



Legislation Text

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Clerk 11/16/2017

AN ORDINANCE clarifying Title 1, Title 2, Title 3, Title 4 and Title 4A of the King County Code, establishing a gender neutral code and making technical corrections; and amending Ordinance 1371, Section 1, and K.C.C. 1.02.010, Ordinance 11348, Section 2, and K.C.C. 1.05.020, Ordinance 11348, Section 4, as amended, and K.C.C. 1.05.040, Ordinance 13320, Section 2, as amended, and K.C.C. 1.07.020, Ordinance 13320, Section 3, as amended, and K.C.C. 1.07.030, Ordinance 13320, Section 4, and K.C.C. 1.07.040, Ordinance 13320, Section 5, as amended, and K.C.C. 1.07.050, Ordinance 13320, Section 7, and K.C.C. 1.07.070, Ordinance 13320, Section 8, and K.C.C. 1.07.080, Ordinance 13320, Section 10, and K.C.C. 1.07.100, Ordinance 13320, Section 12, and K.C.C. 1.07.120, Ordinance 13320, Section 14, as amended, and K.C.C. 1.07.140, Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150, Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020, Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080, Ordinance 159, Section 9, and K.C.C. 1.16.090, Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085, Ordinance 11683, Section 31, as amended, and K.C.C. 1.24.305, Ordinance 16948, Section 2, and K.C.C. 2.10.210, Ordinance 16679, Section 22, as amended, and K.C.C. 2.12.250, Ordinance 12550 Section 1, as amended, and K.C.C. 2.14.010, Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020, Ordinance 11955,

Section 13, as amended, and K.C.C. 2.16.110, Ordinance 3581, Section 10, as amended, and K.C.C. 2.21.090, Ordinance 11319, Section 3, and K.C.C.2.28.003, Ordinance 8389, Section 1, and K.C.C. 2.32.220, Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021, Ordinance 18167, Section 22 and 2.36.030, Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030, Ordinance 14482, Section 10, and K.C.C. 2.49.090, Ordinance 473, Section 1, as amended, and K.C.C. 2.52.010, Ordinance 473, Section 4, as amended, and K.C.C. 2.52.040, Ordinance 473, Section 5, as amended, and K.C.C. 2.52.050, Ordinance 473, Section 8, as amended, and K.C.C. 2.52.080, Ordinance 473, Section 9, as amended, and K.C.C. 2.52.090, Ordinance 473, Section 10, and K.C.C. 2.52.100, Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110, Ordinance 473, Section 12, and K.C.C. 2.52.120, Ordinance 473, Section 13, as amended, and K.C.C. 2.52.130, Ordinance 473, Section 14, as amended, and K.C.C. 2.52.140, Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150, Ordinance 473, Section 16, and K.C.C. 2.52.160, Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170, Ordinance 12075, Section 14, as amended, and K.C.C. 2.56.010, Ordinance 12075, Section 16, as amended, and K.C.C. 2.56.040, Ordinance 12022, Section 3, as amended, and K.C.C. 2.59.100, Ordinance 14824, Section 4, and K.C.C. 2.59.140, Ordinance 8257, Section 1, and K.C.C. 2.60.010, Ordinance 383, Section 5, as amended and K.C.C. 2.60.050, Ordinance 10167, Section 1, as amended, and K.C.C. 2.60.054, Ordinance 1168, Section 3, and K.C.C. 2.80.030, Ordinance 12468, Section 5, as amended, and K.C.C. 2.84.020, Ordinance 12468, Section 8, as amended, and K.C.C. 2.84.050, Ordinance 12468, Sections 9 and 10, as amended, and K.C.C. 2.84.190, Ordinance 12075, Section

20 and K.C.C. 2.92.030, Ordinance 2165, Section 6, as amended, and K.C.C. 2.98.060, Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017, Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020, Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030, Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035, Ordinance 9704, Section 8, as amended, and K.C.C. 3.04.037, Ordinance 1308, Section 5, as amended, and K.C.C. 3.04.040, Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050, Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055, Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057, Ordinance 1308, Section 7, as amended, and K.C.C. 3.04.060, Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100, Ordinance 12138, Section 4, as amended, and K.C.C. 3.04.120, Ordinance 9704, Section 13, as amended, and K.C.C. 3.04.130, Ordinance 543, Section 4, as amended, and K.C.C. 3.08.040, Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 9, and K.C.C. 3.12.044, Ordinance 12014, Section 11, and K.C.C. 3.12.060, Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100, Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120, Ordinance 12014, Section 34, and K.C.C. 3.12.123, Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190, Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220, Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223, Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224, Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230, Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240, Ordinance 12014, Section 24, and K.C.C. 3.12.247, Ordinance 12014, Section 26, as amended, and K.C.C.

3.12.260, Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262, Ordinance 12014, Section 27, and K.C.C. 3.12.270, Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020, Ordinance 12943, Section 17, and K.C.C. 3.12A.050, Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070, Ordinance 15648, Section 2, as amended, and K.C.C. 3.32.006, Ordinance 11687, Section 2, as amended, and K.C.C. 3.42.020, Ordinance 11687, Section 4, as amended, and K.C.C. 3.42.030, Ordinance 11687, Section 5, as amended, and K.C.C. 3.42.040, Ordinance 11687, Section 6, as amended, and K.C.C. 3.42.050, Ordinance 16580, Section 6, and K.C.C. 3.42.055, Ordinance 16580, Section 7, and K.C.C. 3.42.057, Ordinance 11687, Section 7, as amended, and K.C.C. 3.42.060, Ordinance 16580, Section 9, and K.C.C. 3.42.070, Ordinance 12413, Section 5, and K.C.C. 3.46.050, Ordinance 12413, Section 8, and K.C.C. 3.46.080, Ordinance 7112, Section 6, as amended, and K.C.C. 4.10.060, Ordinance 7112, Section 9, as amended, and K.C.C. 4.10.090, Ordinance 12076, Section 37, as amended, and K.C.C. 4.10.120, Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035, Ordinance 12045, Section 16, as amended, and K.C.C. 4.56.170, Ordinance 17293, Section 45, and K.C.C. 4A.10.235, Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070, Ordinance 12076, Section 4, as amended, and K.C.C. 4A.110.010 and Ordinance 18203, Section 1 and K.C.C. 4A.200.148.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1371, Section 1, and K.C.C. 1.02.010 are each hereby amended to read as follows:

A rule of construction for ordinances shall be that words signifying the singular number may also be applied to the plural of persons and things; words signifying the plural may be applied to the singular; and words referring to ~~((the masculine))~~ a specific gender may be extended to ~~((the feminine))~~ any other gender.

SECTION 2. Ordinance 11348, Section 2, and K.C.C. 1.05.020 are each hereby amended to read as follows:

For purposes of this chapter the following definitions shall apply:

A. "Candidate" means any individual who seeks election to a public office set out in K.C.C. 1.05.030 whether or not successfully. An individual shall be deemed to be seeking election when ~~((he or she))~~ the individual first: receives contributions or makes expenditures or reserves space or facilities with intent to promote ~~((his or her))~~ the individual's candidacy for office, announces publicly or files for office, whichever occurs first.

B. "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration. "Contribution" does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, volunteer in-kind labor or incidental expenses not in excess of twenty-five dollars personally paid for by a volunteer campaign worker. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the "contribution."~~((:))~~ Sums paid for tickets to fundraising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

C. "Election cycle" means the combination of the general or special election and the primary election for the office in question and begins on the date an individual becomes a candidate for such office and ends on

the date that candidate files (~~(his or her)~~) the candidate's final report pursuant to RCW 42.17.080(2).

D. "Expenditure" means a payment, contribution, subscription, distribution, loan advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not include:

1. The partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported; or
2. The value of in-kind labor; or
3. Fines paid as a result of any penalties imposed on a candidate for violating this chapter.

E. "Fair advertising" means any publication, literature or media advertising, which bears the clear and conspicuous identification of the sponsoring candidate's name.

F. "In-kind labor" means services provided by a person who volunteers all or a portion of (~~(his/her)~~) the person's time to a candidate's election campaign, and who is not paid by any person for such services.

G. "Independent expenditure" means an expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate, (~~(his/her)~~) the candidate's political committee(~~(s)~~) or the candidate's agent, and when such expenditure is made without the prior consent, or the collusion, or the cooperation, of the candidate or (~~(his/her)~~) the candidate's agent or political committee.

H. "Own resources" means a candidate's personal funds or property; provided, however, that it shall not include:

1. A candidate's surplus campaign funds as defined in RCW 42.17.020 from a prior campaign for an

elected position, except for such surplus funds as have been transferred to a candidate's personal account pursuant to RCW 42.17.095(2).

2. Excess campaign funds as defined in 2 U.S.C., Section 439(a) and 11 CFR, Section 113.2, or
3. Contributions received for a campaign for any other office.

I. "Person" means any individual, association, corporation, candidate, committee, political committee, political party, partnership or other entity.

