



Legislation Details (With Text)

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File created: 7/9/2018 **In control:** Government Accountability and Oversight Committee

On agenda: **Final action:** 9/24/2018

Enactment date: 10/3/2018 **Enactment #:** 18799

Title: AN ORDINANCE relating to updating the structure and processes of the county auditor; amending Ordinance 8264, Section 1, as amended, and K.C.C. 2.20.005, Ordinance 394, Section 1, as amended, and K.C.C. 2.20.010, Ordinance 1565, Section 1, as amended, and K.C.C. 2.20.040, Ordinance xxxxx, Section 11, and K.C.C. 2.20.xxx (section 11 of this ordinance), Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100, Ordinance 17930, Section 13, and K.C.C. 4A.130.020 and Ordinance 17930, Section 18, and K.C.C. 4A.150.010, adding new sections to K.C.C. chapter 2.20 and repealing Ordinance 15896, Section 2, and K.C.C. 1.40.010, Ordinance 15896, Section 3, and K.C.C. 1.40.020, Ordinance 15896, Section 4, and K.C.C. 1.40.030, Ordinance 15896, Section 5, and K.C.C. 1.40.040, Ordinance 15896, Section 6, and K.C.C. 1.40.050, Ordinance 15896, Section 7, and K.C.C. 1.40.060, Ordinance 15896, Section 8, and K.C.C. 1.40.070, Ordinance 15896, Section 9, and K.C.C. 1.40.080, Ordinance 15896, Section 10, and K.C.C. 1.40.090, Ordinance 15896, Section 12, and K.C.C. 1.40.110, Ordinance 17834, Section 13, and K.C.C. 2.10.124, Ordinance 8264, Section 3, as amended, and K.C.C. 2.20.015, Ordinance 394, Section 2, as amended, and K.C.C. 2.20.020, Ordinance 394, Section 3, as amended, and K.C.C. 2.20.030, Ordinance 8264, Section 4, as amended, and K.C.C. 2.20.035, Ordinance 15611, Section 10, as amended, and K.C.C. 2.20.037, Ordinance 17936, Section 1, and K.C.C. 2.20.039, Ordinance 15421, Section 6, and K.C.C. 2.20.042, Ordinance 8264, Section 5, as amended, and K.C.C. 2.20.045, Ordinance 394, Section 5, as amended, and K.C.C. 2.20.050, Ordinance 15241, Section 9, and K.C.C. 2.20.055, Ordinance 1565 Section 3, and K.C.C. 2.20.070, Ordinance 1565, Section 4, as amended, and K.C.C. 2.20.080 and Ordinance 15896, Section 11, as amended, and K.C.C. 4A.200.180.

Sponsors: Pete von Reichbauer

Indexes: Auditor, Procedure

Code sections: 1.40.020 - , 1.40.030 - , 1.40.040 - , 1.40.050 - , 1.40.060 - , 1.40.070 - , 1.40.080 - , 1.40.090 - , 1.40.110 - , 2.10.124 - , 2.20 - , 2.20.005 - , 2.20.010 - , 2.20.015 - , 2.20.020 - , 2.20.030 - , 2.20.035 - , 2.20.037 - , 2.20.039 - , 2.20.040 - , 2.20.042 - , 2.20.045 - , 2.20.050 - , 2.20.055 - , 2.20.080 - , 3.12.010 - , 4A.100.100 - , 4A.130.020 - , 4A.150.010 - , 4A.200.180 - .

Attachments: 1. Ordinance 18799.pdf, 2. 2018-0294 transmittal letter, 3. 2018-0294_SR_dated_09112018_Auditor_Code_Changes.docx, 4. ATT2. AMD1_Metro_Transit_Dept_Final.docx, 5. ATT3_AMD11_Metro_Transit_Dept_Final.docx, 6. ATT5_Elements_of_a_Performance_Measurement_Framework.pdf, 7. 2018-0294_REVISSED_SR_dated_09112018_Auditor_Code_Changes.docx

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|--------------------------------|--------|
| 9/24/2018 | 2 | Metropolitan King County Council | Hearing Held | |
| 9/24/2018 | 2 | Metropolitan King County Council | Passed | Pass |
| 9/11/2018 | 1 | Government Accountability and Oversight Committee | Recommended Do Pass Substitute | Pass |
| 7/9/2018 | 1 | Metropolitan King County Council | Introduced and Referred | |

