membership as specified in Ordinance 15548, Section 7.

624 SECTION 13. Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010 are
625 hereby amended to read as follows:

626 A. ~~((Creation.))~~ There is hereby created a King County Section 504/Americans
627 with Disabilities Act ~~((hereinafter referred to as the ADA-A))~~ advisory ~~((C))~~ committee,
628 ~~((hereinafter referred to as))~~, referred to in this section as the 504/ADA committee.

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

633 C. ~~((Purpose.))~~ The 504/ADA committee shall serve in an advisory capacity to
634 the executive in developing strategies, systems and guidelines in implementing the
635 504/ADA Compliance Workplan. The functions of the 504/ADA committee shall
636 include, but not be limited to, the following:

637 1. Review the ~~((504/ADA))~~ Section 504 of the Americans with Disabilities Act
638 compliance workplan and make recommendations towards improving its effectiveness;

639 2. Review and monitor the progress of the ~~((504/ADA))~~ Section 504 of the

640 Americans with Disabilities Act compliance workplan; and

641 3. Review and monitor the affirmative action progress made in the employment
642 of persons with disabilities in the county's workforce.

643 D. (~~Staffing~~) Appropriate staff to the 504/ADA committee shall be provided
644 by the executive, including the Section 504(~~/ADA~~) 504 of the Americans with
645 Disabilities Act compliance specialist in such department of information and
646 administrative services.

647 E. (~~Designation of Americans with Disabilities Act coordinator~~) The Section
648 504(~~/ADA~~) of the Americans with Disabilities Act compliance specialist in the
649 department of information and administrative services is the designated county employee
650 to coordinate the county's effort to comply with and carry out its responsibilities under
651 the (~~ADA~~) Americans with Disabilities Act and its implementing regulations.

652 SECTION 14. The following are hereby repealed:

653 A. Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010;

654 B. Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020;

655 C. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030;

656 D. Ordinance 12058, Section 4, and K.C.C. 3.10.040;

657 E. Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050;

658 F. Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060; and

659 G. Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

660 SECTION 15. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby
661 amended to read as follows:

662 The executive, assessor, director of elections, sheriff, council and prosecuting

663 attorney shall report biennially on the number of workplace discrimination and
664 harassment complaints, including sexual harassment, and inappropriate conduct
665 complaints and, when possible, informal inquiries, received by each department each
666 year. The report shall indicate the basis or bases of the complaint, which may be race,
667 color, gender, age, creed, disability, marital status, national origin, religion, pregnancy,
668 gender identity or expression, domestic violence victimization, sexual orientation,
669 honorably discharged veteran or military status, use of service or assistive animal by a
670 person with a disability or any other status protected by federal, state or local law. The
671 ~~((office of))~~ human and civil rights commission shall report on the number of unfair
672 employment practice complaints filed, the basis or bases of the complaint, the number of
673 investigations of unfair employment practices in the reporting year and the number of
674 findings that reasonable cause exists to believe that an unfair employment practice
675 occurred. The first report shall be transmitted to the council by December 31, 2019. All
676 reports under this section shall be in the form of a paper original and an electronic copy
677 filed with the clerk of the council who, who shall retain the original and provide an
678 electronic copy to all councilmembers, the council chief of staff and the policy staff
679 director.

680 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 4A.200
681 a new section to read as follows:

682 A. There is hereby created the human and civil rights commission fund to assure
683 the independence of the commission.

684 B. The fund shall be a second tier fund. It is a subfund of the general fund.

685 C. The executive director of the human and civil rights commission shall be the

686 manager of the fund.

687 D. The fund shall be used to support the activities of the human and civil rights
688 commission.

689 SECTION 17. Ordinance 10159, Section 14, and K.C.C. 6.27A.120 are hereby
690 amended to read as follows:

691 A. A franchisee or applicant for a franchise shall not deny cable service, or
692 otherwise discriminate against any subscriber, access programmer or resident on the basis
693 of race, color, religion, national origin, physical or mental disability, age, political
694 affiliation, marital status, sexual orientation, gender identity or expression, sex or income of
695 the residents of the area in which the person resides. The franchisee shall comply at all
696 times with all other applicable federal, state and local laws, rules and regulations relating to
697 ~~((nondiscrimination))~~ antidiscrimination.

698 B. A franchisee shall not refuse to employ, nor discharge from employment, nor
699 discriminate against any ~~((person))~~ individual in compensation or in terms, conditions or
700 privileges of employment because of race, color, religion, national origin, physical
701 disability, age, political affiliation, marital status, sexual orientation, gender identity or
702 expression, sex or income.

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

705 D. The franchisee shall establish, maintain and execute an equal employment
706 opportunity plan and a minority/women's business procurement program, which shall be
707 consistent with the intent of the county's affirmative action and minority/women's business
708 procurement policies. Upon request, the franchisee shall file with the cable office a copy of

709 their equal employment opportunity report submitted annually to the FCC and shall file
710 with King County (~~office of~~) human and civil rights commission and compliance an
711 annual compliance report detailing its progress with its minority/women's business
712 procurement program during the previous year. The franchisee must also provide the cable
713 office, upon request, copies of all other reports and information filed with federal, state or
714 local agencies concerning equal employment opportunity or employment discrimination
715 laws. This subsection shall apply only to franchise agreements entered into after December
716 2, 1991.

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

719 SECTION 18. Ordinance 15399, Section 4, as amended, and K.C.C. 12.17.004
720 are hereby amended to read as follows:

721 This chapter shall be liberally construed for accomplishment of its policies and
722 purposes. This chapter shall not be construed to endorse any specific belief, practice,
723 behavior or orientation. Nothing in this chapter relating to gender identity or expression-
724 based discrimination affects the ability of an employer to require an employee to adhere
725 to reasonable workplace appearance, grooming and dress standards not precluded by
726 other provisions of state or federal law, though an employer shall allow an employee to
727 appear or dress consistently with the employee's gender identity or expression.

728 SECTION 19. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are
729 hereby amended to read as follows:

730 The definitions in this section apply throughout this chapter unless the context
731 clearly requires otherwise.

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

735 B. "Charging party" means the person aggrieved by an alleged unfair contracting
736 practice or the person making a complaint on another person's behalf, or the ~~((office of))~~
737 human and civil rights commission when the ~~((office of))~~ human and civil rights
738 commission files a complaint.

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

742 D. "Contract" means an agreement to perform a service or provide goods that
743 entails a legally binding obligation and that is performed or intended to be wholly or partly
744 performed within unincorporated King County or that includes King County as a party.
745 "Contract" does not include the following: a contract for the purchase and sale of
746 residential real estate; a contract for employment; and a collective bargaining agreement.

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

750 F. "Contractor" means a business enterprise, including, but not limited to, a
751 company, partnership, corporation or other legal entity, excluding real property lessors and
752 lessees, contracting to do business within the county. "Contractor" includes, but is not
753 limited to, a public works contractor, a consultant contractor, a provider of professional
754 services, a service agency, a vendor, and a supplier selling or furnishing materials,

755 equipment, goods or services, but does not include a governmental agency other than King
756 County.

757 G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other
758 than an action taken in accordance with a lawful affirmative action program, or failure to
759 act, whether by itself or as part of a practice, the effect of which is to adversely affect or
760 differentiate between or among individuals or groups of individuals, by reasons of race,
761 color, age, gender, marital status, sexual orientation, gender orientation or expression,
762 religion, ancestry, national origin, disability or use of a service or assistive animal by an
763 individual with a disability, unless based upon a bona fide contractual qualification.

764 H. "Gender identity or expression" means an individual's gender-related identity,
765 appearance or expression, whether or not associated with the individual's sex assigned at
766 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
767 the individual's own gender identity or expression.

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

770 J. "Party" includes the person making a complaint alleging an unfair contracting
771 practice and the person alleged to have committed an unfair contracting practice.

772 K. "Person" includes one or more individuals, partnerships, business enterprises,
773 associations, organizations, corporations, cooperatives, legal representatives, trustees,
774 trustees in bankruptcy, receivers or group of persons and includes King County.

775 L. "Respondent" means a person who has been alleged or found to have committed
776 an unfair contracting practice prohibited by this chapter.

777 M. "Retaliate" means to take action against any person because that person has:

- 778 1. Opposed any practice forbidden by this chapter;
779 2. Complied or proposed to comply with this chapter or any order issued under
780 this chapter; or
781 3. Filed a complaint, testified or assisted in any manner in any investigation,
782 proceeding or hearing initiated under this chapter.

783 N. "Service or assistive animal" means any dog guide, signal or hearing dog,
784 seizure response dog, therapeutic companion animal or other animal that does work,
785 perform tasks or provides medically necessary support for the benefit of an individual with
786 a disability.

787 O. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
788 practices pertaining to the individual's own sexual orientation including, but not limited to,
789 actual or perceived heterosexuality, homosexuality and bisexuality.

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

793 SECTION 20. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030 are
794 hereby amended to read as follows:

795 A. An individual complaint alleging an unfair contracting practice in connection
796 with a commercially significant contract may be filed with the (~~office of~~) human and civil
797 rights commission by or on behalf of any person who claims to be aggrieved by that unfair
798 contracting practice.

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

- 801 1. Any member of the group;
- 802 2. The ~~((office of))~~ human and civil rights commission;
- 803 3. A state or federal agency concerned with discrimination in contracting
- 804 whenever the agency has reason to believe that an unfair contracting practice has been or is
- 805 being committed; or
- 806 4. A trade association that has reason to believe that an unfair contracting practice
- 807 has been or is being committed against any of its members.
- 808 C. A complaint alleging an unfair contracting practice shall be in writing on a form
- 809 or in a format determined by the ~~((office of))~~ human and civil rights commission, shall be
- 810 signed by the charging party, shall describe with particularity the unfair contracting practice
- 811 complained of and shall include a statement of the dates, places and circumstances and the
- 812 persons responsible for the acts and practices. The complaint must be filed within one
- 813 hundred eighty days of the time of the alleged unfair contracting practice or within one
- 814 hundred eighty days of when the charging party, through exercise of due diligence, should
- 815 have had notice or been aware of the occurrence. However, the ~~((office of))~~ human and
- 816 civil rights commission shall not reject a complaint as insufficient because of failure to
- 817 include all required information, if the ~~((office of))~~ human and civil rights commission
- 818 determines that the complaint substantially meets the informational requirements necessary
- 819 for processing.
- 820 D. If a complaint has been filed in accordance with this chapter, the ~~((office of))~~
- 821 human and civil rights commission shall initiate an investigation under this chapter. If the
- 822 ~~((office of))~~ human and civil rights commission determines that a violation of this chapter
- 823 or a rule or regulation adopted under this chapter has occurred, the ~~((office))~~ commission

824 shall issue an order in accordance with this chapter. With respect to violations of this
825 chapter, the notice, service and hearings provisions in this chapter control over K.C.C. Title
826 23.

827 E. The charging party or the (~~office of~~) human and civil rights commission may
828 amend a complaint: to cure technical defects or omissions; to clarify and amplify
829 allegations made in the complaint; or to add allegations related to or arising out of the
830 subject matter set forth, or attempted to be set forth, in the original complaint. For
831 jurisdictional purposes, the amendments shall relate back to the date the original complaint
832 was first filed. Either the charging party or the (~~office of~~) human and civil rights
833 commission, or both, may amend a complaint for these reasons as a matter of right before
834 service of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and
835 thereafter may amend a complaint only with permission of the hearing examiner, which
836 permission shall be granted if justice will be served by the permission. All parties must be
837 allowed time to prepare their cases with respect to additional or expanded allegations that
838 the parties did not and could not have reasonably foreseen would be an issue at the hearing.

839 F. The charging party may also amend a complaint to include allegations of
840 additional unrelated unfair contracting practices that arose after filing of the original
841 complaint. The amendment must be filed within one hundred eighty days after the
842 occurrence of the additional alleged unfair contracting practices and before the issuance of
843 findings of fact and a determination with respect to the original complaint by the (~~office~~
844 ~~of~~) human and civil rights commission. The amendments may be made at any time during
845 the investigation of the original complaint if the (~~office of~~) human and civil rights
846 commission will have adequate time to investigate the additional allegations and the parties

847 will have adequate time to present the ((office of)) human and civil rights commission with
848 evidence concerning the allegations before the issuance of findings of fact and a
849 determination.

850 G. Upon the receipt of a complaint, the ((office of)) human and civil rights
851 commission shall serve notice upon the charging party acknowledging the filing.

852 SECTION 21. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are
853 hereby amended to read as follows:

854 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the
855 ((office of)) human and civil rights commission shall, within twenty days, cause to be
856 served or mailed to the respondent by certified mail, return receipt requested, a copy of the
857 complaint along with a notice advising of procedural rights and obligations of respondents
858 under this ordinance, and shall promptly make an investigation of the complaint. Each
859 respondent may file an answer to the complaint, not later than twenty days after receipt of
860 notice from the ((office of)) human and civil rights commission. If the respondent is unable
861 to file a response within twenty days, the respondent may request an extension of time from
862 the ((office of)) human and civil rights commission. The extension may be granted if good
863 cause is shown.