J. "Political committee" means any person (except a candidate or an individual dealing with ~~((his))~~ the candidate or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or in opposition to, any candidate and ~~((which))~~ who has also filed as a political committee pursuant to ~~((RCW))~~ chapter 42.17 RCW.

K. "Political party" shall mean a major political party or a new or minor party which is established pursuant to ~~((RCW))~~ chapter 29.42 RCW.

L. "Resident" means an individual natural person whose domicile is within the boundaries of King County.

SECTION 3. Ordinance 11348, Section 4, as amended, and K.C.C. 1.05.040 are each hereby amended to read as follows:

A. No person other than a political committee shall make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor, nor shall any political committee make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor.

B. No candidate for executive, county council, sheriff, or assessor shall accept or receive during the election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any person other than a political committee, nor shall any such candidate accept or receive during the

election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any political committee.

C. The limitations in this section shall not apply to:

1. A candidate's contributions of ~~((his or her))~~ the candidate's own resources to ~~((his or her))~~ the candidate's own campaign; the limitations imposed by this section shall apply to the contributions of all others; and

2. Independent expenditures as defined by this chapter; and

3. The value of in-kind labor; and

4. Contributions to or expenditures from public office funds made consistent with the provisions of RCW 42.17.243.

D. Surplus campaign funds, as defined in RCW 42.17.030, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds. A candidate must file a statement with the elections division and the Public Disclosure Commission which identifies any funds used pursuant to this section. The statement shall include the following information for each amount transferred: The original contributor, original date of contribution, amount originally contributed, and the portion of each contribution transferred to the current campaign.

SECTION 4. Ordinance 13320, Section 2, as amended, and K.C.C. 1.07.020 are each hereby amended to read as follows:

For the purposes of this chapter, certain terms are defined as follows:

A. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person, except that minor incidental personal expenses, such as mileage, parking, meals, photocopying, telephone and facsimiles for persons not employed or retained as lobbyists are not included in "compensation."

B. "Council staff" means any person employed in the legislative branch of King County government.

C. "County employee" means any individual who is appointed as an employee by the appointing authority of a county department, agency or office. The term "county employee" also includes any person elected at a general or special election to any county elected office and any person appointed to fill a vacancy in any such office. The term "county employee" also includes members of county boards, commissions, committees or other multimember county bodies established by ordinance or motion.

D. "Department" means the department of executive services.

E. "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, gift, contract, promise or agreement to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value. For the purposes of this chapter, agreements to make expenditures, contracts and promises to pay may be reported as estimated obligations until actual payment is made.

F. "Gift" means the same as the definition of "gift" in the employee code of ethics, K.C.C. 3.04.017G.

G. "Legislation" means any ordinance or motion that is proposed to be or is introduced before the council under the provisions of Sections 230 and 240 of the county charter or any other matter that may be the subject of action by the council or any of its committees and any ordinance or motion that, having been adopted by the council, is required to be presented for approval or veto by the executive provided that the following shall not be considered legislation for the purposes of this chapter:

1. Ordinances introduced on matters considered to be quasi-judicial under state law;

2. Motions introduced to confirm or reject appointments by the executive; and
3. Motions introduced to exercise the council's power of appointment or removal.

H. "Lobby" and "lobbying" each mean attempting to influence, by communicating with councilmembers or council staff, the metropolitan King County council to develop, adopt, modify or reject legislation, or attempting to influence, by communicating with the executive or executive staff, the King County executive to approve or veto adopted legislation, or part thereof, presented to (~~him or her~~) the executive.

For purposes of this chapter the terms "lobby" and "lobbying" do not include any of the following:

1. The act of communicating with the members of an association or organization by that same association or organization;
2. Communications or other actions made by a person related to a quasi-judicial proceeding before the council;
3. Communications or actions made by a person related to proposed motions to confirm or reject appointments by the executive;
4. Communications or actions made by a person related to proposed motions to exercise the council's power of appointment or removal;
5. Communications or other actions related to proposed employment actions concerning legislative branch employees;
6. Communications or other actions by any county employee acting within the scope of (~~his or her~~) the employee's employment with the county;
7. Communications or other actions by representatives of labor organizations related to existing or proposed collective bargaining agreement(s) with the county or other legislation which could affect specific existing or proposed collective bargaining agreements; or
8. Communications or other actions by a person with the executive or executive staff regarding

legislation at any time prior to its adoption by the council.

I. "Lobbyist" means any person who lobbies for compensation.

J. "Lobbyist's employer" means the person or persons by whom a lobbyist is employed or otherwise compensated for acting as a lobbyist. For purposes of this chapter, the term "lobbyist's employer" includes, but is not limited to:

1. Every person who engages or utilizes the services of any other person to lobby, upon an agreement express or implied, for compensation or for other consideration; and

2. The officers and employees of such person and/or any third party who is engaged, employed or utilized by such person to lobby.

K. "Month" ((is)) means a calendar month.

L. "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

M. "Polling" means contacting individuals or groups to determine or change their positions using telephone interviews, face to face interviews or focus groups.

N. "Public relations" means any activity, and research to support such activity, that is intended to inform, educate, persuade or reinforce public opinion including, but not limited to, advertising, press conferences, editorial boards and speakers bureaus.

O. "Quarter" is a calendar quarter, i.e., January through March, April through June, July through September, and October through December.

P. "Representatives of labor organizations" means any employee or designated spokesperson of a bargaining representative that represents county employees.

SECTION 5. Ordinance 13320, Section 3, as amended, and K.C.C. 1.07.030 are each hereby amended

to read as follows:

A. A lobbyist shall file a lobbyist registration statement for each of ~~((his or her))~~ the lobbyist's employers. The lobbyist registration statement shall be filed with the department of executive services within seven days after being employed or otherwise retained as a lobbyist. The lobbyist registration statement shall show, in such detail as shall be prescribed by rule:

1. ~~((His or her))~~ The lobbyist's name, permanent business address and, if the permanent business address is not in King County, any temporary address in King County;
2. The name, address and occupation or business of the lobbyist's employer;
3. The duration of ~~((his or her))~~ the lobbyist's employment;
4. ~~((His or her))~~ The lobbyist's compensation for lobbying, how much ~~((he or she))~~ the lobbyist is to be paid for expenses and what expenses are to be reimbursed;

5. Whether the person from whom ~~((he or she))~~ the lobbyist receives that compensation employs ~~((him or her))~~ the lobbyist solely as a lobbyist or whether ~~((he or she))~~ the lobbyist is a regular employee performing services for ~~((his or her))~~ the lobbyist's employer ~~((which))~~ that include, but are not limited to, lobbying;

6. The general subject or subjects of ~~((his or her))~~ the lobbying interest;
7. A written authorization from each of the lobbyist's employers confirming such employment;
8. The name and address of the person who will have custody of the accounts, bills, receipts, books, papers and documents required to be kept by K.C.C. 1.07.080; and

9. If the lobbyist's employer is an entity, including, but not limited to, a business or trade association whose members include businesses, groups, associations, or organizations or which as a representative entity undertakes lobbying activities for businesses, groups, associations, or organizations, the name and address of each member of such entity, or person represented by such entity, whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who

is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

B. Whenever a termination or significant modification of the lobbyist's employment occurs, the lobbyist shall furnish full information regarding the same within seven calendar days of such termination or modification by filing with the department an amended registration statement.

SECTION 6. Ordinance 13320, Section 4, and K.C.C. 1.07.040 are each hereby amended to read as follows:

Persons who lobby without compensation or with compensation or other consideration limited to reimbursement for minor incidental personal expenses, such as mileage, parking, meals, photocopying, telephone((;)) and facsimiles, ((for acting as a lobbyist)) shall be considered citizen lobbyists and shall be exempt from registration. The exemption contained in this section is intended to permit and encourage citizens of the county to lobby any councilmember or the executive without incurring any registration or reporting obligation. Any person exempt under this section may at ((his or her)) the person's option register and report under this chapter.

SECTION 7. Ordinance 13320, Section 5, as amended, and K.C.C. 1.07.050 are each hereby amended to read as follows:

A. It is understood that businesses may employ a specific person or persons as lobbyists. In addition, other employees of a business, or contracted experts, may have occasion to meet on an irregular basis with councilmembers or the executive or appear before public sessions of the council or its committees to provide information or expert testimony. Such other employees or contracted experts shall not be required to register or report under this chapter only if:

1. They restrict their activities as defined in this section to no more than six days or parts thereof during any quarter. Appearing before public sessions of the council and committees of the council are not counted towards the six days; and

2. They are not registered as a lobbyist with the Washington State Public Disclosure Commission as a representative of the same client or organization for which they are an employee or contracted technical expert.

B. Any person exempt under this section may at ~~((his or her))~~ the person's option register and report under this chapter.