AN ORDINANCE relating to updating the structure and processes of the county

auditor; amending Ordinance 8264, Section 1, as amended, and K.C.C. 2.20.005, Ordinance 394, Section 1, as amended, and K.C.C. 2.20.010, Ordinance 1565, Section 1, as amended, and K.C.C. 2.20.040, Ordinance xxxxx, Section 11, and K.C.C. 2.20.xxx (section 11 of this ordinance), Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100, Ordinance 17930, Section 13, and K.C.C. 4A.130.020 and Ordinance 17930, Section 18, and K.C.C. 4A.150.010, adding new sections to K.C.C. chapter 2.20 and repealing Ordinance 15896, Section 2, and K.C.C. 1.40.010, Ordinance 15896, Section 3, and K.C.C. 1.40.020, Ordinance 15896, Section 4, and K.C.C. 1.40.030, Ordinance 15896, Section 5, and K.C.C. 1.40.040, Ordinance 15896, Section 6, and K.C.C. 1.40.050, Ordinance 15896, Section 7, and K.C.C. 1.40.060, Ordinance 15896, Section 8, and K.C.C. 1.40.070, Ordinance 15896, Section 9, and K.C.C. 1.40.080, Ordinance 15896, Section 10, and K.C.C. 1.40.090, Ordinance 15896, Section 12, and K.C.C. 1.40.110, Ordinance 17834, Section 13, and K.C.C. 2.10.124, Ordinance 8264, Section 3, as amended, and K.C.C. 2.20.015, Ordinance 394, Section 2, as amended, and K.C.C. 2.20.020, Ordinance 394, Section 3, as amended, and K.C.C. 2.20.030, Ordinance 8264, Section 4, as amended, and K.C.C. 2.20.035, Ordinance 15611, Section 10, as amended, and K.C.C. 2.20.037, Ordinance 17936, Section 1, and K.C.C. 2.20.039, Ordinance 15421, Section 6, and K.C.C. 2.20.042, Ordinance 8264, Section 5, as amended, and K.C.C. 2.20.045, Ordinance 394, Section 5, as amended, and K.C.C. 2.20.050, Ordinance 15241, Section 9, and K.C.C. 2.20.055, Ordinance 1565 Section 3, and K.C.C. 2.20.070, Ordinance 1565, Section 4, as amended, and K.C.C. 2.20.080 and Ordinance

15896, Section 11, as amended, and K.C.C. 4A.200.180.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The auditor's office is an independent agency within the legislative branch of King County.

B. In 1969, the county auditor was established as an appointed position under Section 250 of the King County Charter.

C. The Charter states that the auditor shall be responsible to the council for conducting, or causing to be conducted, independent audits of county agencies for the purpose of reporting to the council regarding the integrity of the function of the financial management system, the quality and efficiency of agency management and the effectiveness of programs.

D. The council finds that in addition to assisting the council in its oversight function under the charter, the auditor's responsibilities include the performance of objective, independent audits, capital projects oversight, studies and activities that advance performance, accountability, transparency, and equity of King County government, promote due diligence and serve the public interest.

SECTION 2. The following are each repealed:

A. Ordinance 15896, Section 2, and K.C.C. 1.40.010;

B. Ordinance 15896, Section 3, and K.C.C. 1.40.020;

C. Ordinance 15896, Section 4, and K.C.C. 1.40.030;

D. Ordinance 15896, Section 5, and K.C.C. 1.40.040;

E. Ordinance 15896, Section 6, and K.C.C. 1.40.050;

F. Ordinance 15896, Section 7, and K.C.C. 1.40.060;

G. Ordinance 15896, Section 8, and K.C.C. 1.40.070;

H. Ordinance 15896, Section 9, and K.C.C. 1.40.080;

I. Ordinance 15896, Section 10, and K.C.C. 1.40.090;

J. Ordinance 15896, Section 12, and K.C.C. 1.40.110; and

K. Ordinance 17834, Section 13, and K.C.C. 2.10.124.

SECTION 3. Ordinance 8264, Section 1, as amended, and K.C.C. 2.20.005 are each amended to read as follows:

