## STAFF REPORT

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| **Agenda Item:** |  23 | **Name:** | Andrew KimRenita Borders |
| **Proposed No.:** | 2018-0485 | **Date:** | October 30, 2018 |

**SUBJECT**

An ORDINANCE establishing the office of equity and social justice, modifying the office of civil rights to a program and moving its duties from the department of executive services to the office of equity and social justice, and renaming the office of risk management and adding additional duties.

**SUMMARY**

Proposed Ordinance 2018-0485 would amend King County Code to achieve the following:

* Establish the Office of Equity and Social Justice under the management of the executive;
* Modify the Office of Civil Rights to a Civil Rights Program and move its duties under the Office of Equity and Social Justice;
* Rename the Office of Risk Management to the Office of Risk Management Services; and
* Add additional duties to ORMS which would include providing administrative support to the Board of Ethics, performing administrative duties for lobbyist disclosure, and serving as the public records officer for the executive branch.

The Office of Equity and Social Justice has been operating under the Office of Executive since the council provided funding to establish the Office of Equity and Social Justice through the 2015-2016 biennium budget. The proposed ordinance would codify the council’s past budgetary action to establish the office. The Office of Risk Management Services has been operating under the proposed name since 2016 when it assumed the duties to serve as the public records officer for the executive branch. The proposed ordinance would codify the new name and the office’s current scope of duties. There are no fiscal impacts to the 2019-2020 biennium budget related to this proposed ordinance.

Staff analysis is ongoing on the proposal to modify the Office of Civil Rights to the Civil Rights Program and the current scope of activities for the Board of Ethics and the Office of Risk Management Services. Staff has also prepared an amendment to remove changes that were erroneously added and make other drafting corrections.

**BACKGROUND**

***Office of Equity and Social Justice*** In 2014, the executive proposed 2015-2016 biennium budget[[1]](#footnote-1) included $1.2 million and 3.0 FTEs to establish an equity and social justice program under Public Health – Seattle & King County. However, the council redirected those funds to a new “Office of Equity and Social Justice” fund which in effect established the office. The council also decreased the FTE appropriation to 2.5 FTEs. The funding supported “Equity and Social Justice and Limited English Proficiency efforts to better include marginalized communities in county decision making and to increase their access to county services”.

Through the budget, the council also added a proviso to require the executive to transmit a work plan for the Office of Equity and Social Justice.[[2]](#footnote-2) In August 2015, the council approved the transmitted work plan for the Office of Equity and Social Justice.[[3]](#footnote-3) Among the key work products identified in the work plan was an Equity and Social Justice Strategic Innovation Priority Plan. As a result, on September 6, 2016, the executive forwarded a letter to the council chair transmitting the King County Equity and Social Justice Strategic Plan: 2016-2022. During the November 28, 2016 Committee of the Whole meeting, the council was briefed on the strategic plan.[[4]](#footnote-4) Since then there have been updates to the plan and the council received a briefing during the October 1, 2018 Committee of the Whole meeting from the Office of Equity and Social Justice on a website that the office has implemented to measure the progress of the ESJ Strategic Plan.[[5]](#footnote-5)

In June 2017, the executive transmitted legislation to establish the Office of Equity and Social Justice (legislation that is similar to the propose ordinance).[[6]](#footnote-6) However, the council did not take up the legislation and it lapsed in February 2018.

***Office of Civil Rights*** According to King County Code Section 2.16.035.G. the Office of Civil Rights duties include:

* Receiving, investigating, and resolving complaints about discrimination for King County government and for employers, housing providers, and businesses in the unincorporated parts of King County in the following areas: Fair Employment (K.C.C. 12.18), Fair Housing (K.C.C. 12.20), Public Accommodations (K.C.C. 12.22), and Fair Contracting (K.C.C. 12.17);
* Assisting departments in complying with the federal Americans with Disabilities Act (ADA) of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;
* Serving as the county’s ADA coordinator relating to public access;
* Providing staff support to the county civil rights commission;
* Serving as the county federal Civil Rights Act Title VI[[7]](#footnote-7) coordinator; and
* Coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