SECTION 8. Ordinance 13320, Section 7, and K.C.C. 1.07.070 are each hereby amended to read as follows:

News or feature reporting activities and editorial comment by working members of the press, radio or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station shall be exempt from registration and reporting under this chapter. Any person exempt under this section may at ~~((his or her))~~ the person's option register and report under this chapter.

SECTION 9. Ordinance 13320, Section 8, and K.C.C. 1.07.080 are each hereby amended to read as follows:

A. Each lobbyist shall file a report with the department of ~~((his or her))~~ the lobbyist's activities for each employer. Such reports must be signed by the lobbyist. The reports shall be made in the form and manner prescribed by the department. The department shall design the reporting forms to match as closely as reasonably possible the forms required for lobbyist reporting to the Washington state Public Disclosure Commission. The reports shall be filed within fifteen calendar days after the last day of the calendar quarter. The due dates for such reports are January 15, April 15, July 15 and October 15. The January report shall cover the preceding calendar year; the April, July and October reports shall each cover the preceding calendar quarter.

B. Each periodic report shall contain:

1. The totals of all expenditures for lobbying activities made or incurred by such lobbyist. The totals of all expenditures for lobbying activities made or incurred on behalf of such lobbyist by the lobbyist's employer or any other person with the lobbyist's knowledge. Such total expenditures for lobbying activities

shall include the following: food and refreshments, entertainment and other expenses or services. The report shall specify the amount of the expenditure, the person to whom the amount was paid and a brief description of the activity. Notwithstanding the preceding, lobbyists are not required to report any expenses incurred for their personal travel or meals, telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance;

2. The total compensation paid to the lobbyist for lobbying purposes during the reporting period by the lobbyist employer;

3. The subject matter which the lobbyist has been supporting or opposing during the reporting period, including specific ordinances and motions;

4. Other information relevant to lobbying activities as shall be prescribed by rule; and

5. Information regarding any termination or significant modification of the lobbyist's employment.

C. Information supporting any activities which are required to be reported under this section is subject to audit by the department. However, the person subject to audit is not required to disclose information which is covered by the attorney-client privilege.

SECTION 10. Ordinance 13320, Section 10, and K.C.C. 1.07.100 are each hereby amended to read as follows:

A. Any person who has made expenditures exceeding ten thousand dollars in the aggregate within any consecutive twelve-month period or who (~~knows he or she~~) will expend ten thousand dollars within any consecutive twelve-month period presenting a program addressed to the public which is specifically intended, designed or calculated to influence legislation that may be the subject of action by the council shall be required to register and report, as provided in subsection B₂ of this section, as a sponsor of a professional grass roots lobbying campaign.

B. Within seven days after becoming a sponsor of a professional grass roots lobbying campaign, the sponsor shall register by filing with the department a registration statement, as shall be prescribed by rule,

showing:

1. The sponsor's name, address and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs;

2. The name, address and business or occupation of all persons organizing and managing the grass roots lobbying campaign, or hired to assist the campaign, and the terms of compensation for all such persons;

3. The name and address of each person contributing services or money with a value of one hundred dollars or more to the grass roots lobbying campaign;

4. The purpose of the grass roots lobbying campaign, including the specific legislation that is the subject matter of the effort; and

5. The total of all expenditures made or incurred to date on behalf of the grass roots lobbying campaign, which totals shall be segregated according to financial category, including, but not limited to, the following: advertising segregated by media; telemarketing or polling; public relations; entertainment, including food and refreshments; office expenses, including rent, salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying activities; consultants; printing and mailing expenses; and other expenditures as shall be prescribed by rule.

C. Every sponsor who has registered under this section shall file quarterly reports with the department. The reports shall be filed for each calendar quarter and shall be due within fifteen days after the last day of the quarter covered by the report. The due dates for such reports are January 15, April 15, July 15 and October 15. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show totals of expenditures made during the quarter, in the same manner as provided for in the registration statement.

D. Each sponsor of a grass roots lobbying campaign shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial reports required to be made under this section for a period of at least five years from the date of filing of the statement containing such items.

These accounts, bills, receipts, books, papers and documents shall be made available for inspection by the department during regular business hours. Should the sponsor be unable to maintain the financial records of the grass roots lobbying campaign, the sponsor may file the records, including all accounts, bills, receipts, books, papers and documents, with the appropriate county agency for preservation for five years.

E. Information supporting any activities which are required to be reported is subject to audit by the department. However, the person subject to audit is not required to disclose information which is covered by the attorney-client privilege.

SECTION 11. Ordinance 13320, Section 12, and K.C.C. 1.07.120 are each hereby amended to read as follows:

A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which may subject the person, and the person's employer, if that employer willfully aids, abets, ratifies or confirms any such act, to civil penalties, as provided by this chapter:

A. A person required to register as a lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items. These accounts, bills, receipts, books, papers and documents shall be made available for inspection by the department during regular business hours: provided, that if a lobbyist or sponsor is required under the terms of ~~((his or her))~~ the lobbyist or sponsor's employment contract to turn any records over to ~~((his or her))~~ the lobbyist or sponsor's employer, responsibility for the preservation of such records under this subsection shall rest with that employer;

B. In addition, a person required to register as a lobbyist under this chapter shall not:

1. Engage in any activity as a lobbyist before registering as such;
2. File any statement or report with the department that is incomplete in any material respect or

contains a statement that is false or misleading with respect to any material fact;

3. Fail to comply with any of the reporting requirements of this chapter;
4. Knowingly deceive or attempt to deceive any councilmember or the council as to any fact pertaining to any pending or proposed legislation;
5. Cause or influence the introduction of any legislation or amendment thereto for the purpose of thereafter being employed to secure its defeat;
6. Exercise any undue influence, extortion or unlawful retaliation upon any councilmember by reason of such councilmember's position with respect to, or ~~((his or her))~~ the councilmember's vote upon, any legislation; or
7. Enter into any agreement, arrangement, or understanding according to which ~~((his or her))~~ the lobbyist's compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.

SECTION 12. Ordinance 13320, Section 14, as amended, and K.C.C. 1.07.140 are each hereby amended to read as follows:

A. Except for allegations of untimely filing of statements and reports, which are processed by the department under section K.C.C. 1.07.130.L, complaints alleging a violation of any of the provisions of this chapter shall be filed with the county ombuds~~((man))~~. Any such a complaint shall be in writing, verified and signed by the complainant. The complainant shall describe the basis for the complainant's belief that this chapter has been violated. The complainant may state in the written complaint whether the complainant desires that ~~((his or her))~~ the complainant's name be withheld from disclosure under RCW 42.17.310(1)(e) if the complaint is the subject of a public records disclosure request.

B. Within twenty days of receiving a complaint meeting the requirements of subsection A. of this section, the ombuds~~((man))~~ shall serve or mail, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter. Within forty days of receiving the complaint the ombuds~~((man))~~ shall analyze the merits of the complaint to determine whether a full investigation is warranted.

The ombuds((~~man~~)) shall have the authority to issue an order dismissing the complaint, or specific sections of the complaint, if the ombuds((~~man~~)) determines that the complaint or specific sections of the complaint, as written, alleges a de minimis violation or does not state facts that, even if true, would constitute a violation of this chapter.

C. If the ombuds((~~man~~)) determines that a full investigation of the complaint is warranted, then the investigation shall be directed to ascertain the facts concerning the violation or violations alleged in the complaint and shall be conducted in an objective and impartial manner. The ombuds((~~man~~)) is authorized to contract for such investigative services and other assistance as may be needed to conduct the investigation, subject to the council's appropriation of adequate funds to pay for the costs of the contracts. In furtherance of such an investigation, the ombuds((~~man~~)) is authorized to use the subpoena power to compel sworn testimony from any person and require the production of any records relevant or material to the investigation except information that is legally privileged. Upon request of the ombuds((~~man~~)), county employees shall provide sworn testimony and produce any records relevant or material to the investigation, except information that is legally privileged.

D. During the investigation, the ombuds((~~man~~)) shall consider any statement of position or evidence with respect to the allegations of the complaint that the complainant or respondent wishes to submit.

E. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that the respondent has violated one or more provisions of the chapter.

F. If a finding is made that there is no reasonable cause, then the finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent and the finding shall be final. The original of the ombuds((~~man~~))'s finding shall be filed with the clerk of the council.

G. If a finding is made that reasonable cause exists to believe that the respondent has violated one or more of the provisions of this chapter, then the ombuds((~~man~~)) shall prepare an order to that effect, copies of

which shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent. The original of the ombuds((~~man~~))'s order shall be filed with the clerk of the council. The reasonable cause order shall include:

1. A finding that one or more violations of this chapter has occurred;
2. The factual basis for the finding;
3. The amount of the civil penalty or penalties imposed for remedial purposes to be assessed for each violation. A person who is found to have violated this chapter shall be given a written warning for the first violation by certified mail, return receipt requested, and shall be subject to a civil penalty of up to one thousand dollars for each subsequent violation after the warning has been given. Further, an individual penalty may not exceed one thousand dollars per violation and in any case where multiple violations are involved in a single complaint, the maximum aggregate civil penalty shall not exceed two thousand five hundred dollars; and
4. A notice informing the respondent that the respondent has the right to a hearing before the hearing examiner as set forth in K.C.C. 1.07.150.