~~((There is hereby established within the legislative branch, pursuant to))~~ In accordance with Section 250 of the King County charter, there is hereby established the county ((audit)) auditor's office. ((The organization and administration of the audit office shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect an independent and objective judgment by the auditor.))
The auditor's office shall ((be generally responsible for assisting the county council in its oversight function through the conduct of performance and financial audits and special studies of county agencies under the directorship of the county auditor. The office shall be provided a discrete budget and staffing allowance))
advance performance, accountability, transparency and equity of King County government through objective, independent audits, capital projects oversight, studies and activities that generally assist the council in its oversight function, promote due diligence and serve the public interest. The organization and administration of the auditor's office shall be sufficiently independent to assure no interference or influence external to the auditor's office shall adversely affect an independent and objective judgment by the county auditor. The auditor shall be provided a discrete budget and staffing allocation.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.20 a new section to read as follows:

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

A. "Audit" means a performance audit, financial audit or other audit that conforms to Generally Accepted Government Auditing Standards promulgated by the United States Government Accountability Office. "Audit" includes audits as prescribed in Section 250 of the King County Charter. A "final audit" shall

include the formal response of the department, agency, program or other entity that is the subject of the audit.

B. "Auditor" means the council-appointed county auditor as prescribed in Section 250 of the King County Charter, and as applicable includes the auditor's staff, office or designee.

C. "Financial audit" means an audit concerned with financial transactions, records and statements.

D. "Oversight" means review and analysis of programs or projects, including the work conducted by the capital project oversight program.

E. "Performance audit" means an audit concerned with program operations, service delivery, related controls and accomplishments.

F. "Recommendation" means a statement of actions the auditor believes are needed to correct problems or adopt improvements identified in audits or studies. An audit or study may have multiple recommendations.

G. "Standing committee" has the same meaning as in K.C.C. 1.24.005.

H. "Study" means a study of financial, capital, operational, systems or outcomes conducted by the auditor's office that may or may not conform to Generally Accepted Government Auditing Standards promulgated by the United States Government Accountability Office. "Study" includes special studies as prescribed in Section 250 of the King County Charter.

I. "Work program" means the schedule of audits, studies and oversight to be conducted by the auditor's office over a set time.

SECTION 5. Ordinance 394, Section 1, as amended, and K.C.C. 2.20.010 are each amended to read as follows:

A. The ((King County)) auditor shall be appointed by motion by a majority of the council ((following a selection and screening process as herein described)) to implement and manage the duties of the auditor's office.

B. The auditor shall be selected by the council through a nationwide search using a merit-based selection process that includes screening by experienced performance auditors.

C. The auditor shall possess adequate professional proficiency and characteristics for the job. The

auditor shall:

1. Be able to analyze problems of performance, program operations, financial management and administration, internal controls and public policy;

2. Have a track record of integrity, acting without bias, conducting professional interactions diplomatically and effectively managing personnel;

3. Not be actively involved in partisan affairs; and

4. Pass a complete criminal background check before appointment.

D. The auditor shall serve a term of four years, unless the council passes a motion with at least six affirmative votes to remove the auditor for cause, and shall be considered for reappointment at the end of each term.

E. Within available appropriation, the auditor:

1. May employ staff as necessary for conduct of the auditor's duties; and

2. Shall be the appointing authority for auditor's office staff and shall consult with the council before appointment, advancement or removal of staff; and

3. May enter into a contract for consultant services for fifty thousand dollars or less without prior authorization by council motion.

SECTION 6. The following are each hereby repealed:

A. Ordinance 8264, Section 3, as amended, and K.C.C. 2.20.015;

B. Ordinance 394, Section 2, as amended, and K.C.C. 2.20.020;

C. Ordinance 394, Section 3, as amended, and K.C.C. 2.20.030;

D. Ordinance 8264, Section 4, as amended, and K.C.C. 2.20.035;

E. Ordinance 15611, Section 10, as amended, and K.C.C. 2.20.037; and

F. Ordinance 17936, Section 1, and K.C.C. 2.20.039.

SECTION 7. Ordinance 1565, Section 1, as amended, and K.C.C. 2.20.040 are each amended to read as

follows:

A. ~~The auditor shall conduct ((performance)) audits, ((financial audits and special)) studies ((at the request of the county council. In the course of performing this work, the auditor shall have full and unrestricted access to and authority to examine any and all property and records contained in any form that are related to the financial and operational matters of any department, agency, program or other entity that receives appropriations or funding of any type from the county.~~