The county’s civil rights commission was established in December 1995 to take a leadership role in raising community awareness and involvement on civil rights issues and to advise the executive and council on matters related to the county’s civil rights programs. The commission works in collaboration with a variety of interest groups including community, business, civic, and religious organizations. On July 17, 2006, the council, by ordinance[[8]](#footnote-8), reduced the size of the commission from sixteen to twelve members by, to reflect the new size of the council. The commission currently has twelve members each serving three-year terms. Councilmembers representing each of the council districts nominate nine members, while the remaining three serve as at-large members, selected by the executive. The Commission is responsible for reviewing and reporting on the effectiveness and progress of the Office of Civil Rights, educating the public and concerned groups on methods to prevent and eliminate discrimination, and advising county government on human and civil rights issues. Required by county code, the commission also includes four standing committees which include the following: (1) Executive, (2) Public Policy, (3) Economic Development, and (4) Community Relations Committees.

Staff analysis is ongoing on the recent activities of the Office of Civil Rights and the Civil Rights Commission.

**Office of Risk Management Services** According to King County Code Section 2.16.035.E. the Office of Risk Management manages the county's insurance and risk management programs consistent with K.C.C. chapter 2.21[[9]](#footnote-9). The Office of Risk Management investigates and resolves claims against the county and also provides the following internal services to the county departments/agencies: (1) Insurance; (2) Contracts; (3) Recovery Services; and (4) Loss Control.

According to the Office of Risk Management Services 2016 Annual Report[[10]](#footnote-10), the Office of Risk Management and the Open Government section of the Office of Civil Rights merged in January 2017 to form the new Office of Risk Management Services. The report also states that the Public Records and Investigation & Resolution Programs are two new services provided by the Office of Risk Management Services. The Public Records Program assists agencies by providing training, best practices, guidance and advising to agency public records officers, ongoing support, and technical tools related to public records requests. The Investigation & Resolution Office is a program that conducts fair and objective investigations of alleged violations of the county’s nondiscrimination and anti-harassment policies.

Staff analysis is ongoing on the Office of Risk Management Services’ scope of activities and updates since the 2016 annual report.

***Board of Ethics*** Created by ordinance in 1972[[11]](#footnote-11), the Board of Ethics is a five-member citizen advisory, administrative, quasi-judicial board. Two members of the board are to be appointed by the executive and two members are to be appointed by the executive based on nominations made by the council. The fifth member, who serves as chair, is appointed by the executive based upon nominations from other board members.

Authorized by King County Code Section 3.04, the board may interpret the code through advisory opinions, and implement forms, processes, and procedures to ensure compliance with the ethics code. In addition to those responsibilities, the board oversees the administration of financial and consultant disclosure requirements, and increases awareness of ethics issues through an extensive education and training program. The board also hears appeals on findings by the Office of Citizen Complaints—Ombuds. King County Code 2.16.035 requires that the County Administrative Officer (who oversees the Department of Executive Services) provide staff support for the Board. Currently, the Board of Ethics is supported by the Office of Risk Management Services.

In its May 2, 2010 Committee of the Whole meeting, the council received a briefing on the 2010 Board of Ethics Annual Report.[[12]](#footnote-12) Staff analysis is ongoing on the Board of Ethics’ scope of activities and updates since the 2010 annual report.

***Summary of Proposed Ordinance*** The following provides a summary and key line references to the changes that are included in the proposed ordinance:

**Section 1.** Amends KCC 2.16.025 to establish the office of equity and social justice under the management of the county executive (Line 26) and outlines the following functions and responsibilities of the office of equity and social justice (Lines 147 – 172):

* Prioritizing actionable countywide equity and social justice goals and strategies for how the county can most effectively advance equity with in county government and in partnership with the community to improve access to the determinants of equity;
* Identifying standards, processes metrics and systems of accountability to advance equity and social justice goals;
* Advising, coordinating and collaborating on the incorporation of an equity and social justice lens in county priorities, initiatives and policies; and
* Supporting and leading programs and activities focused on low-income residents, communities of color and immigrants and refugees.