SECTION 13. Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150 are each hereby amended to read as follows:

A. Any respondent aggrieved by an order of the ombuds((~~man~~)) may appeal that order by complying with K.C.C 20.22.080 and by providing a copy of the appeal to the complainant.

B. If an order of the ombuds((~~man~~)) has been timely appealed, an examiner shall conduct a hearing and shall affirm, deny or modify the order. The parties to the hearing shall be the respondent and the ombuds((~~man~~))). There shall be a verbatim record kept of the hearing and the hearing examiner shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other documents relevant or material to the hearing, except information which is covered by the attorney-client privilege. The burden of proving that a violation occurred shall at all times be upon the ombuds((~~man~~)). The decision of the hearing examiner shall be

based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties and the complainant at least ten days before the date of the hearing.

C. At the hearing each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombuds(~~man~~);
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any relevant matter;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party; and
6. To self-represent (~~(himself or herself)~~) or to be represented by anyone of the party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted the hearing examiner shall, within a reasonable time, enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that one or more violations of this chapter have occurred. The hearing examiner shall reverse the order if (~~he or she~~) the hearing examiner finds that no violations of this chapter have occurred. A copy of the hearing examiner's decision shall be served or mailed, by certified mail, return receipt requested, to the ombuds(~~man~~), the respondent and the complainant. The original of the hearing examiner's decision shall be filed with clerk of the council.

E. A decision of the hearing examiner shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the hearing examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken.

SECTION 14. Ordinance 159, Section 2, as amended, and K.C.C. 1.16.020 are each hereby amended to read as follows:

If any individual((s)) or committee of individuals desires to petition the council to enact a proposed measure or to order that a referendum of any ordinance passed by the council be submitted to the electorate, ((he)) the individual or committee shall file in the office of the clerk of the council five printed or typewritten copies of the measure proposed or referendum petition, accompanied by the name and post office address of the proposer.

SECTION 15. Ordinance 159, Section 7, as amended, and K.C.C. 1.16.070 are each hereby amended to read as follows:

Petitions ordering that ordinances passed by the council be referred to the people at the special or general election, as provided in Article 2, Section 230.40 of the Charter, shall be substantially in the following form:

"WARNING

Every person who signs this petition with any other than ((his)) the person's true name, or who knowingly signs more than one of these petitions, or who signs this petition when ((he)) the person is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

PETITION FOR REFERENDUM

To the Clerk of the King County Council, King County, Washington: We, the undersigned citizens of King County, State of Washington and legal voters of the respective precincts set opposite our names, respectfully order and direct that Referendum Measure No. , entitled (here set forth the title of the ordinance) being an ordinance passed by the King County Council on the day of , ((19)) 20. . . . , and which would appear on the ballot in the following form:

(ballot title prepared by the prosecuting attorney)

shall be referred to the people of the County for their approval or rejection; and each of us ((for himself)) says: I have personally signed this petition; I am a legal voter of King County, State of Washington in the precinct, city or town written after my name, and my residence address is correctly

stated. A full, true and correct copy of the ordinance is attached hereto and on file with the Clerk of the Council and available for public inspection.

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number (if any)	City or Town	Precinct Name or Number (if known)
1.				
2.				
3.				
4.				"

SECTION 16. Ordinance 159, Section 8, as amended, and K.C.C. 1.16.080 are each hereby amended to read as follows:

Petitions for proposing measures for submission to the King County council shall be substantially in the following form:

"WARNING

Every person who signs this petition with any other than ((his)) the person's true name, or who knowingly signs more than one of these petitions, or who signs this petition when ((he)) the person is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

**INITIATIVE PETITION FOR SUBMISSION TO
THE KING COUNTY COUNCIL**

To the Clerk of the King County Council, King County, Washington:

We, the undersigned citizens of King County, State of Washington, and legal voters of the respective precincts set opposite our names, respectfully direct that this petition and the proposed measure known as Initiative Measure No. , and which would appear on the ballot in the following form:

(ballot title prepared by the prosecuting attorney)

a full, true and correct copy of which is hereby attached, and on file with the Clerk of the Council and

available for public inspection, shall be transmitted to the King County Council, and we respectfully petition the Council to enact said measure into law; and, if not enacted within ninety days from the time of presentment, then to be placed on the ballot at the next regular or special election for approval by the voters of King County; and each of us (~~for himself~~) says: I have personally signed this petition; I am a legal voter of King County, State of Washington in the precinct, city or town written after my name and my residence address is correctly stated.

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number (if any)	City or Town	Precinct Name or Number (if known)
1.				
2.				
3.				
4.				"

SECTION 17. Ordinance 159, Section 9, and K.C.C. 1.16.090 are each hereby amended to read as follows:

Every person who signs an initiative or referendum petition with any other than ~~((his))~~ the person's true name, or who knowingly signs more than one petition for the same initiative or referendum measure, or who signs such petition knowing that ~~((he))~~ the person is not a legal voter, or who makes a false statement as to ~~((his))~~ the person's residence on any initiative or referendum petition, is guilty of a misdemeanor and shall be punished as provided by the laws of the state of Washington.

SECTION 18. Ordinance 11683, Section 9, as amended, and K.C.C. 1.24.085 are each hereby amended to read as follows:

A. All legislative proposals submitted to the King County council by the executive shall be accompanied by a completed Legislative Review Form in the form of Attachment A to Ordinance 17666, dated July 25, 2013, or as amended from time to time.

B. Upon receipt of proposed legislation from the executive, the sheriff, the assessor, the presiding judge, the prosecuting attorney, the director of elections or a councilmember, the clerk of the council shall assign a proposed number to the legislation. The clerk may make formatting and nonsubstantive revisions in form and style to proposed legislation before first reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

C. Upon filing with the clerk of the council of either a signature of at least one member of the council or electronic sponsorship of legislation in a form prescribed by the clerk of the council, or upon receipt by the council of a proposed ordinance submitted as an institutional initiative under Section 230.50.10 of the King County Charter, the proposed legislation is introduced and must be placed on the agenda for first reading and referral. Legislation may be introduced with the title only, but the text of the legislation must be filed with the clerk by first reading. The chair of the council shall refer both the title and the subsequently filed text of the legislation to committee if the legislation was introduced with the title only. If the text of the legislation is not timely filed, the legislation is to be removed from the agenda and is not to be referred to committee.

D. A member may add (~~his or her~~) the member's own name to sponsorship of legislation at any time before passage of the legislation by informing the clerk of the council in writing. The first member listed on the first introduction slip filed for legislation may not remove (~~his or her~~) that member's own name from sponsorship of the legislation. However, any other sponsor of legislation may remove (~~his or her~~) that sponsor's own name from sponsorship of the legislation by informing the clerk of the council in writing.

E. First reading of legislation shall consist of either:

1. Printing the number and title of the proposed legislation on the published agenda; or
2. Adding the proposed legislation to the agenda under Rule 5, K.C.C. 1.24.045.B.2. or 3. and

including this information in the council's minutes.

F. After the first reading, proposed legislation must be referred to an appropriate committee or committees by the chair of the council, except for motions confirming executive reappointments to boards or

commissions, which may be referred directly to a council consent agenda. Proposed legislation referred to more than one committee must be considered consecutively by the committees in the order set forth on the marked published agenda or as specified by the chair during the meeting and reflected in the council's minutes.

G. Upon being reported out of committee with a recommendation signed by a majority of the committee, proposed legislation must be placed upon an agenda for appropriate action, after consideration of public hearing notice requirements, one week after the Monday after the committee meeting, unless the committee chair decides and states on the record at the committee meeting that the item be placed on the next council agenda. The clerk of the council may make formatting and nonsubstantive revisions in form to proposed legislation after the legislation is reported out of the committee and before the legislation is placed on the agenda for second reading and shall indicate on the revised legislation that the legislation is revised by the clerk and the date of the revision.

SECTION 19. Ordinance 11683, Section 31, as amended, and K.C.C. 1.24.305 are each hereby amended to read as follows:

An official document issued by order of the council must be signed by the chair or in ~~((his or her))~~ the chair's absence the vice-chair as provided in Rule 3, K.C.C. 1.24.025, and attested by the clerk of the council or acting clerk of the council, except as otherwise provided by the King County Charter.

SECTION 20. Ordinance 16948, Section 2, and K.C.C. 2.10.210 are each hereby amended to read as follows:

The definitions in this section apply throughout K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230 unless the context clearly requires otherwise.

A. "Community" means a group of people who share some or all of the following: geographic boundaries, sense of membership, culture, language, common norms and interests.