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

867 C. During the investigation, the ((office of)) human and civil rights commission
868 shall consider any statement of position or evidence with respect to the allegations of the
869 complaint which the charging party or the respondent wishes to submit. A person who is

870 not named as a respondent in a complaint, but who is identified as a respondent in the
871 course of the investigation, may be joined as an additional or substitute respondent upon
872 written notice to the person from the ((office-ef)) human and civil rights commission. The
873 notice, in addition to meeting the requirements of subsection A. of this section, shall
874 explain the basis for the belief of the ((office-ef)) human and civil rights commission that
875 the person to whom the notice is addressed is properly joined as a respondent.

876 D. During the period beginning with the filing of the complaint and ending with
877 the issuance of the findings of fact, the ((office-ef)) human and civil rights commission
878 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.
879 Nothing said or done in the course of the settlement discussions may be used as evidence in
880 a subsequent proceeding under this ordinance without the written consent of the persons
881 concerned. A prefinding settlement agreement arising out of the settlement discussions
882 shall be an agreement between the respondent and the charging party, and is subject to
883 approval by the ((office-ef)) human and civil rights commission. Failure to comply with
884 the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

885 E. The ((office-ef)) human and civil rights commission shall seek the voluntary
886 cooperation of all persons: to obtain access to premises, records, documents, individuals
887 and other possible sources of information; to examine, record and copy necessary
888 materials; and to take and record testimony or statements of persons reasonably necessary
889 for the furtherance of the investigation. The ((office-ef)) human and civil rights
890 commission may conduct discovery in aid of the investigation by the following methods or
891 others: deposition upon oral examination or written questions; written interrogatories;
892 requests for the production of documents or evidence; inspection and physical and mental

893 examinations; and requests for admissions. The ~~((office of))~~ human and civil rights
894 commission may sign and issue subpoenas requiring the attendance and testimony of
895 witnesses, the production of evidence including, but not limited to, books, records,
896 correspondence, e-mail or documents in the possession or under the control of the person
897 subpoenaed, access to evidence for the purpose of examination and copying as are
898 necessary for the investigation. The ~~((office of))~~ human and civil rights commission shall
899 consult with the prosecuting attorney before issuing any subpoena under this section.

900 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
901 testify when requested concerning any matter under investigation, the ~~((office of))~~ human
902 and civil rights commission may invoke the aid of the King County prosecuting attorney
903 who may petition the King County superior court for an order or other appropriate action
904 necessary to secure enforcement of the subpoena. The petition shall:

- 905 1. Be accompanied by a copy of the subpoena and proof of service;
- 906 2. Set forth in what specific manner the subpoena has not been complied with;
- 907 and
- 908 3. Ask an order of the court to compel the witness to appear and testify or
909 cooperate in the investigation of the unfair contracting practice.

910 G. If the ~~((office of))~~ human and civil rights commission concludes after the filing
911 of a complaint that prompt judicial action is necessary to carry out the purposes of this
912 chapter, the ~~((office of))~~ human and civil rights commission may invoke the aid of the
913 prosecuting attorney who may file a civil action for appropriate temporary, injunctive or
914 preliminary relief pending final disposition of the complaint.

915 H. The results of the investigation shall be reduced to written findings of fact and a

916 finding shall be made that there either is or is not reasonable cause for believing that an
917 unfair contracting practice has been or is being committed.

918 I. If a finding is made that there is no reasonable cause, the finding shall be served
919 on the charging party and respondent. Within thirty days after service of the negative
920 finding, the charging party may file a written request with the ((office of)) human and civil
921 rights commission asking for reconsideration of the finding. The ((office of)) human and
922 civil rights commission shall furnish the charging party with information regarding how to
923 request reconsideration. The ((office of)) human and civil rights commission shall respond
924 in writing within a reasonable time by granting or denying the request.

925 SECTION 22. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are
926 hereby amended to read as follows:

927 A.1. If the finding is made initially or on request for reconsideration that
928 reasonable cause exists to believe that an unfair contracting practice occurred, the ((office
929 of)) human and civil rights commission shall endeavor to eliminate the unfair practice by
930 conference, conciliation and persuasion, which may include as a condition of settlement:

- 931 a. elimination of the unfair contracting practice;
- 932 b. payment of actual damages including payment of lost profits not in excess of
933 the amount of monetary damage actually incurred;
- 934 c. payment of damages caused by emotional distress, humiliation and
935 embarrassment;
- 936 d. payment of attorneys' fees and costs; and
- 937 e. such other requirements as may be agreed upon by the parties and the ((office
938 of)) human and civil rights commission.

939 2. A settlement agreement shall be reduced to writing and signed by the
940 respondent and the charging party and shall be approved by the (~~office of~~) human and
941 civil rights commission. An order shall then be entered by the (~~office of~~) human and civil
942 rights commission setting forth the terms of the agreement. Copies of the order shall be
943 delivered to all affected parties and the original of the order filed with the records and
944 licensing services division. Failure to comply with the postfinding settlement agreement or
945 order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement is
946 a public record.

947 B.1. If the parties cannot reach agreement, the (~~office of~~) human and civil rights
948 commission shall make a finding to that effect, incorporate the findings in the order and
949 furnish a copy of the order to all affected parties. The order shall also include:

- 950 a. a finding that an unfair contracting practice has occurred;
- 951 b. the basis for the finding; and
- 952 c. an order requiring the respondent to cease and desist from the unfair practice
953 and to take appropriate affirmative measures, which may include:

954 (1) payment of actual damages including payment of lost profits not in excess
955 of the amount of monetary damages actually incurred;

956 (2) payment of damages caused by emotional distress, humiliation and
957 embarrassment;

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

959 (4) such other action as in the judgment of the (~~office of~~) human and civil
960 rights commission will effectuate the purposes of this chapter, which may include the
961 requirement for a report on the matter of compliance.

985 the hearing to each affected party and to the (~~(office of)~~) human and civil rights
986 commission.

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

988 1. To call and examine witnesses on any matter relevant to the issues of the
989 complaint;

990 2. To introduce documentary and physical evidence;

991 3. To cross-examine opposing witnesses on any matter relevant to the issues of
992 the complaint;

993 4. To impeach any witness regardless of which party first called the witness to
994 testify;

995 5. To rebut evidence against the party; and

996 6. To self-represent or to be represented by anyone of the party's choice who is
997 lawfully permitted to do so.

998 D. Following review of the evidence submitted, the hearing examiner presiding at
999 the hearing shall enter written findings and conclusions and shall affirm or modify the order
1000 previously issued if the hearing examiner finds that a violation has occurred. The hearing
1001 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.
1002 The hearing examiner may grant any relief that the (~~(office of)~~) human and civil rights
1003 commission could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's
1004 decision shall be delivered to all affected parties. The order of the hearing examiner is final
1005 unless reviewed by a court under K.C.C. 20.22.270.B.

1006 SECTION 24. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070 are
1007 hereby amended to read as follows:

962 2. If the ((office of)) human and civil rights commission finds the respondent
963 willfully or knowingly committed any unfair contracting practice, the ((office of)) human
964 and civil rights commission may further order the respondent to pay a civil penalty of up to
965 one thousand dollars per violation, which penalty shall be paid to the King County treasury
966 for deposit in the county general fund.

967 C. If there is a failure to reach an agreement for the elimination of any unfair
968 contracting practice where the respondent is an executive department, division or office of
969 the county, the ((office of)) human and civil rights commission may compel compliance by
970 the executive department, division or office with any settlement agreement agreed to
971 between the complainant and the ((office of)) human and civil rights commission.

972 SECTION 23. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are
973 hereby amended to read as follows:

974 A. A party aggrieved by an order of the ((office of)) human and civil rights
975 commission may appeal in accordance with K.C.C. 20.22.080.

976 B. If the order of the ((office of)) human and civil rights commission is appealed,
977 the ((office of the)) hearing examiner shall conduct a hearing for the purpose of affirming,
978 denying or modifying the order. There shall be a verbatim record kept of the hearing and
979 the hearing examiner shall have such rule-making and other power necessary for the
980 conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ((office
981 of)) human and civil rights commission shall not be presumed correct. The hearing
982 examiner's decision shall be based upon a preponderance of the evidence. The hearing
983 shall be conducted within a reasonable time after receipt of the request for appeal. Written
984 notice of the time and place of the hearing shall be given at least ten days before the date of

1008 A. If the ((office-of)) human and civil rights commission has reasonable cause to
1009 believe that a respondent has breached a prefinding or postfinding settlement agreement
1010 executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the ((office-of))
1011 human and civil rights commission issued under K.C.C. 12.17.050 or an order of the
1012 hearing examiner issued under K.C.C. 12.17.060, the ((office-of)) human and civil rights
1013 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
1014 under subsection B. of this section for the enforcement of the agreement.

1015 B. The prosecuting attorney may commence a civil action in King County superior
1016 court for appropriate relief with respect to a breach of a prefinding or postfinding
1017 settlement agreement or violation of an order of the ((office-of)) human and civil rights
1018 commission issued under K.C.C. 12.17.050 or an order of the hearing examiner issued
1019 under K.C.C. 12.17.060. The action may be commenced no later than ninety days after the
1020 referral of the alleged break underlying the referral under subsection A. of this section.

1021 SECTION 25. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080 are
1022 hereby amended to read as follows:

1023 A. An aggrieved person may commence a civil action in King County superior
1024 court not later than one year after the occurrence or the termination of an alleged unfair
1025 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the
1026 unfair contracting practice.

1027 B. The computation of the one-year period does not include time during which an
1028 administrative proceeding under this chapter was pending with respect to a complaint or
1029 charge under this chapter based upon the discriminatory contracting practices.

1030 C. An aggrieved person may commence a civil action under this section whether or

1031 not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of
1032 any such a complaint, except as provided in subsection D₂ of this section, but if a settlement
1033 or conciliation agreement has been reached with the consent of an aggrieved person, an
1034 action may not be filed under this subsection by the aggrieved person with respect to the
1035 alleged unfair contracting practice that forms the basis for the complaint except for the
1036 purpose of enforcing the terms of the agreement.

1037 D. An aggrieved person may not commence a civil action under this section with
1038 respect to an alleged unfair contracting practice which forms the basis of a complaint if a
1039 hearing on the complaint has been convened by the office of the King County hearing
1040 examiner.

1041 E. In a civil action under this section, if the court finds that an unfair contracting
1042 practice has occurred or is about to occur, the court may grant as relief any relief that the
1043 ~~((office of))~~ human and civil rights commission could grant under K.C.C. 12.17.050.B.

1044 F. Relief granted under this section does not affect any contract, sale, encumbrance
1045 or lease consummated before the granting of the relief and involving a bona fide purchaser,
1046 encumbrances or tenant, without actual notice of the filing of a complaint with the ~~((office
1047 of))~~ human and civil rights commission or civil action under this title.

1048 G. Upon timely application, the prosecuting attorney may intervene in the civil
1049 action if the prosecuting attorney determines that the case is of general public importance.

1050 H. This section is intended to provide private judicial remedies for violations of
1051 this chapter that are expansive as the powers granted by the Constitution and laws of the
1052 state of Washington.

1053 SECTION 26. Ordinance 13981, Section 11, and K.C.C. 12.17.090 are hereby

1054 amended to read as follows:

1055 The ((office of)) human and civil rights commission may implement such forms,
1056 administrative processes and operational procedures as are necessary to implement this
1057 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
1058 chapter 2.98. The ((office of)) human and civil rights commission shall further assist other
1059 county agencies and departments upon request in effectuating and promoting the purposes
1060 of this chapter.

1061 SECTION 27. Ordinance 15399, Section 20, and K.C.C. 12.18.014 are hereby
1062 amended to read as follows:

1063 This chapter shall be liberally construed for accomplishment of this chapter's
1064 policies and purposes. This chapter shall not be construed to endorse any specific belief,
1065 practice, behavior, or orientation. Nothing in this chapter relating to gender-based
1066 discrimination affects the ability of an employer to require an employee to adhere to
1067 reasonable workplace appearance, grooming and dress standards not precluded by other
1068 provisions of state or federal law, though an employer shall allow an employee to appear
1069 or dress consistently with the employee's gender identity or expression.

1070 SECTION 28. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are
1071 hereby amended to read as follows:

1072 The definitions in this section apply throughout this chapter unless the context
1073 clearly requires otherwise:

1074 A. "Age" means being eighteen years old or older.

1075 B. "Aggrieved person" includes a person who claims to have been injured by an
1076 unfair employment practice.

1077 C. "Charging party" means any person alleging an unfair employment practice
1078 under this chapter by filing a complaint with the ~~((office of))~~ human and civil rights
1079 commission.