B. ~~Officers and employees of any organization under review by the auditor shall furnish or provide access to requested records or property to enable the auditor to conduct the audit or otherwise perform audit duties. If the officers and employees fail to produce or provide access to the records or property, the auditor, upon approval by the council, may issue a subpoena compelling access. All records requested by the auditor shall be provided without charge.~~

C. ~~The auditor shall have full access to officers and employees who may have custody of or access to records or property and to question them regarding their knowledge of the financial and operational matters under review. Those persons shall fully cooperate with the auditor and make full disclosure of all pertinent information. If they refuse to provide the requested information, the auditor may summon them to appear before the auditor and question them, under an oath administered by the auditor, concerning the financial and operational matters under review.~~

D. ~~The county auditor also may perform the following functions:~~

- ~~1. To determine if legislative laws, policies and regulations are being faithfully, efficiently and effectively implemented by county officials;~~
- ~~2. To determine whether county agencies or programs are achieving their desired results;~~
- ~~3. To review both the management and accounting control systems to determine whether the systems are adequate and effective in accomplishing their objectives;~~
- ~~4. To hold accountable county officials in their use of public funds and other resources at their~~

disposal;

~~5. To determine if there have been abuses of discretion, arbitrary actions or errors of judgment, and be alert for indications of fraudulent behavior;~~

~~6. To determine if financial or other reports disclose fairly and fully all information required by law that is necessary to ascertain the nature and scope of programs and activities and to evaluate program activities;~~

~~7. To submit reports to the council resulting from performance or financial audits or special studies;~~

~~8. To give information to the county council when requested upon any subject relating to the financial affairs, operations, or performance of the county; and~~

~~9. To encourage due diligence by county officials)) and oversight promoting due diligence by county officials. The auditor may perform the following functions in the course of performing that work:~~

~~1. Determining whether laws, policies and regulations are being faithfully, efficiently, effectively and equitably implemented by county officials;~~

~~2. Determining whether agencies or programs are achieving intended results;~~

~~3. Holding county officials accountable in their use of public funds and other county resources; and~~

~~4. Submitting to the council reports resulting from audits, studies or oversight.~~

~~B. The council shall review and approve by motion a work program proposed by the auditor at least every two years. To respond to emerging issues or circumstances, the auditor may request that the council by motion amend the work program or the council, by motion, may amend the work program. However, a council -initiated change to the work program shall not be made that adversely affects an audit or study in progress without the recommendation of the auditor.~~

~~C. If the auditor determines that there is serious concern regarding fraud, abuse or illegality, or that the scope of an audit or study in progress should be expanded as the result of any findings, the auditor may initiate spontaneously and conduct, or expand the scope of, an audit beyond that approved in the work program.~~

SECTION 8. The following are each hereby repealed:

- A. Ordinance 15241, Section 6, and K.C.C. 2.20.042;
- B. Ordinance 8264, Section 5, as amended, and K.C.C. 2.20.045;
- C. Ordinance 394, Section 5, as amended, and K.C.C. 2.20.050;
- D. Ordinance 15241, Section 9, and K.C.C. 2.20.055;
- E. Ordinance 1565, Section 3, and K.C.C. 2.20.070; and
- F. Ordinance 1565, Section 4, as amended, and K.C.C. 2.20.080.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 2.20 a new section to read as follows:

A. The auditor shall have full and unrestricted access to any and all persons, property and records in any form of any department, agency, program or other entity that receives appropriations or funding from the county or performs work on behalf of or under the authority of the county. Access to persons, property and records shall be provided to the auditor in a timely manner and without limitation. Access to persons or property and all records requested by the auditor shall be provided without charge.

B. For the purposes of this section, "access to persons" includes information, interviews or testimony by any and all individuals or entities employed by the county, including its officers and employees, or persons performing work on behalf of or under the authority of the county. The manner of questioning the persons regarding their knowledge shall be determined exclusively by the auditor. The persons shall fully cooperate with the auditor and make full disclosure of all pertinent information.