B. "Determinants of equity" means the social, economic, geographic, political and physical

environment conditions in which people in our county are born, grow, live, work and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender or language spoken. Inequities are created when barriers exist that prevent individuals and communities from accessing these conditions and reaching their full potential. The determinants of equity are:

1. Community economic development that supports local ownership of assets, including homes and businesses, and assures fair access for all to business development and business retention opportunities;
2. Community and public safety that includes services such as fire, police, emergency medical services and code enforcement that are responsive to all residents so that everyone feels safe to live, work and play in any neighborhood of King County;
3. A law and justice system that provides equitable access and fair treatment for all;
4. Early childhood development that supports nurturing relationships, high-quality affordable child care and early learning opportunities that promote optimal early childhood development and school readiness for all children;
5. Education that is high quality and culturally appropriate and allows each student to reach ~~((his or her))~~ the student's full learning and career potential;
6. Equity in county practices that eliminates all forms of discrimination in county activities in order to provide fair treatment for all employees, contractors, clients, community partners, residents and others who interact with King County;
7. Food systems that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people;
8. Health and human services that are high quality, affordable and culturally appropriate and support the optimal well-being of all people;

9. Healthy built and natural environments for all people that include mixes of land use that support: jobs, housing, amenities and services; trees and forest canopy; and clean air, water, soil and sediment;
10. Housing for all people that is safe, affordable, high quality and healthy;
11. Job training and jobs that provide all residents with the knowledge and skills to compete in a diverse workforce and with the ability to make sufficient income for the purchase of basic necessities to support them and their families;
12. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood;
13. Parks and natural resources that provide access for all people to safe, clean and quality outdoor spaces, facilities and activities that appeal to the interests of all communities; and
14. Transportation that provides everyone with safe, efficient, affordable, convenient and reliable mobility options including public transit, walking, car pooling and biking.

C. "Equity" means all people have full and equal access to opportunities that enable them to attain their full potential.

D. "Equity and social justice foundational practices" means those practices that can increase the county's influence on access to the determinants of equity when applied to the county's actions in: siting and delivery of services; policy development and decision making; education and communication within county government; and community engagement and partnerships. Equity and social justice foundational practices are goals for all governmental actions; across countywide strategic plan goals, objectives and strategies; and across agencies, programs and services. The equity and social justice foundational practices are efforts that enable King County government to:

1. Raise and sustain the visibility of the countywide strategic plan's "fair and just" principle and equity and social justice values, policies and foundational practices;

2. Increase focus on the determinants of equity in order to make progress in the elimination of the root cause of inequities;

3. Consider equity and social justice impacts in all decision-making so that decisions increase fairness and opportunity for all people, particularly for people of color, low-income communities and people with limited English proficiency or, when decisions that have a negative impact on fairness and opportunity are unavoidable, steps are implemented that mitigate the negative impacts;

4. Foster an organizational culture that promotes fairness and opportunity;

5. Collaborate across agencies, departments and other organizations;

6. Build capacity to engage all communities in a manner that: promotes and foster trust among people across geographic, race, class and gender lines; results in more effective policies, processes and services; and supports communities' efforts to develop solutions.

F. "Fair and just" means the county serves all residents by promoting fairness and opportunity and eliminating inequities through actions to which equity and social justice foundational practices are applied.

G. "Inequity" means differences in well-being that disadvantage one individual or group in favor of another. These differences are systematic, patterned and unfair and can be changed. Inequities are not random; they are caused by past and current decisions, systems of power and privilege, policies and the implementation of those policies.

H. "Social justice" means all aspects of justice, including legal, political and economic, and requires the fair distribution of public goods, institutional resources and life opportunities for all people.

SECTION 21. Ordinance 16679, Section 22, as amended, and K.C.C. 2.12.250 are each hereby amended to read as follows:

A. Each agency shall provide full access to public records that are not exempt from disclosure under applicable law, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the most-timely possible

action on public records requests.

B. The public records officer or designee shall process requests in the order allowing the most requests to be processed in the most efficient manner; in order to process requests as efficiently as possible, smaller requests may be processed before substantially larger requests that were received earlier.

C.1. Within five business days of receipt of the request, the public records officer shall do one or more of the following:

- a. make the records available to the requestor for inspection or copying;
- b. if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- c. provide to the requestor a reasonable estimate of when records will be available;
- d. if the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. The clarification may be requested and provided by telephone, in which case the public records officer shall make a written record of the clarification. The public records officer or designee may revise the estimate of when records will be available. If the requestor fails to clarify the request, the agency need not respond to it; or
- e. deny the request and notify the requestor of the denial. Denials of requests shall be accompanied by a written statement of the specific reasons therefor.

2. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

D. In the event that the requested records contain information that affects other agencies or third persons, the public records officer may, before providing the records, give notice to those persons in accordance with RCW 42.56.540. The notice shall include a copy of the request.

E. Some records are exempt from disclosure, in whole or in part. If the agency believes that a record or any part of a record is exempt from disclosure and should be withheld, the public records officer shall provide to the requestor a writing identifying the record or portion withheld, the specific exemption relied upon and the authority for the exemption, and briefly explaining how the exemption applies to the record or portion withheld, including enough information for a requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer shall redact the exempt portions and provide the nonexempt portions.

F.1. The agency shall promptly provide space to inspect public records except when and to the extent that it would cause excessive interference with other essential functions of the agency or unreasonably disrupt agency operations. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents the requestor wishes the agency to copy.

2. The requestor must claim or review the assembled records within thirty days of the agency's notification to the requestor that the records are available for inspection or copying. The agency shall notify the requestor in writing of this requirement and inform the requestor that the requestor should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the time prescribed in this subsection F.2. or make other arrangements, the agency may close the request. Other public records requests may be processed ahead of a subsequent request by the same person for the same or almost identical records, which may be processed as a new request.

G. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

H. When the request is for a large number of records, the public records officer or designee shall provide access for inspection and copying in installments, if the public records officer or designee reasonably determines that it would be practical to provide the records in that way. If, within thirty days after notification that the records are available for inspection or copying under subsection C., D. or E. of this section, the

requestor fails to inspect the entire set of records or one or more of the installments, as applicable, the public records officer or designee may stop searching for the remaining records and close the request. The requestor shall be notified in writing of this action.

I. When the requestor either withdraws the request or fails to fulfill ~~((his or her))~~ the requestor's obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer shall close the request and indicate to the requestor that the agency has closed the request.

J. If, after the agency has informed the requestor that the agency has provided all available records, the agency becomes aware of additional responsive documents existing at the time of the request, the agency shall promptly inform the requestor of the additional documents and provide the documents on an expedited basis.

K. If a public records officer or designee responding to a public records request believes that one or more other agencies are likely to have records that are responsive to the request, ~~((he or she))~~ the public records officer or designee should, in writing, so inform the requestor and provide the requestor with the name and contact information of the public records officer of each such agency, including the officer's title, office phone number, office address, and email address. The public records officer is not required to review records or otherwise investigate for the purpose of determining whether other agencies are likely to have additional records that are responsive to the request. This subsection is intended to enhance the public's access to public records, not to impose any legal obligation on agencies beyond those imposed by chapter 42.56 RCW.

SECTION 22. Ordinance 12550 Section 1, as amended, and K.C.C. 2.14.010 are each hereby amended to read as follows:

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

- A. "County agency" means:
1. The executive branch;
 2. The legislative branch;
 3. The superior court;

4. The district court;
5. The department of public safety;
6. The department of assessments;
7. The office of the prosecuting attorney;
8. The department of elections;
9. The forecast council and office of economic and financial analysis;
10. The board of appeals; and
11. The personnel board.

B. "Digital communication technology" means technology that is used to transmit information in digital form, including email, text messaging, blogging, social media and digital voicemail.

C. "Personal data" means any information concerning an individual that, because of name, identifying number, image, mark or description, can be readily associated with a particular individual, including information contained in printouts, forms, written analyses or evaluations.

D. "Personal identifying data" means social security number, date of birth or mother's (~~maiden~~) family name.

E. "Social media" means the Internet-based technologies, tools and practices that people use to share opinions, insights, experiences and perspectives. Social media can share information in many different forms, including text, images, audio and video.

SECTION 23. Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020 are each hereby amended to read as follows:

A. The organization of the executive branch, as described in this section of the code, is intended to comply with Article 3 of the King County Charter. Accordingly, the executive branch shall consist of:

1. The county executive;
2. The county administrative officer;

3. Specific organizational units, classified "administrative offices" assigned to the county administrative officer, having a specified function by which it will assist that officer in performing assigned responsibilities;

4. Specific organizational units, classified "executive departments" determined by major assigned function or process; and

5. Specific organizational units within departments and administrative offices, where created by ordinance, classified "divisions" to which will be delegated the responsibility of efficiently and effectively carrying out assigned departmental or office functions and duties.