1080 D.1. "Disability" means:

- 1081 a. a physical or mental impairment that substantially limits one or more of a
1082 person's major life activities, either temporarily or permanently;
- 1083 b. a person has a record of having such an impairment;
- 1084 c. a person is regarded as having such an impairment; or
- 1085 d. a person has any other condition that is a disability under the Washington state
1086 Law Against Discrimination, chapter 49.60 RCW, as it pertains to employment.

1087 2. "Disability" does not include current, illegal use of a controlled substance, as
1088 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1089 E. "Discrimination," (~~"discriminate" or "discriminatory act"~~) or "discriminatory
1090 practice or act" means any action or failure to act, whether by ~~((itself))~~ a single act or ~~((as))~~
1091 part of a practice, the effect of which is to adversely affect or differentiate between or
1092 among, individuals ~~((or groups of individuals))~~, by reasons of race, color, age, gender,
1093 marital status, sexual orientation, gender identity or expression, religion, ancestry, national
1094 origin, disability or use of a service or assistive animal by an individual with a disability,
1095 unless based upon a bona fide occupational qualification.

1096 F. "Employee" means any person who works for another in return for financial or
1097 other compensation, and does not include any individual employed by the individual's
1098 parents, spouse or child, or in the domestic service of any person.

1099 G. "Employer" means King County or any person acting in the interest of an
1100 employer, directly or indirectly, who employs eight or more persons in unincorporated
1101 King County, and includes neither any religious or sectarian organization not organized for
1102 private profit nor any governmental body other than King County.

1103 H. "Employment agency" means any person who for compensation engages in
1104 recruiting, procuring, referral or placement of employees with an employer.

1105 I. "Gender identity or expression" means an individual's gender-related identity,
1106 appearance, or expression, whether or not associated with the individual's sex assigned at
1107 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
1108 the individual's own gender identity or expression.

1109 J. "Labor organization" means any organization existing for the purpose of:

1110 1. Dealing with employers concerning grievances, terms or conditions of
1111 employment; or

1112 2. Providing other mutual aid or protection in connection with employment.

1113 K. "Marital status" means the presence or absence of a marital relationship and
1114 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1115 L. "Party" includes the person making a complaint or upon whose behalf a
1116 complaint is made alleging an unfair employment practice, the person alleged or found to
1117 have committed an unfair employment practice and the ~~((office of))~~ human and civil rights
1118 commission.

1119 M. "Person" includes one or more individuals, partnerships, associations,
1120 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
1121 bankruptcy, receivers or groups of persons and includes King County.

1122 N. "Respondent" means any person who is alleged to or found to have committed
1123 an unfair employment practice prohibited by this chapter.

1124 O. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure
1125 response dog, therapeutic companion animal or other animal that does work, performs tasks
1126 or provides medically necessary support for the benefit of an individual with a disability.

1127 P. "Settlement discussions" or "conference, conciliation and persuasion" means the
1128 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,
1129 through informal negotiations involving the charging party, the respondent and the ((office
1130 of)) human and civil rights commission.

1131 Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
1132 practices pertaining to the individual's own sexual orientation including, but not limited to,
1133 actual or perceived heterosexuality, homosexuality and bisexuality.

1134 SECTION 29. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are
1135 hereby amended to read as follows:

1136 A. A complaint alleging an unfair employment practice may be filed by:

1137 1. Any aggrieved person;
1138 2. A state, local or federal agency concerned with discrimination in employment,
1139 including the ((office of)) human and civil rights commission, if the agency has reason to
1140 believe that an unfair employment practice has been or is being committed; or

1141 3. Any labor organization that has reason to believe that an unfair employment
1142 practice has been or is being committed.

1143 B. A complaint alleging an unfair employment practice shall be in writing and
1144 signed by the charging party, and shall describe with particularity the unfair employment

1145 practice complained of, the location of the practice and the person alleged to have
1146 committed the unfair employment practice. The complaint must be filed with the ((office
1147 of)) human and civil rights commission within two years of the time of the alleged unfair
1148 employment practice or within two years of when the charging party, through exercise of
1149 due diligence, should have had notice or been aware of the occurrence. However, the
1150 ((office of)) human and civil rights commission shall not reject a complaint as insufficient
1151 because of failure to include all required information, if the ((office of)) human and civil
1152 rights commission determines that the complaint substantially meets the informational
1153 requirements necessary for processing.

1154 C. Upon the receipt of a complaint, the ((office of)) human and civil rights
1155 commission shall serve upon the charging party notice acknowledging the filing.

1156 D. The charging party or the ((office of)) human and civil rights commission may
1157 amend a complaint: to cure technical defects or omissions; to clarify and amplify
1158 allegations made in the complaint; or to add allegations related to or arising out of the
1159 subject matter set forth, or attempted to be set forth, in the original complaint. For
1160 jurisdictional purposes, the amendments relate back to the date the original complaint was
1161 first filed. Either the charging party or the ((office of)) human and civil rights commission,
1162 or both, may amend a complaint for these reasons as a matter of right before service of
1163 notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may
1164 amend a complaint only with permission of the hearing examiner, which permission shall
1165 be granted if justice will be served by the permission. All parties must be allowed time to
1166 prepare their cases with respect to additional or expanded allegations that the parties did not
1167 and could not have reasonably foreseen would be an issue at the hearing.

1168 E. The charging party may also amend a complaint to include allegations of
1169 additional unrelated unfair employment practices that arose after filing of the original
1170 complaint. The charging party must file any amendments adding the allegations within two
1171 years of the time of the additional unfair employment practice or within two years of when
1172 the charging party, through exercise of due diligence, should have had notice or been aware
1173 of the additional discriminatory act, and before the issuance of findings of fact and a
1174 determination with respect to the original complaint by the ~~((office of))~~ human and civil
1175 rights commission. The amendments may be made at any time during the investigation of
1176 the original complaint if the ~~((office of))~~ human and civil rights commission will have
1177 adequate time to investigate the additional allegations and the parties will have adequate
1178 time to present the ~~((office of))~~ human and civil rights commission with evidence
1179 concerning the allegations before the issuance of findings of fact and a determination.

1180 SECTION 30. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are
1181 hereby amended to read as follows:

1182 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C.,
1183 the ~~((office of))~~ human and civil rights commission shall cause to be served or mailed, by
1184 certified mail, return receipt requested, a copy of the complaint to the respondent within
1185 twenty days after the filing of the complaint and shall promptly make an investigation of
1186 the complaint. Each respondent may file an answer to the complaint not later than twenty
1187 days after receipt of notice from the ~~((office of))~~ human and civil rights commission. If a
1188 respondent is unable to file a response within twenty days, the respondent may request an
1189 extension of time from the ~~((office of))~~ human and civil rights commission. The ~~((office~~
1190 ~~of))~~ human and civil rights commission may grant the extension if good cause is shown.

1191 B. The ~~((office of))~~ human and civil rights commission shall direct the
1192 investigation to ascertain the facts concerning the unfair employment practice alleged in the
1193 complaint and shall conduct the investigation in an objective and impartial manner.

1194 C. During the investigation, the ~~((office of))~~ human and civil rights commission
1195 shall consider any statement of position or evidence with respect to the allegations of the
1196 complaint which the charging party or the respondent wishes to submit. A person who is
1197 not named as a respondent in a complaint, but who is identified as a respondent in the
1198 course of investigation, may be joined as an additional or substitute respondent upon
1199 written notice, under subsection A. of this section, to the person from the ~~((office of))~~
1200 human and civil rights commission. The notice, in addition to meeting the requirements of
1201 subsection A. of this section, must explain the basis for the ~~((office of))~~ human and civil
1202 rights commission' belief that the person to whom the notice is addressed is properly joined
1203 as a respondent.

1204 D. During the period beginning with the filing of the complaint and ending with
1205 the issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission
1206 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.
1207 Anything said or done in the course of the settlement discussions may not be made public
1208 or used as evidence in a subsequent proceeding under this chapter without the written
1209 consent of the persons concerned. A prefinding settlement agreement arising out of the
1210 settlement discussions must be an agreement between the respondent and the charging
1211 party and is subject to approval by the ~~((office of))~~ human and civil rights commission.
1212 Each prefinding settlement agreement is a public record. Failure to comply with the
1213 prefinding settlement agreement may be enforced under K.C.C. 12.18.080.

1214 E. The ~~((office of))~~ human and civil rights commission shall seek the voluntary
1215 cooperation of all persons: to obtain access to premises, records, documents, individuals
1216 and other possible sources of information; to examine, record and copy necessary
1217 materials; and to take and record testimony or statements of persons reasonably necessary
1218 for the furtherance of the investigation. The ~~((office of))~~ human and civil rights
1219 commission may conduct discovery in aid of the investigation by the following methods or
1220 others: deposition upon oral examination or written questions; written interrogatories;
1221 requests for the production of documents or other evidence, for inspection and other
1222 purposes; physical and mental examinations; and requests for admissions. The ~~((office of))~~
1223 human and civil rights commission may sign and issue subpoenas requiring the attendance
1224 and testimony of witnesses and the production of or access to evidence including books,
1225 records, correspondence, e-mail or documents in the possession or under the control of the
1226 person subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil
1227 rights commission shall consult with the prosecuting attorney before issuing a subpoena
1228 under this section.

1229 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1230 testify if requested concerning any matter under investigation, the ~~((office of))~~ human and
1231 civil rights commission may invoke the aid of the prosecuting attorney, who may petition
1232 to the superior court for an order or other appropriate action necessary to secure
1233 enforcement of the subpoena. The petition shall:

- 1234 1. Be accompanied by a copy of the subpoena and proof of service;
 - 1235 2. Set forth in what specific manner the subpoena has not been complied with;
- 1236 and

1237 3. Ask for an order of the court to compel the witness to appear and testify or
1238 cooperate in the investigation of the unfair employment practice.

1239 G. If the ((office of)) human and civil rights commission concludes at any time
1240 after the filing of a complaint that prompt judicial action is necessary to carry out the
1241 purposes of this chapter, the ((office of)) human and civil rights commission may invoke
1242 the aid of the prosecuting attorney, who may file a civil action for appropriate temporary,
1243 injunctive or preliminary relief pending final disposition of the case.

1244 H. The ((office of)) human and civil rights commission shall reduce the results of
1245 the investigation to written findings of fact and make a finding that there either is or is not
1246 reasonable cause for believing that an unfair employment practice has been or is being
1247 committed.

1248 I. If a finding is made that there is no reasonable cause, the finding shall be served
1249 on the charging party and respondent. Within thirty days after service of such a negative
1250 finding, the charging party may file a written request with the ((office of)) human and civil
1251 rights commission asking for reconsideration of the finding. The ((office of)) human and
1252 civil rights commission shall furnish the charging party with information regarding how to
1253 request reconsideration. The ((office of)) human and civil rights commission shall respond
1254 in writing within a reasonable time by granting or denying the request.

1255 SECTION 31. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are
1256 hereby amended to read as follows:

1257 A.1. If the ((office of)) human and civil rights commission makes the finding
1258 initially or on request for reconsideration that reasonable cause exists to believe that an
1259 unfair employment practice occurred, the ((office of)) human and civil rights commission

1260 shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion
1261 which may include as a condition of settlement:

- 1262 a. elimination of the unfair employment practice;
- 1263 b. payment of back pay not in excess of the amount of monetary damage
1264 actually incurred;
- 1265 c. payment of other actual damages, including damages caused by emotional
1266 distress, humiliation and embarrassment;
- 1267 d. reinstatement;
- 1268 e. payment of attorneys' fees and costs;
- 1269 f. participation in training on fair employment laws; and
- 1270 g. such other requirements as may lawfully be agreed upon by the parties and the
1271 ~~((office of))~~ human and civil rights commission.

1272 2. Any postfinding settlement agreement shall be reduced to writing and signed
1273 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.

1274 The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth
1275 the agreement and furnish copies of the order to all affected parties. Each postfinding
1276 settlement agreement is a public record. Failure to comply with the postfinding agreement
1277 or order may be enforced under K.C.C. 12.18.080.

1278 B.1. If the parties cannot reach agreement, the ~~((office of))~~ human and civil rights
1279 commission shall make a finding to that effect, incorporate the finding in the order and
1280 furnish a copy of the order to all affected parties. The order shall also include:

- 1281 a. a finding that an unfair employment practice occurred;
- 1282 b. the basis for the finding; and

1283 c. an order requiring the respondent to cease and desist from the unfair practice
1284 and to take appropriate affirmative measures, which may include:

1285 (1) payment of back pay not in excess of the amount of monetary damage
1286 actually incurred;

1287 (2) payment of other actual damages, including damages caused by emotional
1288 distress, humiliation and embarrassment;

1289 (3) reinstatement;

1290 (4) payment of attorneys' fees and costs;

1291 (5) participation in training on fair employment laws; and

1292 (6) such other action as in the judgment of the ~~((office of))~~ human and civil
1293 rights commission will effectuate the purposes of this chapter, which may include the
1294 requirement for a report on the matter of compliance.