C. For the purposes of this section, "access to property and records" includes furnishing and providing access to any and all requested property and records including, but not limited to, physical and digital materials, locations, writings, information systems, operations and data, in a manner determined exclusively by the auditor. Access to property and records shall be construed to the broadest extent, including property and records designated as confidential or of limited access by contract or law, unless access is specifically prohibited by law or court order. Persons with access to or responsible for confidential or limited-access property or records shall

fully cooperate with the auditor in determining a plan of action to provide and manage the property or records.

D. If, in the exclusive opinion of the auditor, access to persons, property and records is inconsistent with the language of this section or insufficient to meet the needs of the auditor to perform its duties, the auditor, with approval of the council by motion, may either issue a subpoena compelling access or require full disclosure under oath, or both.

E. In addition to the powers of the auditor set forth in this chapter, the auditor may seek regular or equitable relief to enjoin any acts or practices and abate any conditions which the auditor believes constitute or will constitute a violation of this code or other pertinent laws or regulations.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 2.20 a new section to read as follows:

A. Audits shall follow applicable Generally Accepted Government Auditing Standards as promulgated by the United States Government Accountability Office. Studies and oversight shall employ standards and policies relevant to the type of work conducted. The auditor shall employ a quality control system that ensures quality, objectivity and comprehensiveness in performing the auditor's work and receive regular external reviews as required by generally accepted government auditing standards.

B. Within fourteen calendar days after receipt of a proposed final audit report from the auditor, the elected official or officials responsible for administration of the agencies or programs evaluated by an audit shall provide a written response to the auditor. The response shall include:

1. Concurrence, partial concurrence or nonconcurrence with each report recommendation including any explanation of why full concurrence may not be feasible; and
2. A description of the proposed corrective action or actions that will be taken to implement each report recommendation and a defined timeline for completing those actions.

C. A written audit report shall be deemed complete once the audit report incorporates the response required under subsection B. of this section, together with any reply from the auditor to the response. The

auditor shall work with council staff to schedule presentations of all completed audits. Once an audit is deemed complete by the auditor, the auditor shall advise in writing the chair of the standing committee designated in accordance with subsection E. of this section that the audit is ready for presentation before the standing committee. A complete audit report shall be deemed final once either of the following occurs:

1. The complete audit report is presented to the standing committee designated in accordance with subsection E. of this section. It is the intent of the council that within thirty calendar days of a deemed complete audit report, the auditor shall present the audit's findings and recommendations to the standing committee. Concurrent with the presentation, the auditor shall publish the report and make the report available to the public; or

2. If presentation of an audit report does not occur within thirty days of the auditor notifying the standing committee designated in accordance with subsection E. of this section that the audit is ready for presentation, then the auditor may publish the complete audit report and make the audit report available to the public without presentation to the standing committee.

D. The auditor may present and publish studies and oversight reports as appropriate to the type of work conducted.

E. The council shall designate a standing committee to receive all audits studies and oversight reports.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 2.20 a new section to read as follows:

The auditor shall administer the following programs:

A. The capital project oversight program, which shall consist of oversight, audits or studies of operations, programs or services performed related to the county's capital programs. To accomplish the work of the capital project oversight program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in capital projects, retain independent consulting services with appropriate expertise or both;

2. Include capital projects, capital programs or other areas for capital project oversight in the work program; and

3. By July 1 of each even-numbered year, publish a report summarizing capital project oversight work completed by the auditor and implementation by agencies in the last twenty-four months;

B. The transit audit program, which shall consist of audits or studies of operations, programs or services performed by the department of transportation, transit division, or its successor. To accomplish the work of the transit audit program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in transit, retain independent consulting services with appropriate expertise or both;

2. Include a minimum of two transit audits per biennium on the work program; and

3. By July 1 of each even-numbered year, publish a report summarizing the transit audit program work completed by the auditor and implementation by transit agencies in the last twenty-four months; and

C. The law enforcement audit program, which shall consist of audits or studies of operations, programs or services performed by the sheriff's office and other county agencies related to law enforcement. To accomplish the work of the law enforcement audit program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in law enforcement, retain independent consulting services with appropriate expertise or both;

2. Include a minimum of two audits of law enforcement per biennium on the work program; and

3. By July 1 of each even-numbered year, publish a report summarizing the law enforcement program work completed by the auditor and implementation by law enforcement agencies in the last twenty-four months.

SECTION 12. Section 13 of this ordinance takes effect January 1, 2019.