B. County agencies referenced in this chapter, and county boards, commissions, committees and other multimember bodies except the board of appeals and the personnel board, shall individually and collectively constitute the organizational structure of the executive branch of King County government.

C. Titles of agencies of the executive branch of county government as used in this section shall be the official organizational unit titles. Where necessary or appropriate, the clerk of the council is authorized to change the titles of executive branch agencies where appearing in other ordinances or sections of the code to conform with the unit titles used in this chapter.

D. The director of each executive department, chief officer of each administrative office, and manager of each division may exercise the powers vested in that department, administrative office, or division. None of these positions may exercise authority over another organizational unit for more than sixty days without council approval by ordinance, though this shall not be construed to limit the authority of a department director or chief officer of an administrative office over divisions within ~~((his or her))~~ the department director or chief officer's department or office.

E.1. To ensure accountability, efficiency, internal control and consistency, each executive department, administrative office and division may provide administrative and technical support to functions and duties for which other executive departments, administrative offices or divisions have primary responsibility. The support

shall be provided in conjunction with the departments, offices or divisions that have primary responsibility for the functions and duties. The support may include, but is not limited to, the following:

- a. human resources and payroll;
- b. budget preparation and submittal, and financial and fiscal management;
- c. information, communication, media and community relations, printing, graphics, mail, records management and public disclosure;
- d. facilities and leased space maintenance and management;
- e. program analysis, and contract and performance evaluation and review;
- f. grants management; and
- g. liaison with county and external auditors.

2. To assist executive agencies to properly perform their assigned functions and duties, executive agencies may establish and maintain contacts with state and federal agencies that regulate or provide financial assistance to the programs for which the agencies are responsible, monitor state and federal legislative initiatives, and provide input to and on the county's legislative agenda through processes prescribed by the council.

3. To ensure the county complies with applicable state and federal laws, regulations and requirements, executive agencies may undertake duties and functions as may be assigned by the executive and not assigned to another agency by the council.

F. Except as otherwise assigned by the council, all executive agencies shall provide support services to citizen advisory committees that are established by the council.

SECTION 24. Ordinance 11955, Section 13, as amended, and K.C.C. 2.16.110 are each hereby amended to read as follows:

A. The county executive shall appoint the county administrative officer and the director of each executive department, except the departments of assessments, public safety, elections and judicial

administration. The county executive shall also appoint the division director of the youth detention facility through a competitive search process that includes participation by the superior court judges. The appointment of the county public defender shall be consistent with Section 350.20.61 of the King County Charter and K.C.C. chapter 2.60.

B. The county administrative officer shall appoint the division directors and chief officers of each administrative office in the department of executive services.

C. The director of each executive department, at the discretion of the county executive, shall appoint exempt employees of ~~((his or her))~~ the director's department as provided in Section 550 of the King County Charter.

D.1. All appointments by the county executive shall be subject to confirmation by a majority of the county council except exempt personnel assigned to ~~((his or her))~~ the executive's personal staff.

2. All appointments to positions of division director or chief officer of an administrative office not made by the county executive shall be subject to approval by the county executive.

E.1.a. All individuals appointed by the county executive, under Section 340.40 of the King County Charter, shall serve in an acting capacity, unless confirmed by the council. The executive is authorized to appoint a person to serve in an acting capacity to fill a position requiring council confirmation for a period of no greater than one hundred fifty days. The executive shall notify the council within ninety days concerning the status of ~~((his or her))~~ the executive's search for qualified candidates for appointment to the vacant position. Thereafter, the individual may continue serving in an acting capacity for successive sixty-day periods only with approval by motion of the county council. The council shall grant at least one successive sixty-day extension if the executive certifies to the council's satisfaction that the executive is actively pursuing a search for qualified candidates for appointment to the vacant position. If no appointment is transmitted to the council for confirmation during the authorized period, the position shall be considered vacant for purposes of exercise of any authority given to the position under ordinance and no salary shall be paid for the position while it is so

vacant.

b. Within seven calendar days of any executive appointment that is subject to council confirmation, the executive shall deliver written notice of said appointment to the council accompanied by a proposed motion confirming the appointment.

c. Upon the receipt of the notification by the executive of an appointment, accompanied by the proposed motion, the council shall act to consider confirmation of the appointment within ninety days. Approval of the introduced motion by a majority of the council shall constitute confirmation of the appointee. Once confirmed, the appointee is no longer serving in an acting capacity.

d. In considering the confirmation of executive appointments to offices of management level responsibility, the council shall base its review on the ability of the appointee to meet the following criteria:

- (1) a demonstrated reputation for integrity and professionalism;
- (2) a commitment to and knowledge of the responsibilities of the office;
- (3) a history of demonstrated leadership, experience and administrative ability;
- (4) the ability to work effectively with the executive, the council, other management, public

agencies, private organizations and citizens; and

(5) a demonstrated sensitivity to and knowledge of the particular needs and problems of minorities and women.

e. The appointee, before review of the appointment by the council, shall submit to the chair of the council:

(1) a full and complete resume of ~~((his or her))~~ the appointee's employment history, to include references attesting to the stated employment experiences; and

(2) a signed statement acknowledging that the council's confirmation process may require the submittal of additional information relating to the background and expertise of the appointee.

f. Upon receipt of an executive appointment, the chair or ~~((his or her))~~ the chair's delegate, subject to

the council's rules of procedure, shall notify council members of the appointment and attempt to allow a minimum of one work week for individual members to submit written questions to the reviewing committee.

2. It is understood that written inquiries submitted to the reviewing committee, by individual council members, may require a written response from the appointee or the executive, in matters pertaining to the process of appointment and other pertinent employment policies of King County.

SECTION 25. Ordinance 3581, Section 10, as amended, and K.C.C. 2.21.090 are each hereby amended to read as follows:

A. The purpose of this section is to protect county officers, employees, agents and their marital communities from personal liability for acts committed by those individuals in good faith and within the scope of their official county duties.

B. The chief civil deputy shall determine all questions relating to scope and status in accordance with K.C.C. 2.21.050.B.7.

C. When a county officer, employee, agent or the marital community of the county officer, employee or agent is sued in a lawsuit for an act or alleged act falling within the scope of the officer's, employee's or agent's official duties, the prosecuting attorney shall be responsible for defense of that person or community in accordance with K.C.C. 2.21.050, 2.21.060 and 2.21.080 and this section.

D. This section may not apply if a claim or lawsuit is covered fully by insurance.

E. If a possible conflict exists between the county and a county official, employee or agent, acting in good faith within the scope of ~~((his or her))~~ official duties of the county official, employee or agent, the prosecuting attorney may at the prosecuting attorney's sole discretion, appoint outside counsel as a special deputy prosecuting attorney to represent the person. In those cases, the county shall be responsible for payment of costs incurred in the defense.

F.1. Subject to the other provisions of this chapter, the county shall provide legal representation and indemnification to protect county officers, employees, agents and their marital communities from personal

liability for alleged violations of civil or criminal law resulting from or based upon alleged acts or omissions of the officers, employees or agents. To have the benefit of the legal representation and indemnification, the county officers, employees or agents must have performed or acted in good faith, with no reasonable cause to believe the conduct was unlawful and within the scope of the county officer, employee or agent's service to or employment with the county.

2. For the purposes of subsection F.1. of this section, "alleged violations of civil or criminal law":

a. includes but is not limited to, professional licensing matters if a complaint has been filed regarding an officer, employee or agent's professional license; and

b. does not include motor-vehicle-related infractions unless the chief civil deputy determines that, in a particular instance, a motor vehicle infraction should be included because it is in the best interests of the county.

SECTION 26. Ordinance 11319, Section 3, and K.C.C.2.28.003 are each hereby amended to read as follows:

A. An appointment shall be deemed to have been made on the date the letter of appointment is filed with the clerk of the council as required by ~~((section))~~ K.C.C. 2.28.002. All appointments are subject to confirmation or rejection by the council.

B. An appointee may exercise the powers of office beginning thirty ~~((30))~~ days after appointment or such earlier time as ~~((he or she))~~ the appointee is confirmed by the council. Appointees remain subject to later confirmation or rejection by the council.

C. Any member whose term has expired shall continue to serve until ~~((his or her))~~ a successor is appointed and either is confirmed or is authorized to exercise official power under ~~((the provisions of paragraph))~~ subsection B. of this section; provided, however, that the office of a holdover who has been reappointed and rejected by the council shall be deemed vacant and such holdover shall not exercise the powers of such office; and provided further that no member who has vacated an office as provided by law shall serve as a holdover in

that office.