1295 2. If the ~~((office of))~~ human and civil rights commission finds the respondent
1296 willfully or knowingly committed any unfair employment practice, the ~~((office of))~~ human
1297 and civil rights commission may further order the respondent to pay a civil penalty of up to
1298 s one thousand dollars per violation, which penalty shall be paid to the King County
1299 treasury for deposit in the county general fund.

1300 C. If the parties fail to reach an agreement for the elimination of any unfair
1301 employment practice in which the respondent is an executive department, division or ~~office~~
1302 ~~of the county~~, the King County executive may compel compliance by the executive
1303 department, division or office with any settlement agreement agreed to between any
1304 charging party and the ~~((office of))~~ human and civil rights commission.

1305 SECTION 32. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are

1306 hereby amended to read as follows:

1307 A. Any respondent or charging party, after by an order of the ((office of)) human
1308 and civil rights commission is made in accordance with K.C.C. 12.18.060.B., may appeal
1309 that order in accordance with K.C.C. 20.22.080.

1310 B. If the order of the ((office of)) human and civil rights commission is appealed,
1311 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or
1312 modifying the order. There shall be a verbatim record kept of the hearing. The hearing
1313 examiner has such rule-making and other powers necessary for the conduct of the hearing
1314 as are specified by K.C.C. chapter 20.22. The order of the ((office of)) human and civil
1315 rights commission shall not be presumed correct. The hearing examiner's decision shall be
1316 based upon a preponderance of the evidence. The hearing shall be conducted within a
1317 reasonable time after receipt of the request for appeal. Written notice of the time and place
1318 of the hearing shall be given at least ten days before the date of the hearing to each affected
1319 party and to the ((office of)) human and civil rights commission.

1320 C. Each party may, among exercising other rights:

- 1321 1. Call and examine witnesses on any matter relevant to the issues of the
1322 complaint;
- 1323 2. Introduce documentary and physical evidence;
- 1324 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1325 complaint;
- 1326 4. Impeach any witness regardless of which party first called the witness to
1327 testify;
- 1328 5. Rebut evidence against the party; and

1329 6. Self-represent or be represented by anyone of the party's choice who is lawfully
1330 permitted to do so.

1331 D. Following review of the evidence submitted, the hearing examiner presiding at
1332 the hearing shall enter written findings and conclusions and shall affirm or modify the order
1333 previously issued if the hearing examiner finds that a violation occurred. The hearing
1334 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.
1335 The hearing examiner may grant as relief any relief that the ~~((office of))~~ human and civil
1336 rights commission could grant under K.C.C. 12.18.060.B. A copy of the hearing
1337 examiner's decision shall be delivered to all affected parties. The order of the hearing
1338 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

1339 SECTION 33. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are
1340 hereby amended to read as follows:

1341 A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to
1342 believe that a respondent breached a prefinding or postfinding settlement agreement
1343 executed under K.C.C. 12.18.050 or 12.18.060, or violated an order of the ~~((office of))~~
1344 human and civil rights commission issued under K.C.C. 12.18.060 or an order of the
1345 hearing examiner issued in accordance with K.C.C. 12.18.070, the ~~((office of))~~ human and
1346 civil rights commission shall refer the matter to the prosecuting attorney for the filing of a
1347 civil action under subsection B. of this section for the enforcement of the agreement.

1348 B. The prosecuting attorney may commence a civil action in superior court for
1349 appropriate relief with respect to a breach of a prefinding or postfinding settlement
1350 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the
1351 ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.18.060 or an order

1352 of the hearing examiner issued under K.C.C. 12.18.070. This action may be commenced
1353 no later than ninety days after the referral of the alleged breach under subsection A. of this
1354 section.

1355 SECTION 34. Ordinance 15399, Section 17, and K.C.C. 12.18.085 are hereby
1356 amended to read as follows:

1357 A. An aggrieved person may commence a civil action in superior court not later
1358 than three years after the occurrence or termination of an alleged unfair employment
1359 practice or ninety days after a determination of reasonable cause is issued by the (~~office~~
1360 ~~of~~) human and civil rights commission, whichever occurs last, to obtain appropriate
1361 relief with respect to the unfair employment practice.

1362 B. A civil action may be filed under this section whether or not an administrative
1363 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such
1364 a complaint. However, if the (~~office of~~) human and civil rights commission obtained a
1365 prefinding or postfinding settlement or conciliation agreement with the consent of the
1366 aggrieved person, an action may not be filed under this section by the aggrieved person
1367 with respect to the alleged unfair employment practice that forms the basis for the
1368 complaint except for the purpose of enforcing the agreement. To preclude such a filing,
1369 the prefinding or postfinding settlement or conciliation agreement must include language
1370 that the aggrieved person knowingly waives any right to file a civil action based on the
1371 same alleged unfair employment practice.

1372 C. Subject to subsection D. of this section, after the filing of a civil action
1373 involving the same claim or arising from the same facts and circumstances, whether
1374 under this chapter or similar law, the (~~office of~~) human and civil rights commission may

1375 administratively close a complaint of an unfair employment practice.

1376 D. If a court dismisses a private cause of action without reaching the merits and
1377 on grounds that would not preclude pursuit of a complaint under this chapter, the
1378 charging party may request, within ninety days of the entry of the court's order of
1379 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously
1380 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may
1381 reopen a case that was administratively closed upon the filing of a civil action. If the
1382 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable
1383 cause" finding, the case shall not be reopened except as provided through reconsideration
1384 under K.C.C. 12.18.050.

1385 E. A charging party or aggrieved person may not secure relief from more than
1386 one governmental agency, instrumentality or tribunal for the same harm or injury.

1387 F. An aggrieved person may not commence a civil action under this section with
1388 respect to an alleged unfair employment practice that forms the basis of a complaint if a
1389 hearing on the complaint has been convened under K.C.C. 12.18.070.

1390 G. In a civil action under this section, if the court finds that a unfair practice
1391 occurred, the court may grant such relief as is available for violations of the Washington
1392 state Law Against Discrimination, chapter 49.60 RCW.

1393 H. Upon timely application, the prosecuting attorney may intervene in the civil
1394 action if the prosecuting attorney determines that the case is of general public importance.

1395 I. This section is intended to provide private judicial remedies for violations of
1396 this chapter that are as expansive as the powers granted by the Constitution and laws of
1397 the state of Washington.

1398 SECTION 35. Ordinance 7439, Section 9, as amended, and K.C.C. 12.18.090 are
1399 hereby amended to read as follows:

1400 The ~~((office of))~~ human and civil rights commission may implement such forms,
1401 administrative processes and operational procedures as are necessary to comply with this
1402 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
1403 chapter 2.98.

1404 SECTION 36. Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097
1405 are hereby amended to read as follows:

1406 A. If a complaint filed under this chapter, ~~((office of))~~ human and civil rights
1407 commission shall initiate an investigation under this chapter.

1408 B. If the ~~((office of))~~ human and civil rights commission determines that a
1409 violation of this chapter or any rules and regulations adopted under this chapter occurred,
1410 the ~~((office of))~~ human and civil rights commission shall issue an order in accordance
1411 with this chapter. For the enforcement of this chapter, if a conflict exists between this
1412 chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

1413 SECTION 37. Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020 are
1414 hereby amended to read as follows:

1415 The definitions in this section apply throughout this chapter unless the context
1416 clearly requires otherwise.

1417 A. "Aggrieved person" includes a person who:

1418 1. Claims to have been injured by an unfair housing practice; or

1419 2. Believes that the person will be injured by an unfair housing practice that is

1420 about to occur.

1421 B. "Alternative source of income" means lawful, verifiable income derived from
1422 sources other than wages, salaries, or other compensation for employment. It includes but
1423 is not limited to moneys derived from Social Security benefits, other retirement programs,
1424 supplemental security income, unemployment benefits, child support, the state Aged, Blind
1425 or Disabled Cash Assistance Program, state Refugee Cash Assistance and any other
1426 federal, state, local government, private or nonprofit-administered cash benefit program.

1427 C. "Charging party" means any person alleging an (~~unfair housing practice~~) act of
1428 discrimination in a place of public accommodation under this chapter by filing a complaint
1429 with the (~~office of~~) human and civil rights commission.

1430 D.1. "Disability" means:

1431 a. a physical or mental impairment that substantially limits one or more of a
1432 person's major life activities, either temporarily or permanently;

1433 b. a person has a record of having such an impairment;

1434 c. a person is regarded as having such an impairment; or

1435 d. a person has any other condition that is a disability under the Washington state
1436 Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

1437 2. "Disability" does not include current, illegal use of a controlled substance, as
1438 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1439 E. "Discriminate" or "discriminatory practice or act" means any action or failure
1440 to act, whether by a single act or as part of a practice, the effect of which is to adversely
1441 affect or differentiate between or among individuals or groups of individuals, because of
1442 race, color, religion, national origin, ancestry, age, gender, marital status, parental status,
1443 participation in the Section 8 program or other housing subsidy program, alternative

1444 source of income, sexual orientation, gender identity or expression, disability, or use of a
1445 service or assistive animal by an individual with a disability.

1446 F. "Dwelling" or "dwelling unit" mean any building, structure or portion of a
1447 building or structure that is occupied as, or designed or intended for occupancy as, a
1448 residence by one or more families or individuals, and any vacant land that is offered for
1449 sale or lease for the construction or location thereon of any such a building, structure or
1450 portion of a building or structure.

1451 G. "Gender identity or expression" means an individual's gender-related identity,
1452 appearance, or expression, whether or not associated with the individual's sex assigned at
1453 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
1454 the individual's own gender identity or expression.

1455 H. "Housing accommodations" means any dwelling or dwelling unit, rooming unit,
1456 rooming house, lot or parcel of land in unincorporated King County that is used, intended
1457 to be used or arranged or designed to be used as, or improved with, a residential structure
1458 for one or more human beings.

1459 I. "Marital status" means the presence or absence of a marital relationship and
1460 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1461 J.1. "Parental status" means one or more individuals, who have not attained the
1462 age of eighteen years, being domiciled with:

1463 a. a parent or another person having legal custody of the individual or
1464 individuals; or

1465 b. the designee of such a parent or other person having the custody, with the
1466 written permission of the parent or other person.

1467 2. The protections afforded against discrimination on the basis of familial status
1468 apply to a person who is pregnant or is in the process of securing legal custody of an
1469 individual who has not attained the age of eighteen years.

1470 K. "Participation in the Section 8 program (~~or other housing subsidy program~~)"
1471 means participating in a (~~short or long term~~) federal, state or local government(~~, private,~~
1472 ~~nonprofit or other assistance~~) program in which a tenant's rent is paid either partially (~~or~~
1473 ~~completely~~) by the program(~~, through a direct arrangement between the program~~) and the
1474 owner or lessor of the real property(~~, Other housing subsidy programs include, but are not~~
1475 ~~limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and~~
1476 ~~Essential Needs funds and short term rental assistance provided by rapid rehousing~~
1477 ~~subsidies~~), and partially by the tenant.

1478 L. "Party" includes the person charging or making a complaint or upon whose
1479 behalf a complaint is made alleging an unfair practice, the person alleged or found to have
1480 committed an unfair practice and the (~~office of~~) human and civil rights commission.

1481 M. "Person" means one or more individuals, partnerships, associations,
1482 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
1483 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
1484 employee whether one or more natural persons. "Person" also includes any political or
1485 civil subdivisions of the state and any agency or instrumentality of the state or of any
1486 political or civil subdivision of the state.

1487 N. "Real estate transaction" includes, but is not limited to, the sale, conveyance,
1488 exchange, purchase, rental, lease or sublease of real property.

1489 O. "Real estate-related transaction" means any of the following:

- 1490 1. The making or purchasing of loans or providing other financial assistance:
1491 a. for purchasing, constructing, improving, repairing or maintaining real
1492 property; or
1493 b. secured by real property; or
1494 2. The selling, brokering or appraising of real property.
- 1495 P. "Real property" includes, but is not limited to, buildings, structures, real estate,
1496 lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and
1497 hereditaments, corporeal and incorporeal, or any interest therein.
- 1498 Q. "Respondent" means any person who is alleged or found to have committed an
1499 unfair practice prohibited by this chapter.
- 1500 R. "Senior citizens" means persons who are sixty-two years of age or older.
- 1501 S. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure
1502 response dog, therapeutic companion animal or other animal that does work, performs tasks
1503 or provides medically necessary support for the benefit of an individual with a disability.
- 1504 T. "Settlement discussions" and "conference, conciliation and persuasion" mean
1505 the attempted resolution of issues raised by a complaint, or by the investigation of a
1506 complaint, through informal negotiations involving the charging party, the respondent and
1507 the ~~((office of))~~ human and civil rights commission.
- 1508 U. "Sexual orientation" means an individual's attitudes, preferences, belief and
1509 practices pertaining to the individual's own sexual orientation including, but not limited
1510 to, actual or perceived heterosexuality, homosexuality and bisexuality.
- 1511 V. "Verifiable" means the source of income can be confirmed as to its amount or
1512 receipt.