SECTION 13. Ordinance xxxxx, Section 11, and K.C.C. 2.20.xxx (section 11 of this ordinance) are each hereby amended to read as follows:

The auditor shall administer the following programs:

A. The capital project oversight program, which shall consist of oversight, audits or studies of operations, programs or services performed related to the county's capital programs. To accomplish the work of the capital project oversight program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in capital projects, retain independent consulting services with appropriate expertise or both;
2. Include capital projects, capital programs or other areas for capital project oversight in the work program; and
3. By July 1 of each even-numbered year, publish a report summarizing capital project oversight work completed by the auditor and implementation by agencies in the last twenty-four months;

B. The transit audit program, which shall consist of audits or studies of operations, programs or services performed by the Metro transit department (~~(of transportation, transit division,))~~ or its successor. To accomplish the work of the transit audit program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in transit, retain independent consulting services with appropriate expertise or both;
2. Include a minimum of two transit audits per biennium on the work program; and
3. By July 1 of each even-numbered year, publish a report summarizing the transit audit program work completed by the auditor and implementation by transit agencies in the last twenty-four months; and

C. The law enforcement audit program, which shall consist of audits or studies of operations, programs or services performed by the sheriff's office and other county agencies related to law enforcement. To accomplish the work of the law enforcement audit program, the auditor shall:

1. Assign a program manager and may use personnel with expertise in law enforcement, retain independent consulting services with appropriate expertise or both;
2. Include a minimum of two audits of law enforcement per biennium on the work program; and

3. By July 1 of each even-numbered year, publish a report summarizing the law enforcement program work completed by the auditor and implementation by law enforcement agencies in the last twenty-four months.

SECTION 14. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each amended to read as follows:

For the purposes of this chapter, all words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A.1. "Administrative interns" means employees who are:

- a. enrolled during the regular school year in a program of education, internship or apprenticeship;
- b. legal interns who have graduated from law school but have not yet been admitted to the

Washington State Bar Association; or

- c. veterans temporarily working to gain practical workforce experience.

2. All administrative internships in executive departments shall be approved by the manager.

Administrative interns are exempt from the career service under Section 550 of the charter.

B. "AmeriCorps" means those who apply for and are selected to serve in positions at King County government through either AmeriCorps or Washington Service Corps programs, or both.

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

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

E. "Board" means the county personnel board established by Section 540 of the charter.

F. "Budgetary furlough" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and, in order either to achieve budget savings or to meet unallocated budget reductions, which are commonly known as contras, or both, cost savings may be achieved through reduction in days or hours of service, resulting in placing an employee for one or more days in a temporary furlough status without duties and without pay.

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

H. "Career service position" means all positions in the county service except for those that are designated by Section 550 of the charter as follows: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office economic and financial analysis; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

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

charter.

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

I. "Charter" means the King County Charter, as amended.

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

1. Under eighteen years of age; or
2. Eighteen years of age or older and incapable of self care because of a mental or physical disability.

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

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

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

N. "Competitive employment" means a position established in the county budget and that requires at least twenty-six weeks of service per year as the work schedule established for the position.

O. "Comprehensive leave benefits" means those leave benefits described in and subject to this chapter, including leaves for vacations, promotional or qualifying examinations, bereavement, life-giving or life-saving procedures, sickness, volunteer service, parental leave, donated leave and leaves of absence without pay.

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

Q. "County" means King County and any other organization that is legally governed by the county with

respect to personnel matters.

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

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

T. "Director" means the manager of the human resources management division or its successor agency.

U. "Division" means the human resources management division or its successor agency.

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

W. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;
2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner that are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;
5. Are not married to anyone;
6. Are each eighteen years of age or older;

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

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

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

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

Z. "Employees eligible for comprehensive leave benefits" means full-time regular, part-time regular, provisional, probationary and term-limited temporary employees.

AA. "Executive" means the county executive, as established by Article 3 of the charter.

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

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

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

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

FF. "Furlough day" means a day for which an employee shall perform no work and shall receive no pay

due to an emergency budget crisis necessitating emergency budget furloughs.

GG. "Furloughed employee" means an employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.

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

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

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

KK. "Insured benefits" means those insurance benefits described in and subject to this chapter, including medical, dental, life, disability and vision benefits.

LL. "Integrated work setting" means a work setting in which the majority of people employed are individuals without disabilities and wages are paid at minimum wage or better.