SECTION 27. Ordinance 8389, Section 1, and K.C.C. 2.32.220 are each hereby amended to read as follows:

Either the King County council by motion or the King County executive or ((his)) designee by written request may file a request with the Washington ((S))state Boundary Review Board for King County for review of the following actions:

A. The:

1. Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district;
2. Consolidation of special purpose districts, but not including consolidation of cities and towns; or
3. Dissolution or disincorporation of any city, town, or special purpose district, except the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; ((ø))

B. The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; ((ø))

C. The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; ((ø))

D. The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

E. The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

SECTION 28. Ordinance 14989, Section 3, as amended, and K.C.C. 2.35.021 are each hereby amended

to read as follows:

A. The King County board of health shall consist of the following members:

1. Three members of the metropolitan King County council to be appointed by the chair of the council, provided that the chair shall consider appointing members such that county councilmember representation on the board of health is geographically balanced across the county and includes representation of the unincorporated area of the county on the board. Each county councilmember vote shall be weighted as two votes;

2. Three elected officials of the city of Seattle to be appointed by the city;

3. Two elected officials from cities and towns of King County other than Seattle to be appointed in a manner agreed to by and among the cities and towns representing a majority of the populations of those cities and towns; and

4. Two health professionals who shall be appointed by a majority vote of the other members of the board of health. One of the health professionals should have knowledge of environmental health, including knowledge of septic systems and groundwater quality. A third nonvoting member, who shall also be a health professional, may be appointed by a majority vote of the other members of the board. The terms of health professional members shall be established by the rules of the board.

B.1. Alternate members for each regular member may be appointed according to the relevant procedures under subsection A.1, 2. or 3. of this section. During the meeting, an alternate member shall indicate when ~~((he or she))~~ the alternate member is serving in a regular member's absence. When serving in a regular member's absence, an alternate member shall act as a regular member.

2. If the board appoints a third nonvoting health professional member as provided under subsection A.4. of this section, that member shall serve as an alternate voting member in the absence of either of the two voting health professional members.

SECTION 29. Ordinance 18167, Section 22 and 2.36.030 are each hereby amended to read as follows:

A. As prescribed by RCW 3.38.010, there is established a justice court districting committee within King County with membership composed of the following:

1. A judge of the superior court selected by the judges of that court;
2. The prosecuting attorney or a deputy selected by ~~((him/her))~~ the prosecuting attorney;
3. A practicing lawyer of the county selected by the president of the King County Bar Association;
4. A judge of an inferior court of the county selected by the president of the Washington State

Magistrates Association; and

5. The mayor, or the mayor's representative, of each first, second and third class city of the county;

6. One person to represent the fourth class cities of the county, to be designated by the President of the Association of Washington Cities;

7. The executive; and

8. The director of elections.

B. Duties of the committee and standards for districting shall be as prescribed in chapter 3.38 RCW.

SECTION 30. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are each hereby amended to read as follows:

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

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

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

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

- a. forest landowners with greater than five hundred acres of rural forest land in King County;
- b. forest landowners with forty to five hundred acres of rural forest land in King County, and for

whom income from forestry is an important component of total income;

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

d. residential forest landowners with less than twenty acres of rural forest land;

2. Advocates of nontimber values of forest land, such as environmental protection, recreation and open space;

3. The Washington Department of Natural Resources;

4. Affected Indian tribes;

5. Consumers or users of local forest products, such as mills, lumber suppliers, ~~((craftsmen))~~ craftspeople, artisans, florist suppliers or users of other alternative forest products;

6. Academic or professional foresters, or forestry associations; and

7. Rural cities.

D. The directors of the departments of natural resources and parks, permitting and environmental review, executive services, the office of budget, a representative of the King County council natural resources, parks and open space committee, or its successor, a representative of the Mount Baker-Snoqualmie National Forest, a representative of the Washington State University Extension and the director of the King Conservation District may serve as nonvoting ex officio members of the commission.

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

SECTION 31. Ordinance 14482, Section 10, and K.C.C. 2.49.090 are each hereby amended to read as follows:

Within ten days after issuance of the charter by the clerk of the council, the county executive or ~~((his or her))~~ designee shall call an organizational meeting of the initial board of directors. The meeting shall be held

within ten days of the calling of the meeting. The county executive or (~~his or her~~) designee shall give at least three days' advance written notice of the meeting to each director, though each director may waive (~~his or her~~) the director's notice in writing. The county executive or (~~his or her~~) designee shall present the original charter provided to the executive under K.C.C. 2.49.060 to the board of directors at the meeting. At the meeting, the board shall organize itself, elect officers and select the place of business.

SECTION 32. Ordinance 473, Section 1, as amended, and K.C.C. 2.52.010 are each hereby amended to read as follows:

As used in this chapter, the term:

A. "Administrative agency" means any department, office or other governmental unit, or any employee of King County acting or purporting to act by reason of a connection with the county; but "administrative agency" does not include:

1. Any court or judge or appurtenant judicial staff,
2. The members or staffs of the county council,
3. The (~~King County~~) executive or (~~his respective~~) the executive's personal staff,
4. The county prosecuting attorney or (~~his~~) the prosecuting attorney's staff. For purposes of this

chapter "administrative agency" shall specifically include the Board of Equalization/Appeals.

B. "Administrative act" includes every action (such as decisions, omissions, recommendations, practices, or procedures) of an administrative agency.

SECTION 33. Ordinance 473, Section 4, as amended, and K.C.C. 2.52.040 are each hereby amended to read as follows:

The director shall be a registered voter of the United States, shall hold a degree from an accredited college or its equivalent in service to government, shall have a working knowledge of legal and administrative procedures, and shall have experience, and/or knowledge in local government commensurate to the powers of the office. During the term of which (~~he~~) the director is appointed, (~~he~~) the director shall be ineligible to

hold any other public office of employment. ~~((He))~~ The director shall not be a candidate for any public office for a period of two years following the completion of ~~((his))~~ the director's term as director of the King County office of citizen complaints/tax advisor. The director shall not be included in the classified civil or career service of the county.

SECTION 34. Ordinance 473, Section 5, as amended, and K.C.C. 2.52.050 are each hereby amended to read as follows:

The director shall serve for a term of five years, unless removed by a vote of two-thirds of the members of the county council upon their determination that ~~((he))~~ the director has become incapacitated or has been guilty of neglect of duty, misconduct or political activity. The council may appoint an interim director pending the appointment of a new director whenever the term of the director has expired or the office otherwise becomes vacant.

SECTION 35. Ordinance 473, Section 8, as amended, and K.C.C. 2.52.080 are each hereby amended to read as follows:

A. The director shall serve as property tax advisor for King County in accordance with RCW 84.48.140.

B. The director may with concurrence of the council select, appoint and compensate, within the amount available or budgeted by appropriation, such ~~((other))~~ assistants and employees as staff as the director deems necessary to discharge ~~((his or her))~~ the director's responsibilities under this chapter. The assistants and employees shall not be included in the classified civil or career service of the county.

C. The director may delegate to ~~((other members of his or her))~~ staff any of ~~((his or her))~~ the director's authority or duties under this chapter except this power of delegation and the duty formally to make recommendations to administrative agencies or reports to either or both the executive and the council.

SECTION 36. Ordinance 473, Section 9, as amended, and K.C.C. 2.52.090 are each hereby amended to

read as follows:

The director shall have the following powers:

A. To investigate, on complaint or on ~~((his))~~ the director's own initiative, any administrative act of any administrative agency;

B. To prescribe the methods by which complaints are made, received and acted upon; ~~((he may))~~ to determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, to determine the form, frequency and distribution of ~~((his))~~ the director's conclusions and recommendations;

C. To request and ~~((he shall))~~ be given by each administrative agency the assistance and information ~~((he))~~ the director deems necessary for the discharge of ~~((his))~~ the director's responsibilities; ~~((he may))~~ to examine the records and documents of all administrative agencies; and ~~((he may))~~ to enter and inspect premises within administrative agencies' control;

D. To administer oaths and hold hearings in connection with any matter under inquiry;

E. To issue a subpoena to compel any person to appear, give sworn testimony or produce documentary or other evidence reasonable in scope and generally relevant to a matter under inquiry; however, the subpoena power shall be limited to matters under written complaints by a citizen of the city or county;

F. To undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if ~~((he))~~ the director believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

G. To investigate and enforce the provisions of the Code of Ethics, K.C.C. ~~((Ch.))~~ chapter 3.04, pursuant to the terms thereof.

H. To provide advice to any person liable for payment of property taxes in King County, including the process for appealing property tax assessments and other matters related to property taxes.

SECTION 37. Ordinance 473, Section 10, and K.C.C. 2.52.100 are each hereby amended to read as

follows:

A. In selecting matters for ~~((his))~~ the director's attention, the director shall address ~~((himself particularly to))~~ an administrative act that might be:

1. Contrary to law or regulation;
2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;
3. Arbitrary in ascertainment of facts;
4. Improper in motivation or based on irrelevant considerations;
5. Unclear or inadequately explained when reasons should have been revealed;
6. Inefficiently performed; or
7. Otherwise objectionable.