1513 SECTION 38. Ordinance 5280, Section 4, as amended, K.C.C. 12.20.070 are
1514 hereby amended to read as follows:

1515 A. A complaint alleging an unfair housing practice may be filed by:

1516 1. Any aggrieved person; or

1517 2. Any state, local or federal agency concerned with discrimination in housing,

1518 including the ((office of)) human and civil rights commission has reason to believe that an
1519 unfair housing practice has been or is being committed.

1520 B. A complaint alleging an unfair housing practice shall be in writing and signed
1521 by the charging party. The complaint must be filed by the charging party with the ((office
1522 of)) human and civil rights commission within three hundred sixty-five days after the
1523 occurrence or termination of the alleged unfair housing practice. The complaint must
1524 describe with particularity the practice complained of and the location of the practice and
1525 must identify the person being charged with committing an unfair housing practice.

1526 However, the ((office of)) human and civil rights commission shall not reject a complaint
1527 as insufficient because of failure to include all required information, if the ((office of))
1528 human and civil rights commission determines that the complaint substantially meets the
1529 informational requirements necessary for processing.

1530 C. Upon the receipt of a complaint alleging an unfair housing practice, the ((office
1531 of)) human and civil rights commission shall serve notice upon the charging party
1532 acknowledging the filing and advising the charging party of the time limits provided under
1533 this chapter and of the choice of forums provided by this chapter.

1534 D. The charging party or the ((office of)) human and civil rights commission may
1535 amend a complaint: to cure technical defects or omissions; to clarify and amplify

1536 allegations made in the complaint; or to add allegations related to or arising out of the
1537 subject matter set forth, or attempted to be set for, in the original complaint. For
1538 jurisdictional purposes, the amendments relate back to the date the original complaint was
1539 first filed. Either the charging party or the ((office of)) human and civil rights commission,
1540 or both, may amend a complaint for these reasons as a matter of right before service of
1541 notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may
1542 amend a complaint only with permission of the hearing examiner, which permission shall
1543 be granted if justice will be served by the permission, and all parties shall be allowed time
1544 to prepare their case with respect to additional or expanded allegations they did not and
1545 could not have reasonably foreseen would be an issue at the hearing.

1546 E. The charging party may also amend a complaint to include allegations of
1547 additional unrelated discriminatory practices that arose after the filing of the original
1548 complaint. The charging party must file any amendments adding the allegations within
1549 three hundred sixty-five days after the occurrence or termination of the additional
1550 discriminatory practices and before the issuance of findings of fact and a determination
1551 with respect to the original complaint by the ((office of)) human and civil rights
1552 commission. The amendments may be made at any time during the investigation of the
1553 original complaint if the ((office of)) human and civil rights commission will have
1554 adequate time to investigate the additional allegations and the parties will have adequate
1555 time to present the ((office of)) human and civil rights commission with evidence
1556 concerning the allegations before the issuance of findings of fact and a determination.

1557 SECTION 39. Ordinance 5280, Section 5, as amended, K.C.C. 12.20.080 are
1558 hereby amended to read as follows:

1559 A. After the filing of a complaint, the ~~((office of))~~ human and civil rights
1560 commission shall cause to be served on or mailed to the respondent, by certified mail,
1561 return receipt requested, a copy of the complaint, along with a notice advising of procedural
1562 rights and obligations of respondents under this chapter promptly and in no case longer
1563 than twenty days after the filing the complaint. Each respondent may file an answer to the
1564 complaint, not later than ten days after receipt of notice from the ~~((office of))~~ human and
1565 civil rights commission. If the respondent is unable to file a response within ten days, the
1566 respondent may request an extension of time from the ~~((office of))~~ human and civil rights
1567 commission, not to exceed five days. The ~~((office of))~~ human and civil rights commission
1568 may grant the extension if good cause is shown.

1569 B. The investigation shall be commenced promptly and in no event later than thirty
1570 days after receipt of the complaint. It shall be directed to ascertain the facts concerning the
1571 unfair practice alleged in the complaint and shall be conducted in an objective and impartial
1572 manner. The investigation shall be completed within one hundred days after the filing of
1573 the complaint, unless it is impracticable to do so. If the ~~((office of))~~ human and civil rights
1574 commission is unable to complete the investigation within the one hundred days, the
1575 ~~((office of))~~ human and civil rights commission shall notify the charging party and
1576 respondent, in writing, of the reasons for not doing so. The ~~((office of))~~ human and civil
1577 rights commission shall make final administrative disposition of a complaint within one
1578 year of the date of receipt of the complaint, unless it is impracticable to do so. If the
1579 ~~((office of))~~ human and civil rights commission is unable to do so, the ~~((office of))~~ human
1580 and civil rights commission shall notify the charging party and respondent, in writing, of
1581 the reasons for not doing so.

1582 C. During the investigation, the ((office of)) human and civil rights commission
1583 shall consider any statement of position or evidence with respect to the allegations of the
1584 complaint that the charging party or the respondent wishes to submit.

1585 D. A person who is not named as a respondent in a complaint, but who is identified
1586 as a respondent in the course of investigation, may be joined as an additional or substitute
1587 respondent upon written notice, under subsection A. of this section, to the person from the
1588 ((office of)) human and civil rights commission. The notice, in addition to meeting the
1589 requirements of subsection A. of this section, shall explain the basis for the belief of the
1590 ((office of)) human and civil rights commission that the person to whom the notice is
1591 addressed is properly joined as a respondent.

1592 E. During the period beginning with the filing of the complaint and ending with the
1593 issuance of the findings of fact, the ((office of)) human and civil rights commission shall, to
1594 the extent feasible, engage in settlement discussions with respect to the complaint. Nothing
1595 said or done in the course of the settlement discussions may be made public or used as
1596 evidence in a subsequent proceeding under this chapter without the written consent of the
1597 persons concerned. A prefinding settlement agreement arising out of the settlement
1598 discussions shall be an agreement between the respondent and the charging party, and is
1599 subject to approval by the ((office of)) human and civil rights commission. Each
1600 prefinding settlement agreement is a public record. Failure to comply with the prefinding
1601 settlement agreement may be enforced under K.C.C. 12.20.120.

1602 F. The ((office of)) human and civil rights commission shall seek the voluntary
1603 cooperation of all persons to: obtain access to premises, records, documents, individuals
1604 and other possible sources of information; examine, record and copy necessary materials;

1605 and take and record testimony or statements of persons reasonably necessary for the
1606 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may
1607 conduct discovery in aid of the investigation by the following methods or others:
1608 deposition upon oral examination or written questions; written interrogatories; requests for
1609 the production of documents or evidence, for inspection and other purposes; physical and
1610 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights
1611 commission may sign and issue subpoenas requiring the attendance and testimony of
1612 witnesses, the production of evidence including books, records, correspondence, e-mail or
1613 documents in the possession or under the control of the person subpoenaed and access to
1614 evidence for the purpose of examination and copying as are necessary for the investigation.
1615 The ~~((office of))~~ human and civil rights commission shall consult with the prosecuting
1616 attorney before issuing any subpoena under this section.

1617 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1618 testify when requested concerning any matter under investigation, the ~~((office of))~~ human
1619 and civil rights commission may invoke the aid of the prosecuting attorney, who shall
1620 petition to the superior court for an order or other appropriate action necessary to secure
1621 enforcement of the subpoena. The petition shall:

- 1622 1. Be accompanied by a copy of the subpoena and proof of service;
- 1623 2. Set forth in what specific manner the subpoena has not been complied with;
- 1624 and
- 1625 3. Ask for an order of the court to compel the witness to appear and testify or
1626 cooperate in the investigation of the unfair housing practice.

1627 H. If the ~~((office of))~~ human and civil rights commission concludes at any time

1628 after the filing of a complaint that prompt judicial action is necessary to carry out the
1629 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke
1630 the aid of the prosecuting attorney, who shall file a civil action for appropriate temporary,
1631 injunctive or preliminary relief pending final disposition of the case.

1632 I. The ~~((office of))~~ human and civil rights commission shall reduce the results of
1633 the investigation to written findings of fact and make a finding that there either is or is not
1634 reasonable cause for believing that an unfair housing practice has been or is being
1635 committed.

1636 J. If a finding is made that there is no reasonable cause, the finding shall be served
1637 on the charging party and respondent. Within thirty days after service of such a negative
1638 finding, the charging party may file a written request with the ~~((office of))~~ human and civil
1639 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and
1640 civil rights commission shall furnish the charging party with information regarding how to
1641 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond
1642 in writing within a reasonable time by granting or denying the request.

1643 SECTION 40. Ordinance 5280, Section 6, as amended, K.C.C. 12.20.090 are
1644 hereby amended to read as follows:

1645 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding
1646 initially or on request for reconsideration that reasonable cause exists to believe that an
1647 unfair housing practice occurred or is about to occur, the ~~((office of))~~ human and civil
1648 rights commission shall endeavor to eliminate the unfair practice by conference,
1649 conciliation and persuasion, which may include as a condition of settlement the:

1650 a. elimination of the unfair housing practice;

- 1651 b. payment of actual damages, including damages caused by emotional distress,
1652 humiliation and embarrassment;
- 1653 c. reinstatement to tenancy;
- 1654 d. payment of attorneys' fees and costs;
- 1655 e. payment of a civil penalty to vindicate the public interest up to the limits in 42
1656 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006,
1657 which penalty shall be paid to King County for deposit in the county general fund;
- 1658 f. participation in training on fair housing laws; and
- 1659 g. such other requirements as may lawfully be agreed upon by the parties and the
1660 ~~((office of))~~ human and civil rights commission.

1661 2. Any postfinding settlement agreement shall be reduced to writing and signed
1662 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.
1663 The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth
1664 the agreement and furnish copies of the order to all affected parties. Failure to comply with
1665 the postfinding agreement or order may be enforced under K.C.C. 12.20.120. Each
1666 postfinding settlement agreement is a public record.

1667 B.1. If the parties cannot reach agreement, the ~~((office of))~~ human and civil rights
1668 commission shall make a finding to that effect, incorporate the finding in an order, and
1669 furnish a copy of the order to all affected parties. The order shall also include:

- 1670 a. a finding that an unfair housing practice is about to occur or has occurred;
- 1671 b. the basis for the finding; and
- 1672 c. an order requiring the respondent to cease and desist from such unfair practice
1673 and to take appropriate affirmative action, including:

1674 (1) payment of actual damages, including damages caused by emotional
1675 distress, humiliation and embarrassment;
1676 (2) reinstatement to tenancy;
1677 (3) payment of attorneys' fees and costs;
1678 (4) participation in training on fair housing laws; and
1679 (5) such other action as in the judgment of the ~~((office of))~~ human and civil
1680 rights commission will effectuate the purposes of this chapter, which may include the
1681 requirement for report on the matter of compliance, injunctive relief and the payment of a
1682 civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec.
1683 3612(g)(3) as it exists on April 16, 2006.

1684 SECTION 41. Ordinance 10469, Section 11, as amended, K.C.C. 12.20.095 are
1685 hereby amended to read as follows:

1686 In the case of an order with respect to a discriminatory housing practice that
1687 occurred in the course of a business subject to a licensing or regulation by a governmental
1688 agency, the ~~((office of))~~ human and civil rights commission shall, not later than thirty days
1689 after the date of the issuance of the order or, if the order is appealed pursuant to K.C.C.
1690 12.20.100, thirty days after the order is in substance affirmed upon the review:

1691 A. Send copies of the findings of fact, conclusions of law and the order, to that
1692 governmental agency; and

1693 B. Recommend to that governmental agency appropriate disciplinary action
1694 including, if appropriate, the suspension or revocation of the license of the respondent.

1695 SECTION 42. Ordinance 5280, Section 7, as amended, K.C.C. 12.20.100 are
1696 hereby amended to read as follows:

1697 A.1. Any charging party, respondent or aggrieved person on whose behalf the
1698 finding was made, after an order of the ((office-of)) human and civil rights commission is
1699 made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the
1700 claims on which reasonable cause was found decided in a civil action under K.C.C.
1701 12.20.124 or in a hearing before the hearing examiner. The ((office-of)) human and civil
1702 rights commission shall provide the charging party, respondent and aggrieved person on
1703 whose behalf the finding was made with information regarding how to make the election.
1704 This election must be made not later than thirty days after the receipt by the electing person
1705 of service of the order. The person making the election shall give notice of the election
1706 stating which forum is elected to the ((office-of)) human and civil rights commission and to
1707 all other charging parties and respondents to whom the complaint relates. The notice of
1708 election should identify clearly and specifically:

- 1709 a. the errors that the appellant believes were made in the action or decision that
- 1710 is being appealed, or the procedural irregularities associated with that action or decision;
- 1711 b. specific reasons by the county's action should be reversed or modified; and
- 1712 c. the desired outcome of the appeal.