MM. "King County family and medical leave" means a leave of absence taken under K.C.C. 3.12.221.

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

OO. "Manager" means the manager of the human resources management division or its successor agency.

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

QQ. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of

the charter, part-time employees are not members of the career service.

RR. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

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

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

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

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

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

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

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

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

AAA. "Probationary period" means a period of time, as determined by the director, for assessing whether an individual is qualified for a career service position to which the employee has been newly appointed or has moved from another position, whether through promotion, demotion or transfer, except as provided in K.C.C. 3.12.100.

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

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

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

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

FFF. "Qualifying event" means the birth of the employee's child, the employee's adoption of a child or

the foster-to-adopt placement of a child with the employee.

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

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

III. "Salary or pay rate" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

JJJ. "Section" means an agency's budget unit comprised of a particular project program or line of business as described in the budget detail plan for the previous fiscal period as attached to the adopted appropriation ordinance or as modified by the most recent supplemental appropriations ordinance. This definition is not intended to create an organization structure for any agency.

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

1. An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;
2. A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;
3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;
4. An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

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

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

LLL. "Short-term temporary employee" means a temporary employee who is employed in a short-term temporary position.

MMM. "Short-term temporary position" means a type of position in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five-hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

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

OOO. "Temporary position" means a position that is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary and short-term temporary positions.

PPP. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service. Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the manager. The manager shall maintain a current list of all term-limited temporary employees by department.

QQQ. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial

body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;
2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;
3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;
4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;
5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and
6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in

consultation with the manager before the appointment of term-limited temporary employees.

RRR. "Volunteer for the county" means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county, except emergency service worker volunteers as described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable reimbursement of expenses or an allowance for expenses actually incurred without losing status as a volunteer. "Volunteer for the county" includes, but is not limited to, a volunteer serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

SSS. "Volunteer intern" means volunteers who are either:

1. Enrolled during the regular school year in a program of education, internship or apprenticeship and receiving scholastic credit or scholastic recognition for participating in the internship; or
2. Legal interns who have graduated from law school but have not yet been admitted to the Washington State Bar Association.

TTT. "Washington state registered domestic partner" means persons who have met the requirements for a valid state-registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state-registered domestic partnership by the Secretary of State's office.

UUU. "Work study student" means a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the higher education coordinating board, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter.

SECTION 15. Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100 are each amended to read as follows:

A. The following reports shall be prepared:

1. A comprehensive annual financial report. The executive shall annually prepare and publish a

comprehensive financial report covering all funds and financial transactions of the county during the preceding fiscal period;

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

3. State audit report. The examination report of the county's financial affairs and transactions issued annually by the Office of the State Auditor and the county response to the audit shall be made available ~~((they))~~ to the State Auditor annually, either electronically or in print formats, and by posting on the Internet; and

4. Quarterly budget management reports.

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

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

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

(3) list any transfer of emergent need contingency expenditure authority that would increase the total budget of a capital project by less than fifteen percent;

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

(5) summarize the risks included in the risk assessment register for baselined mandatory phased appropriation projects in the ~~((construction))~~ design and acquisition phase and the implementation phase, summarize change orders, explain change orders that have the cumulative potential to carry the project over

project baseline and summarize the results of the latest earned value analysis;

(6) list all new donations to the department of public health of two thousand dollars or more, as described in K.C.C. 2.35A.200, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity; and

(7) report on all incremental changes to sections and attachments to the biennial budget appropriations ordinance made during the quarter, including the ordinance numbers making the changes.

b. The report shall be delivered to the clerk of the council in the form of a paper original and an electronic copy for distribution to all councilmembers and to the chair and lead staff of the budget and fiscal management committee, or its successor, no later than June 1 for the first quarterly report, September 1 for the second quarterly report, December 1 for the third quarterly report and March 1 for the fourth quarterly report. The director of performance, strategy and budget shall also be responsible for posting the report on the Internet.

B. The King County project control officer is requested to report annually on the process used to ensure that all departments and divisions adhere to King County's construction management policies and procedures, the compliance rate for following the county's construction management policies and procedures and the steps being taken to increase compliance with King County's construction management policies and procedures. Additionally, the report shall summarize all findings in regards to any changes in a contract's scope, schedule or budget. The King County project control officer shall file this report by June 1 of each calendar year in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the capital project oversight office in the auditor's office.