This section would also create the Civil Rights Program under the Office of Equity and Social Justice and shift the following scope of duties from the Department of Executive Services to the Office of Equity and Social Justice:

* Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22, and assisting departments in complying with those chapters;
* Serving as the Americans Disability Act coordinator relating to public access and handle Americans with Disabilities Act grievances under the federal Americans with Disabilities Act of 1990;
* Assisting departments in complying with the federal Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of 1973, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;
* Serving as the county Title VI coordinator and coordinate responses to complaints under Title VI of the Civil Rights Act of 1964; and
* Providing staff support for the civil rights commission.

**Section 2.** Removes the duties of providing staff support to the Board of Ethics from the County Administrative Officer (Lines 201-203), renames the Office of Risk Management to the Office of Risk Management Services (Line 362) and expands the scope of duties to include managing risk services including:

* providing administrative support to the board of ethics;
* performing administrative duties for lobbyist disclosure as outlined in K.C.C. 1.07.130; and
* serving as the public records officer for the executive branch. (Lines 364-370).

This section would also remove the duties of the Office of Civil Rights from the County Administrative Officer. All of the duties that are being eliminated would be covered under the Civil Rights Program as described in Section 1 above.

**Sections 3 through 14** would modify various sections of King County Code to change reference from the Office of Risk Management to the Office of Risk Management Services.

**ANALYSIS**

The Office of Equity and Social Justice has been operating under the Office of Executive since the council provided funding to establish the Office of Equity and Social Justice through the 2015-2016 biennium budget. The proposed ordinance would codify the council’s past budgetary action to establish the office.

According to the Office of Risk Management Services 2016 Annual Report[[13]](#footnote-13), the Office of Risk Management Services has been operating under the proposed name since 2016 when it assumed the duties to serve as the public records officer for the executive branch. The proposed ordinance would codify the new name and office’s current scope of duties.

There are no fiscal impacts to the 2019-2020 biennium budget related to this proposed ordinance.

Staff analysis is ongoing on the proposal to modify the Office of Civil Rights to the Civil Rights Program and the current scope of activities for the Board of Ethics and the Office of Risk Management Services.

**AMENDMENTS**

Staff has prepared an amendment to remove changes that were erroneously added and make other drafting corrections.

**ATTACHMENTS**

1. Proposed Ordinance 2018-0485
2. Amendment 1

**INVITED**

1. Dwight Dively, Director, Office of Performance, Strategy, and Budget
1. Ordinance 17941 Section 19, enacted November 20, 2014. [↑](#footnote-ref-1)
2. Ordinance 17941 Section 19 P1. [↑](#footnote-ref-2)
3. Motion 14418, adopted August 31, 2015. [↑](#footnote-ref-3)
4. Briefing 2016-B0196. [↑](#footnote-ref-4)
5. Briefing 2018-B0157. [↑](#footnote-ref-5)
6. Proposed Ordinance 2017-0277. [↑](#footnote-ref-6)
7. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. [↑](#footnote-ref-7)
8. Ordinance 15548, adopted July 17, 2006. [↑](#footnote-ref-8)
9. K.C.C. 2.21.020 defines Risk management as a coordinated and continuous management process to identify potential loss exposures, to apply reasonable and effective risk controls and to insure that the financial integrity of the county is not impaired after the loss. The concept of enterprise risk management integrates a countywide approach to risk management that identifies and addresses the potential of risks across all operations. This affords operational leadership the process to consider risks in the county’s culture and process, and to include, but not limit business and strategic planning and performance measurements. [↑](#footnote-ref-9)
10. Report 2017-RPT0044. [↑](#footnote-ref-10)
11. Ordinance 1321. [↑](#footnote-ref-11)
12. Briefing 2011-B0077, May 2, 2011. [↑](#footnote-ref-12)
13. Report 2017-RPT0044. [↑](#footnote-ref-13)