1713 2. Any order issued by the ((office-of)) human and civil rights commission under
1714 K.C.C. 12.20.090.B. becomes final thirty days after service of the order unless a written
1715 notice of election is filed with the ((office-of)) human and civil rights commission within
1716 the thirty-day period. If the order becomes final, parties violating the order are subject to
1717 the enforcement provisions of K.C.C. 12.20.120.

1718 B. If no election of civil action is made, and an election for hearing is made, the
1719 complaint, any and all findings made and either affirmative action measures or civil

1720 penalties, or both, required shall be certified by the ((office of)) human and civil rights
1721 commission to the ((office of the)) hearing examiner for hearing.

1722 C. A hearing shall be conducted by the ((office of the)) hearing examiner for the
1723 purpose of affirming, denying or modifying the order. There shall be a verbatim record
1724 kept of the hearing. The hearing examiner shall have such rule-making and other powers
1725 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The ((office
1726 of)) human and civil rights commission shall maintain the action and the order of the
1727 ((office of)) human and civil rights commission shall not be presumed correct. The hearing
1728 examiner's decision shall be based upon a preponderance of the evidence. The hearing
1729 shall be conducted within a reasonable time after receipt of the certification. Written notice
1730 of the time and place of the hearing shall be given at least ten days before the date of the
1731 hearing to each affected party and to the ((office of)) human and civil rights commission.

1732 D. Each party may, among exercising other rights:

- 1733 1. Call and examine witnesses on any matter relevant to the issues of the
1734 complaint;
- 1735 2. Introduce documentary and physical evidence;
- 1736 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1737 complaint;
- 1738 4. Impeach any witness regardless of which party first called the witness to
1739 testify;
- 1740 5. Rebut evidence against the party; and
- 1741 6. Self-represent or be represented by anyone of the party's choice who is lawfully
1742 permitted to do so.

1743 E. Following review of the evidence submitted, the hearing examiner presiding at
1744 the hearing shall enter written findings and conclusions and shall affirm or modify the order
1745 previously issued if the hearing examiner finds that a violation is about to occur or
1746 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a
1747 violation is not about to occur or did not occur. The hearing examiner may grant as relief
1748 any relief that the ((office of)) human and civil rights commission could grant under K.C.C.
1749 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be
1750 served on all affected parties. The order of the hearing examiner is final unless reviewed
1751 by a court under K.C.C. 20.22.270.B.

1752 SECTION 43. Ordinance 5280, Section 9, as amended, K.C.C. 12.20.120 are
1753 hereby amended to read as follows:

1754 A. If the ((office of)) human and civil rights commission has reasonable cause to
1755 believe that a respondent breached a prefinding or postfinding settlement agreement
1756 executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the ((office of))
1757 human and civil rights commission issued under K.C.C. 12.20.090 or an order of the
1758 hearing examiner issued under K.C.C. 12.20.100, the ((office of)) human and civil rights
1759 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
1760 under subsection B. of this section for the enforcement of the agreement.

1761 B. The prosecuting attorney may commence a civil action in superior court for
1762 appropriate relief with respect to breach of a prefinding or postfinding settlement
1763 agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the
1764 ((office of)) human and civil rights commission issued under K.C.C. 12.20.090 or an order
1765 of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced

1766 no later than ninety days after the referral of the alleged breach under subsection A. of this
1767 section.

1768 SECTION 44. Ordinance 10469, Section 13, as amended, K.C.C. 12.20.122 are
1769 hereby amended to read as follows:

1770 A. An aggrieved person may commence a civil action in superior court not later
1771 than one year after the occurrence or the termination of an alleged discriminatory housing
1772 practice, whichever occurs last, to obtain appropriate relief with respect to such
1773 discriminatory housing practice.

1774 B. The computation of the one-year period shall not include any time during which
1775 an administrative proceeding under this chapter was pending with respect to a complaint or
1776 charge under this chapter based upon the discriminatory housing practices.

1777 C. An aggrieved person may commence a civil action under this section whether or
1778 not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of
1779 any such complaint. However, if the ((office of)) human and civil rights commission or the
1780 United States Department of Housing and Urban Development has obtained a prefinding or
1781 postfinding settlement or conciliation agreement with the consent of an aggrieved person,
1782 an action may not be filed under this section by the aggrieved person with respect to the
1783 alleged discriminatory housing practice that forms the basis for the complaint except for the
1784 purpose of enforcing the agreement. To preclude such a filing, the prefinding or
1785 postfinding settlement or conciliation agreement must include language that the charging
1786 party knowingly waives any right to file a civil action based on the same alleged unfair
1787 housing practice.

1788 D. Subject to subsection E. of this section, after the filing of a civil action

1789 involving the same claim or arising from the same facts and circumstances, whether
1790 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may
1791 administratively close a complaint of an unfair housing practice.

1792 E. If a court dismisses a private cause of action without reaching the merits and
1793 on grounds that would not preclude pursuit of a complaint under this chapter, the
1794 charging party may request, within ninety days of the entry of the court's order of
1795 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously
1796 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may
1797 reopen a case that was administratively closed upon the filing of a civil action. If the
1798 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable
1799 cause" finding, the case shall not be reopened except as provided through reconsideration
1800 under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief
1801 from more than one governmental agency, instrumentality or tribunal for the same harm
1802 or injury.

1803 F. An aggrieved person may not commence a civil action under this section with
1804 respect to an alleged discriminatory housing practice that forms the basis of a complaint if a
1805 hearing on the complaint has been convened by the office of the hearing examiner.

1806 G. In a civil action under subsection A., of this section, if the court finds that a
1807 discriminatory practice occurred or is about to occur, the court may order remedies as
1808 allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as
1809 provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this
1810 section, may grant as relief, as the court deems appropriate, any permanent or temporary
1811 injunction, temporary restraining order or other order, including an order enjoining the

1812 defendant from engaging in the practice or ordering such affirmative action as might be
1813 appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing
1814 party.

1815 H. Relief granted under this section shall not affect any contract, sale, encumbrance
1816 or lease consummated before the granting of the relief and involving a bona fide purchaser,
1817 encumbrances or tenant, without actual notice of the filing of a complaint with the ((office
1818 of)) human and civil rights commission or civil action under this chapter.

1819 I. Upon timely application, the prosecuting attorney may intervene in the civil
1820 action if the prosecuting attorney determines that the case is of general public importance.

1821 J. This section is intended to provide private judicial remedies for violations of this
1822 chapter that are as expansive as the powers granted by the Constitution of laws of the state
1823 of Washington.

1824 SECTION 45. Ordinance 10469, Section 14, as amended, K.C.C. 12.20.124 are
1825 hereby amended to read as follows:

1826 A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a
1827 civil action, the ((office of)) human and civil rights commission shall authorize and, not
1828 later than thirty days after the election is made, shall commence, on behalf of the charging
1829 party, a civil action in superior court to affirm or modify the order of the ((office of))
1830 human and civil rights commission issued under K.C.C. 12.20.090.

1831 B. Any aggrieved person with respect to the issues to be determined in a civil
1832 action under this section may intervene as of right in that civil action.

1833 C. In a civil action under this section, if the court finds that a discriminatory
1834 housing practice has occurred, or is about to occur, the court may grant as relief any relief

1835 which a court could grant with respect to such discriminatory housing practice in a civil
1836 action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved
1837 person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also
1838 accrues to that aggrieved person in a civil action under this section. If monetary relief is
1839 sought for the benefit of an aggrieved person who does not intervene in that civil action, the
1840 court shall not award the monetary relief if that aggrieved person has not complied with
1841 discovery orders entered by the court.

1842 SECTION 46. Ordinance 10469, Section 16, as amended, K.C.C. 12.20.133 are
1843 hereby amended to read as follows:

1844 The ~~((office of))~~ human and civil rights commission may implement such forms,
1845 administrative processes and operational procedures as are necessary to comply with this
1846 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
1847 chapter 2.98.

1848 SECTION 47. Ordinance 13263, Section 53, as amended, K.C.C. 12.20.150 are
1849 hereby amended to read as follows:

1850 A. If a complaint has been filed under this chapter, the ~~((office of))~~ human and civil
1851 rights commission shall initiate an investigation under this chapter.

1852 B. If the ~~((office of))~~ human and civil rights commission determines that a
1853 violation of this chapter or any rules and regulations adopted under this chapter is about to
1854 occur or has occurred the ~~((office of))~~ human and civil rights commission shall issue an
1855 order in accordance with this chapter. For enforcement of this chapter, if a conflict exists
1856 between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

1857 SECTION 48. Ordinance 15399, Section 62, K.C.C. 12.22.014 are hereby

1858 amended to read as follows:

1859 This chapter shall be liberally construed for accomplishment of its policies and
1860 purposes. This chapter shall not be construed to endorse any specific belief, practice,
1861 behavior or orientation. Nothing in this chapter relating to gender-based discrimination
1862 affects the ability of an employer to require an employee to adhere to reasonable
1863 workplace appearance, grooming and dress standards not precluded by other provisions
1864 of state or federal law, though an employer shall allow an employee to appear or dress
1865 consistently with the employee's gender identity or expression.

1866 SECTION 49. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are
1867 hereby amended to read as follows:

1868 The definitions in this section apply throughout this chapter unless the context
1869 clearly requires otherwise.

1870 A. "Aggrieved person" includes any person who claims to have been injured by an
1871 act of discrimination in a place of public accommodation;

1872 B. "Charging party" means any person alleging an act of discrimination in a place
1873 of public accommodation under this chapter by filing a complaint with the ~~((office of))~~
1874 human and civil rights commission.

1875 C.1. "Disability" means:

1876 a. a physical or mental impairment that substantially limits one or more of a
1877 person's major life activities, either temporarily or permanently;

1878 b. a person has a record of having such an impairment;

1879 c. a person is regarded as having such an impairment; or

1880 d. a person has any other condition that is a disability under the Washington state
1881 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

1882 2. "Disability" does not include current, illegal use of a controlled substance, as
1883 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1884 D. "Discrimination" or "discriminatory practice or act" means any action or failure
1885 to act, whether by a single act or part of a practice, the effect of which is to adversely affect
1886 or differentiate between or among individuals, because of race, color, religion, national
1887 origin, ancestry, age, gender, marital status, parental status, sexual orientation, gender
1888 identity or expression, disability or use of a service or assistive animal by an individual
1889 with a disability.

1890 E. "Gender identity or expression" means an individual's gender-related identity,
1891 appearance, or expression, whether or not associated with the individual's sex assigned at
1892 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to
1893 the individual's own gender identity or expression.

1894 F. "Marital status" means the presence or absence of a marital relationship and
1895 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1896 G. "Owner" includes a person who owns, leases, subleases, rents, operates,
1897 manages, has charge of, controls or has the right of ownership, possession, management,
1898 charge or control of real property on the person's own behalf or on behalf of another.

1899 H. "Parental status" means being a parent, step-parent, adoptive parent, guardian,
1900 foster parent or custodian of a minor child or children.

1901 I. "Party" includes a person making a complaint or upon whose behalf a complaint
1902 is made alleging an unfair public accommodations practice, a person alleged or found to

1903 have committed an unfair public accommodations practice and the ~~((office of))~~ human and
1904 civil rights commission.

1905 J. "Person" means one or more individuals, partnerships, associations,
1906 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
1907 bankruptcy, receivers or any group of persons, and includes King County but no
1908 governmental body other than King County. "Person" also includes any owner, lessee,
1909 proprietor, manager, agent or employee whether one or more natural persons.

1910 K. "Place of public accommodation" means any place, store or other establishment,
1911 either licensed or unlicensed, that supplies goods or services to the general public. "Place
1912 of public accommodation" includes, but is not limited to, the following types of services or
1913 facilities: hotels, or other establishments provide lodging to transient guests; restaurants,
1914 cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally
1915 engaged in selling or offering for sale food for consumption upon the premises; motion
1916 picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or other
1917 places of exhibition or entertainment; bowling alleys and amusement parks; retail
1918 establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other
1919 facilities engaged in selling or offering for sale alcoholic beverages for consumption upon
1920 the premises; food banks, senior citizens centers and other social service organizations and
1921 establishments; places of public accommodation operated by King County; and public
1922 burial facilities if the facilities are owned and operated by any cemetery corporation or
1923 burial association.

1924 L. "Respondent" means a person who is alleged or found to have discriminated in a
1925 place of public accommodation.