SECTION 16. Ordinance 17930, Section 13, and K.C.C. 4A.130.020 are each amended to read as follows:

A. Capital projects required to undergo a mandatory phased appropriation determination shall receive

an annual risk assessment score using a risk assessment scoring instrument developed by the county auditor's capital projects oversight program.

B. The risk assessment scoring instrument shall use information such as complexity of regulatory requirements, interdependencies with other projects and programs, schedule constraints, implementing agency resources, project delivery method, complexity of property acquisition issues, public impact, risks inherent to the likely construction technology or any other issues that could have a significant impact on the ability of the project to meet its project baseline scope, schedule or budget. Before its use by implementing agencies, the instrument shall be approved by the joint advisory group. Revisions to the approved risk assessment scoring instrument proposed by the (~~capital projects oversight program~~) county auditor must be approved by the joint advisory group, which shall also set the effective date by which implementing agencies must start using the approved, revised instrument.

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

D.1. For existing capital projects and anticipated capital project budget appropriation requests, the executive shall transmit risk assessment score results, if required by K.C.C. 4A.130.010, by March 31 of each year to the clerk of the council, who shall retain an electronic copy and distribute electronic copies to the (~~manager of the capital projects oversight program~~) county auditor and the (~~co-chairs~~) cochairs of the joint advisory group. By May 31 of each year, the joint advisory group, in consultation with the capital projects oversight program, shall consider these projects' risk assessment scores and determine which projects are to be mandatory phased appropriation projects.

2. For capital project supplemental appropriation requests, the executive shall transmit a risk assessment score, if required by K.C.C. 4A.130.010, with the request. Within a reasonable time upon receipt of

these projects' risk assessment scores, the joint advisory group, in consultation with the (~~capital projects oversight program~~) county auditor, shall consider these projects' risk assessment scores and determine which projects are to be mandatory phased appropriation projects.

E.1. The joint advisory group should strive to have mandatory phased appropriation projects from a range of implementing agencies.

2. The joint advisory group may change the mandatory phased appropriation status of any project when the joint advisory group receives a risk assessment score for that project.

F. The joint advisory group shall file a paper and an electronic copy of a list of all mandatory phased appropriation projects and their risk assessment scores with the clerk of the council. The joint advisory group shall file a paper and an electronic copy of an updated list with the clerk of the council any time there is a change in the mandatory phased appropriation determination of a project. The clerk shall retain a paper copy and distribute electronic copies of each list to the chair of the budget and fiscal management committee, or its successor, and the (~~manager of the capital projects oversight program~~) county auditor.

G. For capital projects with characteristics that increase their likelihood of being completed late or over budget at a potentially significant financial cost or other significant impact to the county, the council may designate a capital project as a mandatory phased appropriation project by motion or the executive may designate a capital project as a mandatory phased appropriation project by letter. A paper and electronic copy of the letter shall be filed with the clerk of the council who shall retain a paper copy and distribute electronic copies to all councilmembers, the cochairs of the joint advisory group or their designees and the (~~manager of the capital projects oversight program~~) county auditor.

H. When submitting a capital budget appropriation ordinance or requesting a supplemental appropriation ordinance for a project subject to the mandatory phased appropriation review, the executive shall also submit the project's risk assessment score and the determination made by joint advisory group.

SECTION 17. Ordinance 17930, Section 18, and K.C.C. 4A.150.010 are each amended to read as

follows:

A. The capital project oversight program is established within the auditor's office ((~~of the King County auditor~~)) to enhance legislative oversight of the county's capital programs. Under the direction of the county auditor, the program shall provide the council with ongoing review and analysis of selected capital programs and projects administered by executive branch agencies and provide such reports and technical support activities to the legislative branch as the auditor deems appropriate or as may be requested by the council. The program shall provide the council with input on project development and management practices intended to increase the likelihood of successful delivery of capital projects within approved appropriation limits and stated scope and schedule commitments.

B. The work program for the capital projects oversight program shall be included in the ((~~annual~~)) audit work program submitted for review and approval by the county council in accordance with K.C.C. ((~~2.20.045~~)) 2.20.040.

SECTION 18. Ordinance 15896, Section 11, as amended, and K.C.C. 4A.200.180 are each repealed.