1926 M. "Senior citizen" means an individual as old or older than an age set for a senior
1927 category. The minimum age for the senior category is fifty-five years.

1928 N. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure
1929 response dog, therapeutic companion animal or other animal that does work, performs tasks
1930 or provides medically necessary support for the benefit of an individual with a disability.

1931 O. "Settlement discussions" or "conference, conciliation and persuasion" means the
1932 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,
1933 through informal negotiations involving the charging party, the respondent and the ((office
1934 of)) human and civil rights commission.

1935 P. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
1936 practices pertaining to the individual's own sexual orientation including, but not limited
1937 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1938 SECTION 50. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are
1939 hereby amended to read as follows:

1940 A. A complaint alleging discrimination in a place of public accommodation may be
1941 filed by:

1942 1. Any aggrieved person; or

1943 2. Any state, local or federal agency concerned with discrimination in places of
1944 public accommodation, including the ((office of)) human and civil rights commission, if
1945 the agency has reason to believe that a discriminatory act or practice has been or is being
1946 committed.

1947 B. A complaint alleging discrimination in a place of public accommodation shall
1948 be in writing and signed by the charging party. The complaint must be filed with the

1949 ((office of)) human and civil rights commission within one hundred eighty days of the
1950 occurrence of the alleged discrimination or within one hundred eighty days of when the
1951 charging party, through exercise of due diligence, should have had notice or been aware of
1952 the occurrence. The complaint must describe with particularity the practice complained of
1953 and the location of the practice and must identify the person being charged with
1954 committing the discrimination. However, the ((office of)) human and civil rights
1955 commission shall not reject a complaint as insufficient because of failure to include all
1956 required information, if the ((office of)) human and civil rights commission determines that
1957 the complaint substantially meets the informational requirements necessary for processing.

1958 C. Upon the receipt of a complaint, the ((office of)) human and civil rights
1959 commission shall serve notice upon the charging party acknowledging the filing.

1960 D. The charging party or the ((office of)) human and civil rights commission may
1961 amend a complaint: to cure technical defects or omissions; to clarify and amplify
1962 allegations made in the complaint; or to add allegations related to or arising out of the
1963 subject matter set forth, or attempted to be set forth, in the original complaint. For
1964 jurisdictional purposes, the amendments relate back to the date the original complaint was
1965 first filed. Either the charging party or the ((office of)) human and civil rights commission,
1966 or both, may amend a complaint for these reasons as a matter of right before service of
1967 notice of hearing on the matter as provided under K.C.C. 12.22.070, and thereafter may
1968 amend a complaint only with the permission of the hearing examiner, which permission
1969 shall be granted if justice will be served by the permission, and all parties shall be allowed
1970 time to prepare their cases with respect to additional or expanded allegations that the parties
1971 did not and could not have reasonably foreseen would be an issue at the hearing.

1972 E. The charging party may also amend a complaint to include allegations of
1973 additional unrelated discriminatory acts that arose after filing of the original complaint.
1974 The charging party must file any amendments adding the allegations within one hundred
1975 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
1976 days of when the charging party, through exercise of due diligence, should have had notice
1977 or been aware of the additional discriminatory act, and before the issuance of findings of
1978 fact and a determination with respect to the original complaint by the ~~((office of))~~ human
1979 and civil rights commission. The amendments may be made at any time during the
1980 investigation of the original complaint if the ~~((office of))~~ human and civil rights
1981 commission will have adequate time to investigate the additional allegations and the
1982 parties will have adequate time to present the ~~((office of))~~ human and civil rights
1983 commission with evidence concerning the allegations before the issuance of findings of
1984 fact and a determination.

1985 SECTION 51. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are
1986 hereby amended to read as follows:

1987 A. After the filing of a complaint, the ~~((office of))~~ human and civil rights
1988 commission shall serve notice of the complaint and a copy of the complaint on the
1989 respondent within twenty days after the filing of the complaint. Each respondent may file
1990 an answer to the complaint not later than twenty days after receipt of notice from the
1991 ~~((office of))~~ human and civil rights commission. If a respondent is unable to file a
1992 response within twenty days, the respondent may request an extension of time from the
1993 ~~((office of))~~ human and civil rights commission. The extension may be granted by the
1994 ~~((office of))~~ human and civil rights commission if good cause is shown. The ~~((office of))~~

1995 human and civil rights commission shall commence the investigation of the complaint
1996 promptly.

1997 B. The ~~((office of))~~ human and civil rights commission shall direct the
1998 investigation to ascertain the facts concerning the discrimination in public
1999 accommodations alleged in the complaint and shall conduct the investigation in an
2000 objective and impartial manner. During the investigation, the ~~((office of))~~ human and
2001 civil rights commission shall consider any statement of position or evidence with respect
2002 to the allegations of the complaint that the charging party or the respondent wishes to
2003 submit. A person who is not named as a respondent in a complaint, but who is identified as
2004 a respondent in the course of the investigation, may be joined as an additional or substitute
2005 respondent upon written notice, as provided under subsection A. of this section, to the
2006 person from the ~~((office of))~~ human and civil rights commission. The notice, in addition to
2007 meeting the requirements of subsection A. of this section, must explain the basis for the
2008 belief of the ~~((office of))~~ human and civil rights commission that the person to whom the
2009 notice is addressed is properly joined as a respondent.

2010 C. During the period beginning with the filing of the complaint and ending with the
2011 issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to
2012 the extent feasible, engage in settlement discussions with respect to the complaint.
2013 Anything said or done in the course of the settlement discussions may not be made public
2014 or used as evidence in a subsequent proceeding under this chapter without the written
2015 consent of the persons concerned. A prefinding settlement agreement arising out of the
2016 settlement discussions must be an agreement between the respondent and the charging
2017 party, and is subject to approval by the ~~((office of))~~ human and civil rights commission.

2018 Each prefinding settlement agreement is a public record. Failure to comply with the
2019 prefinding settlement agreement may be enforced under K.C.C. 12.22.080.

2020 D. The ~~((office of))~~ human and civil rights commission shall seek the voluntary
2021 cooperation of all persons to obtain access to premises, records, documents, individuals and
2022 other possible sources of information; to examine, record and copy necessary materials;
2023 and to take and record testimony or statements of persons reasonably necessary for the
2024 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may
2025 conduct discovery in aid of the investigation by the following methods or others:
2026 deposition upon oral examination or written questions; written interrogatories; requests for
2027 the production of documents or other evidence, inspection and other purposes; physical and
2028 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights
2029 commission may sign and issue subpoenas requiring the attendance and testimony of
2030 witnesses and the production of or access to evidence including books, records,
2031 correspondence, e-mail or documents in the possession or under the control of the person
2032 subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil rights
2033 commission shall consult with the prosecuting attorney before issuing a subpoena under
2034 this section.

2035 E. If an individual fails to obey a subpoena issued under this section, or obeys the
2036 subpoena but refuses to testify if requested concerning a matter under investigation under
2037 this section, the ~~((office of))~~ human and civil rights commission may invoke the aid of the
2038 prosecuting attorney who may petition to the superior court for an order or other
2039 appropriate action necessary to secure enforcement of the subpoena. The petition shall:

2040 1. Be accompanied by a copy of the subpoena and proof of service;

2041 2. Set forth in what specific manner the subpoena has not been complied with;
2042 and

2043 3. Ask for an order of the court to compel the witness to appear and testify or
2044 cooperate in the investigation of the discrimination in public accommodations.

2045 F. If the ~~((office of))~~ human and civil rights commission concludes at any time
2046 after the filing of a complaint that prompt judicial action is necessary to carry out the
2047 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke
2048 the aid of the prosecuting attorney who may file a civil action for appropriate temporary,
2049 injunctive or preliminary relief pending final disposition of the case.

2050 G. The ~~((office of))~~ human and civil rights commission shall reduce the results of
2051 the investigation to written findings of fact make and a finding that there either is or is not
2052 reasonable cause for believing that an act of discrimination in a place of public
2053 accommodations has been or is being committed.

2054 H. If a finding is made that there is no reasonable cause, the finding shall be
2055 served on the charging party and respondent. Within thirty days after service of such a
2056 negative finding, the charging party may file a written request with the ~~((office of))~~
2057 human and civil rights commission asking for reconsideration of the finding. The ~~((office~~
2058 ~~of))~~ human and civil rights commission shall furnish the charging party with information
2059 regarding how to request reconsideration. The ~~((office of))~~ human and civil rights
2060 commission shall respond in writing within a reasonable time by granting or denying the
2061 request.

2062 SECTION 52. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are
2063 hereby amended to read as follows:

2064 A.1. If the ((office of)) human and civil rights commission makes the finding
2065 initially or on request for reconsideration that reasonable cause exists to believe that
2066 discrimination in a place of public accommodation occurred, the ((office of)) human and
2067 civil rights commission shall endeavor to eliminate the discriminatory practice by
2068 conference, conciliation and persuasion, which may include as a condition of settlement:

- 2069 a. elimination of the discriminatory practice;
- 2070 b. payment of refunds or credits not in excess of the amount of monetary
2071 damage actually incurred;
- 2072 c. payment of other actual damages, including damages caused by emotional
2073 distress, humiliation and embarrassment;
- 2074 d. payment of attorneys' fees and costs;
- 2075 e. participation in training on public accommodations laws; and
- 2076 f. such other requirements as may lawfully be agreed upon by the parties and the
2077 ((office of)) human and civil rights commission.

2078 2. Any postfinding settlement agreement shall be reduced to writing and signed
2079 by all parties, with the approval of the ((office of)) human and civil rights commission.
2080 The ((office of)) human and civil rights commission shall then enter an order setting forth
2081 the agreement and furnish copies of the order to all affected parties. Each postfinding
2082 settlement agreement is a public record. Failure to comply with the postfinding settlement
2083 agreement or order may be enforced under K.C.C. 12.22.080.

2084 B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights
2085 commission shall make a finding to that effect, incorporate the finding in the order and
2086 furnish a copy of the order to all affected parties. The order shall also include:

- 2087 a. a finding that discrimination in a place of public accommodation occurred;
- 2088 b. the basis for the finding;
- 2089 c. an order requiring the respondent to cease and desist from such discriminatory
- 2090 practice and to take appropriate affirmative measures, which may include:
- 2091 (1) payment of refunds or credit or other damages not to exceed monetary
- 2092 damage actually incurred;
- 2093 (2) payment of other actual damages, including damages caused by emotional
- 2094 distress, humiliation and embarrassment;
- 2095 (3) payment of attorneys' fees and costs;
- 2096 (4) participation in training in public accommodations laws; or
- 2097 (5) such other action as in the judgment of the ~~((office of))~~ human and civil
- 2098 rights commission will effectuate the purposes of this chapter, which may include the
- 2099 requirement for a report on the matter of compliance.

2100 2. If the ~~((office of))~~ human and civil rights commission finds the respondent

2101 willfully or knowingly committed any discrimination in a place of public accommodation,

2102 the ~~((office of))~~ human and civil rights commission may further order the respondent to pay

2103 a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to

2104 the King County treasury for deposit in the county general fund.

2105 SECTION 53. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are

2106 hereby amended to read as follows:

2107 A.1. Any respondent or charging party, after an order of the ~~((office of))~~ human

2108 and civil rights commission is made in accordance with K.C.C. 12.22.060.B., may request

2109 an appeal hearing before the hearing examiner by filing a written request for hearing within

2110 thirty days of the service of the order. The request for hearing shall be filed with the
2111 ~~((office of))~~ human and civil rights commission. The request for hearing must identify
2112 clearly and specifically:

- 2113 a. the errors that the appellant believes were made in the action or decision that
- 2114 is being appealed, or the procedural irregularities associated with that action or decision;
- 2115 b. specific reasons why the county's action should be reversed or modified; and
- 2116 c. the desired outcome of the appeal.

2117 2. Unless the hearing examiner authorizes an amendment to the statement of
2118 appeal, the identification of errors and the statement of reasons for reversal or modification
2119 defines and limits the issues that the examiner may consider.

2120 B. Any order issued by the ~~((office of))~~ human and civil rights commission in
2121 accordance with procedures in this chapter becomes final thirty days after service of the
2122 order unless a written request for hearing is filed with the ~~((office of))~~ human and civil
2123 rights commission within the thirty-day period.

2124 C. If the order of the ~~((office of))~~ human and civil rights commission is appealed,
2125 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or
2126 modifying the order. There shall be a verbatim record kept of the hearing. The hearing
2127 examiner has such rule-making and other powers necessary for the conduct of the hearing
2128 as are specified by K.C.C. chapter 20.22. The order of the ~~((office of))~~ human and civil
2129 rights commission shall not be presumed correct. The hearing examiner's decision shall be
2130 based upon a preponderance of the evidence. The hearing shall be conducted within a
2131 reasonable time after receipt of the request for appeal. Written notice of the time and place
2132 of the hearing shall be given at least ten days before the date of the hearing to each affected

2133 party and to the (~~office of~~) human and civil rights commission.

2134 D. Each party may, among exercising other rights:

2135 1. Call and examine witnesses on any matter relevant to the issues of the

2136 complaint;

2137 2. Introduce documentary and physical evidence;

2138 3. Cross-examine opposing witnesses on any matter relevant to the issues of the

2139 complaint;

2140 4. Impeach any witness regardless of which party first called the witness to

2141 testify;

2142 5. Rebut evidence against the party; and

2143 6. Self-represent or be represented by anyone of the party's choice who is lawfully

2144 permitted to do so.

2145 E. Following review of the evidence submitted, the hearing examiner presiding at

2146 the hearing shall enter written findings and conclusions and shall affirm or modify the order

2147 previously issued if the hearing examiner finds that a violation occurred. The hearing

2148 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.

2149 The hearing examiner may grant as relief any relief that the (~~office of~~) human and civil

2150 rights commission could grant under K.C.C. 12.22.060.B. A copy of the hearing

2151 examiner's decision shall be delivered to all affected parties. The order of the hearing

2152 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

2153 SECTION 54. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are

2154 hereby amended to read as follows:

2155 A. If the (~~office of~~) human and civil rights commission has reasonable cause to

2156 believe that a respondent breached a prefinding or postfinding settlement agreement
2157 executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the ((office of))
2158 human and civil rights commission issued under K.C.C. 12.22.060 or an order of the
2159 hearing examiner issued under K.C.C. 12.22.070, the ((office of)) human and civil rights
2160 commission shall refer the matter to the prosecuting attorney for the filing of a civil action
2161 under subsection B. of this section for the enforcement of the agreement.

2162 B. The prosecuting attorney may commence a civil action in superior court for
2163 appropriate relief with respect to a breach of a prefinding or postfinding settlement
2164 agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the
2165 ((office of)) human and civil rights commission issued under K.C.C. 12.22.060 or an order
2166 of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no
2167 later than ninety days after the referral of the alleged breach underlying the referral under
2168 subsection A. of this section.

2169 SECTION 55. Ordinance 15399, Section 59, and K.C.C. 12.22.085 are hereby
2170 amended to read as follows:

2171 A. An aggrieved person may commence a civil action in superior court not later
2172 than one year after the occurrence or termination of alleged discrimination in a place of
2173 public accommodation or ninety days after a determination of reasonable cause is issued
2174 by the ((office of)) human and civil rights commission, whichever occurs last, to obtain
2175 appropriate relief with respect to the discrimination in public accommodations.

2176 B. A civil action may be filed under this section whether or not an administrative
2177 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the
2178 complaint. However, if the ((office of)) human and civil rights commission obtained a

2179 prefinding or postfinding settlement or conciliation agreement with the consent of the
2180 aggrieved person, an action may not be filed by the aggrieved person with respect to the
2181 alleged discrimination in public accommodations that forms the basis for the complaint
2182 except for the purpose of enforcing the agreement. To preclude such a filing, the
2183 prefinding or postfinding settlement or conciliation agreement must include language that
2184 the aggrieved person knowingly waives any right to file a civil action under this section
2185 based on the same alleged discrimination in public accommodations.

2186 C. Subject to subsection D. of this section, after the filing of a civil action
2187 involving the same claim or arising from the same facts and circumstances, whether
2188 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may
2189 administratively close a complaint of discrimination in public accommodations.

2190 D. If a court dismisses a private cause of action without reaching the merits and
2191 on grounds that would not preclude pursuit of a complaint under this chapter, the
2192 charging party may request, within ninety days of the entry of the court's order of
2193 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously
2194 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may
2195 reopen a case that was administratively closed upon the filing of a civil action. If the
2196 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable
2197 cause" finding, the case may not be reopened except as provided through reconsideration
2198 under K.C.C. 12.22.050.

2199 E. A charging party or aggrieved person may not secure relief from more than
2200 one governmental agency, instrumentality or tribunal for the same harm or injury.

2201 F. An aggrieved person may not commence a civil action under this section with

2202 respect to an alleged discrimination in public accommodations practice that forms the
2203 basis of a complaint if a hearing on the complaint has been convened under K.C.C.
2204 12.22.070.

2205 G. In a civil action under this section, if the court finds that discrimination in
2206 public accommodations occurred, the court may grant such relief as is available for
2207 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

2208 H. Upon timely application, the prosecuting attorney may intervene in the civil
2209 action, if the prosecuting attorney determines that the case is of general public
2210 importance.

2211 I. This section is intended to provide private judicial remedies for violations of
2212 this chapter that are as expansive as the powers granted by the Constitution and laws of
2213 the state of Washington.

2214 SECTION 56. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are
2215 hereby amended to read as follows:

2216 The ~~((office of))~~ human and civil rights commission may implement such forms,
2217 administrative processes and operational procedures as are necessary to comply with this
2218 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.
2219 chapter 2.98.

2220 SECTION 57. Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095
2221 are hereby amended to read as follows:

2222 A. If a complaint has been filed under this chapter, the ~~((office of))~~ human and
2223 civil rights commission shall initiate an investigation under the provisions of this chapter.

2224 B. If the ~~((office of))~~ human and civil rights commission determines that a

2225 violation of this chapter or any rules and regulations adopted under this chapter occurred,
2226 the ((office)) commission shall issue an order under this chapter. For violations of this
2227 chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls
2228 over K.C.C. Title 23.

2229 SECTION 58. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are
2230 hereby amended to read as follows:

2231 The examiner shall issue final decisions in the following cases:

2232 A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.
2233 chapter 1.07;

2234 B. Appeals of sanctions of the finance and business operations division in the
2235 department of executive services imposed under K.C.C. chapter 2.97;

2236 C. Appeals of career service review committee conversion decisions for part-time
2237 and temporary employees under K.C.C. chapter 3.12A;

2238 D. Appeals of electric vehicle recharging station penalties of the Metro transit
2239 department under K.C.C. 4A.700.700;

2240 E. Appeals of notice and orders of the manager of records and licensing services or
2241 the department of local services permitting division manager under K.C.C. chapter 6.01;

2242 F. Appeals of adult entertainment license denials, suspensions and revocations
2243 under K.C.C. chapter 6.09;

2244 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
2245 chapter 6.26;

2246 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
2247 and orders under K.C.C. 6.27A.240;

2248 I. Appeals of notices and orders of the department of natural resources and parks
2249 under K.C.C. chapter 7.09;

2250 J. Appeals of decisions of the director of the department of natural resources and
2251 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

2252 K. Appeals of decisions of the director of the department of natural resources and
2253 parks on requests for rate adjustments to surface and storm water management rates and
2254 charges under K.C.C. chapter 9.08;

2255 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

2256 M. Appeals of notices and orders of the manager of animal control under K.C.C.
2257 chapter 11.04;

2258 N. Certifications by the finance and business operations division of the department
2259 of executive services involving K.C.C. chapter 12.16;

2260 O. Appeals of orders of the (~~office of~~) human and civil rights commission under
2261 K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter
2262 12.22;

2263 P. Appeals of noise-related orders and citations of the department of local services,
2264 permitting division, under K.C.C. chapter 12.86;

2265 Q. Appeals of utilities technical review committee determinations on water service
2266 availability under K.C.C. 13.24.090;

2267 R. Appeals of decisions regarding mitigation payment system, commute trip
2268 reduction and intersection standards under K.C.C. Title 14;

2269 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
2270 the board of plumbing appeals under K.C.C. chapter 16.32;

2271 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception
2272 of appeals of shoreline permits, including shoreline substantial development permits,
2273 shoreline variances and shoreline conditional uses, which are appealable to the state
2274 Shoreline Hearings Board;

2275 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
2276 adopted under K.C.C. 20.44.075;

2277 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

2278 W. Appeals of decisions of the interagency review committee created under K.C.C.
2279 21A.37.070 regarding sending site applications for certification under K.C.C. chapter
2280 21A.37;

2281 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
2282 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the
2283 King County board of health;

2284 Y. Appeals of notices and certifications of junk vehicles to be removed as a public
2285 nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

2286 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
2287 23.36.010.A.2;

2288 AA. Appeals of fee waiver decisions by the department of local services,
2289 permitting division, as provided in K.C.C. 27.02.040;

2290 BB. Appeals from decisions of the department of natural resources and parks
2291 related to permits, discharge authorizations, violations and penalties under K.C.C.
2292 28.84.050 and 28.84.060;

2293 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

2294 DD. Appeals of department of public safety seizures and intended forfeitures,
2295 when properly designated by the chief law enforcement officer of the department of public
2296 safety as provided in RCW 69.50.505; and

2297 EE. Other applications or appeals that are prescribed by ordinance.

2298 SECTION 59. This ordinance takes effect April 1, 2021, but only if by that date
2299 the executive has transmitted a status report on the status of the feasibility study as
2300 required in this section, a feasibility study and recommendations establishing the human
2301 and civil rights commission and a motion approving the feasibility study, and a motion
2302 approving the feasibility study is passed by council. The motion should reference the
2303 subject matter, this ordinance, ordinance section in both the title and body of the motion.

2304 It is the intention of the council that the executive collaborate with equity and
2305 social justice staff of the council and leverage the robust community engagement
2306 activities of the office of equity and social justice in order to assess the feasibility of
2307 establishing the human and civil rights commission and inform recommendations to
2308 establish the human and civil rights commission. Therefore, the feasibility study should
2309 include, but not be limited to, the following:

2310 A. A summary, as well as a detailed description, of the outcomes of the robust
2311 community engagement to assess the feasibility of implementing the human and civil
2312 rights commission to be established by this ordinance. Community engagement required
2313 by this subsection shall prioritize outreach with interested stakeholders, including
2314 unincorporated area councils, community councils and community development
2315 organizations ("stakeholders") with in each of the unincorporated King County
2316 community service areas ("CSA") and communities most disproportionately impacted by

2317 inequities and discrimination such as the African American, Native American and Alaska
2318 Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and
2319 disability communities;

2320 B. A summary, as well as a detailed description, of the outcomes of the robust
2321 community engagement with CSA stakeholders in each of the community service areas
2322 and communities listed in subsection A of this section in evaluating the current list of
2323 protected classes included in the county charter and the county's antidiscrimination
2324 ordinances as well as evaluating the list of protected classes as proposed by Seattle
2325 University's Fred T. Korematsu Center for Law and Equality Report on the research and
2326 recommendations regarding the King County Civil Rights Commission;

2327 C. A feasibility assessment and recommendation on the integration of the
2328 executive director and staff of the human and civil rights commission into King County
2329 government; and

2330 D. Recommendations for resources necessary to support the activities of the
2331 human and civil rights commission as required by this ordinance, which shall include, but
2332 not be limited to, staffing, facilities and services costs, and possible revenue sources to
2333 fund the costs.

2334 The executive should file the status report by August 14, 2020, in the form of a
2335 paper original and an electronic copy with the clerk of the council, who shall retain the
2336 original and provide an electronic copy to all councilmembers, the council chief of staff
2337 and the lead staff for the law and justice committee, or its successor.

2338 The executive should file the feasibility study and motion required by this section
2339 by February 1, 2021, in the form of a paper original and an electronic copy with the clerk

2340 of the council, who shall retain the original and provide an electronic copy to all
2341 councilmembers, the council chief of staff and the lead staff for the law and justice
2342 committee, or its successor."

2343

2344 **EFFECT:** *The Striking Amendment would do the following:*

2345 *1. Add a new section that would make the ordinance not effective until April 1,*
2346 *2021 and only if by that date the executive has transmitted a status report on the*
2347 *feasibility study, feasibility study and recommendations establishing the human*
2348 *and civil rights commission and a motion approving the feasibility study, and a*
2349 *motion approving the feasibility study is passed by council. The feasibility study*
2350 *should include, but not be limited to:*

- 2351 *a. Summary and outcome of community engagement to evaluate the*
2352 *human and civil rights commission as established by this ordinance;*
2353 *b. Summary and outcome of community engagement to evaluate the*
2354 *county's list of protected classes and those recommended by the*
2355 *Korematsu Center report;*
2356 *c. Feasibility assessment and recommendation on how the executive*
2357 *director and staff of the human and civil rights commission should be*
2358 *integrated into King County government; and*
2359 *d. Recommendations for resources necessary to support the activities of the*
2360 *human and civil rights commission;*

- 2361 2. *Add an additional duty of the commission to propose ordinance to council to*
2362 *update the county's list of protected class based on robust community and*
2363 *stakeholder engagement;*
- 2364 3. *Remove requirement that the executive director and staff to the commission be*
2365 *employees of the council;*
- 2366 4. *Keep the county's list of protected classes included in King County Code as is*
2367 *(i.e., don't make any changes to current list of protected classes in King County*
2368 *Code); and*
- 2369 5. *Make other technical corrections.*