B. The director also may recommend strengthening procedures and practices of administrative agencies.

SECTION 38. Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110 are hereby amended to read as follows:

A. The director shall receive complaints from any source concerning any administrative act. ~~((He))~~ The director shall conduct a suitable investigation into the subject matter of the complaint within a reasonable time, unless ~~((he))~~ the director believes that:

1. The complainant has available ~~((to him))~~ another remedy or channel of complaint ~~((which he))~~ that the complainant could reasonably be expected to use;
2. The grievance pertains to a matter outside the power of the office of citizen complaints/tax advisor;
3. The complainant's interest is insufficiently related to the subject matter;
4. The complaint is trivial, frivolous, vexatious or not made in good faith;

5. The complaint has been too long delayed to justify present examination of its merit.

B. After completing ~~((his))~~ the director's consideration of a complaint (whether or not it has been investigated) the director shall suitably inform the complainant and the administrative agency or agencies involved.

C. A letter to the director of the office of citizen complaints/tax advisor from a person in a place of detention or in a hospital or other institution under the control of an administrative agency shall be forwarded immediately, unopened, to the director.

SECTION 39. Ordinance 473, Section 12, and K.C.C. 2.52.120 are each hereby amended to read as follows:

A. Any individual who is the subject of a complaint shall have the right to present witnesses and other evidence ~~((in his))~~ on the individual's own behalf prior to disclosure of any conclusions or recommendations by the director.

B. Before publishing a conclusion or recommendation that criticizes an administrative agency or any person, the director shall consult with the agency or person and shall disclose fully the critical findings ~~((he))~~ the director intends to publish.

SECTION 40. Ordinance 473, Section 13, as amended, and K.C.C. 2.52.130 are each hereby amended to read as follows:

A. If, having considered a complaint and whatever material ~~((he))~~ the director deems pertinent, the director is of the opinion that an administrative agency should:

1. Consider the matter further;
2. Modify or cancel an administrative act;
3. Alter a regulation or ruling;
4. Explain more fully the administrative act in question; or

5. Take any other step,

((he)) the director shall state ((his)) the director's recommendations to the administrative agency. If the director so requests, the agency shall inform ((him)) the director, within the time ((he)) the director has specified, about the action taken on ((his)) the director's recommendations or the reasons for not complying with them.

B. If the director believes that an administrative action has been dictated by laws whose results are unfair or otherwise objectionable, ((he)) the director shall bring to the attention of the council ((his)) the director's views concerning desirable legislative change.

SECTION 41. Ordinance 473, Section 14, as amended, and K.C.C. 2.52.140 are each hereby amended to read as follows:

The director may publish ((his)) the director's conclusions, recommendations and suggestions by transmitting them to the county executive, the county council or to any appropriate committee of the council, the press and others who may be concerned. When publishing an opinion criticizing an administrative agency or person, the director, unless excused in writing by the agency or individual affected, shall include such statement or document that may have been made available to ((him)) the director by way of explaining past conduct or present rejection of the director's proposals. The director shall not publish any interim or confidential reports.

SECTION 42. Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150 are each hereby amended to read as follows:

In addition to whatever reports ((he)) the director may make from time to time, the director on the fifteenth day of January, May and September of each year shall report to the county council concerning the exercise of ((his)) the director's functions during the preceding calendar period. In discussing matters with which ((he)) the director has dealt, the director need not identify those immediately concerned if to do so would cause unnecessary hardship. Insofar as the report may criticize named agencies or persons, it must also include their replies to the criticism.

SECTION 43. Ordinance 473, Section 16, and K.C.C. 2.52.160 are each hereby amended to read as follows:

If the director has reason to believe that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, ~~((he))~~ the director shall refer the matter to the appropriate authorities.

SECTION 44. Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170 are each hereby amended to read as follows:

A. A person required by the director to provide information shall be paid the same fees and allowances, in the same manner and under the same conditions, as are extended to witnesses whose attendance has been required in the courts of this state, excepting that city or county employees who are receiving compensation for the time that they are witnesses shall not be paid the set fees and allowances.

B. A person who, with or without service of compulsory process, provides oral or documentary information requested by the director shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state.

C. Any witness in a proceeding before the office of citizen complaints/tax advisor shall have the right to be represented by counsel.

D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the director may petition the Superior Court of King County for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the office of citizen complaints/tax advisor. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why ~~((he~~

)) the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers and on failing to obey the order the witness shall be dealt with as for a contempt of court.

SECTION 45. Ordinance 12075, Section 14, as amended, and K.C.C. 2.56.010 are each hereby amended to read as follows:

Because of the existing and increasing possibility of emergencies which exceed local resources, in order to ensure that the preparations of King County are adequate to deal with such emergencies, to ensure adequate support for search and rescue operations, to manage recovery from such emergencies, to generally protect the public peace, health and safety, and to preserve the lives and property of the people of the county, it is hereby found and declared to be necessary:

- A. To establish a county organization for emergency management by the county executive;
- B. To confer upon the executive the emergency powers necessary for carrying out emergency management functions;
- C. To represent the emergency management functions of the county in all dealings with public or private agencies pertaining to emergency services and disasters;
- D. To provide for rendering of mutual aid among the political subdivisions of the state within King County and to cooperate with state governments with respect to carrying out emergency management functions;
- E. To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies;
- F. To ensure that to the maximum extent possible all emergency management operations of the county are coordinated with the comparable functions of state and federal governments and with private agencies of every type to the end that the most effective preparation and use may be made of the area's ((~~manpower~~))

workforce, resources and facilities for dealing with emergencies that may occur.

G. To ensure coordination and cooperation consistent with the provisions of RCW 38.52.070, as amended, between divisions, services, and staff of the emergency services functional units of this county, and resolving questions of authority and responsibility that may arise among them.

SECTION 46. Ordinance 12075, Section 16, as amended, and K.C.C. 2.56.040 are each hereby amended to read as follows:

A. The executive shall have general supervision and control of the emergency management organization and shall be responsible for implementing the provisions of K.C.C. chapter 2.56 in the event of a disaster.

B. In performing the executive's duties pursuant to this chapter, and to effect its policy and purpose, the executive is further authorized and empowered to:

1. Make, amend and rescind the necessary orders, rules and regulations to implement the provisions of this chapter within the authority conferred upon ~~((him))~~ the executive herein and in K.C.C. chapter 12.52, consistent with the provisions of state law and the plans of the state and federal government;

2. Cooperate with state governments, federal government, local governments and with other counties and with the provinces of the Dominion of Canada, and with private agencies in all matters pertaining to the emergency management operations of the county;

3. Foster cooperative planning at all levels to enable a uniform and rational approach to the coordination of multiagency and multijurisdictional actions for all regional mitigation, preparedness, response, and recovery efforts;

4. Prepare a comprehensive plan and program for the emergency management of the county pursuant to state law, and to submit the plan and program including but not limited to elements addressing mitigation activities, preparedness, responses to disasters and emergencies, and recovery operations to the state director of

emergency management for the director's recommendations thereto and certification for consistency with the state comprehensive emergency management plan in order to ensure that local emergency operations are coordinated with the state plan and program;

5. In accordance with such plan and program for county emergency management, procure supplies and equipment, institute professional and public training programs and public information and educational programs, manage and coordinate disaster drills, and take all other preparatory steps including the full or partial mobilization of the emergency management organization in advance of an actual disaster to ensure the furnishing of emergency management personnel in time of need;

6. Act as the hazardous material incident coordinating agency for King County as referenced in federal Title III, the Emergency Planning and Community Right-to-Know Act of 1986, as amended;

7. Coordinate preparation of disaster proclamations and the appropriate documentation thereof for the purpose of obtaining state and federal relief and assistance;

8. Following implementation of the 800 MHz regional emergency communications system, manage and coordinate the county's internal interdepartmental radio communications system and prioritize communications in emergencies which exceed local resources;

9. Following implementation of the 800 MHz regional emergency communications system, represent the county concerning the management of the county's share of the system consistent with any interlocal agreements with other jurisdictions.

10. On behalf of the county, enter into mutual aid arrangements in collaboration with other public and private agencies for reciprocal emergency aid and assistance in the event of a disaster too great to be managed without assistance; and

11. Delegate any administrative authority vested in the executive pursuant to this chapter and provide for the subdelegation of any such authority.

SECTION 47. Ordinance 12022, Section 3, as amended, and K.C.C. 2.59.100 are each hereby amended

to read as follows:

A. A government access channel is hereby established and shall be operated by the metropolitan King County council with assistance from the CTV citizens advisory committee and the CTV working group.

B. The council establishes the following mission statement and policy principles by which the channel shall be operated:

The King County government access cable television system belongs to the citizens of King County and exists to serve citizens directly. In its development and operation, the government access cable system shall be guided by the following principles:

1. The system shall be used to increase citizen dialogue about the development of county policies;
2. The system shall be used to make government decision making more accessible to citizens;
3. The system shall be used to provide information of direct value to citizens;
4. The system shall be used to foster debate of ideas and diversity of viewpoints;
5. The system shall make use of creative solutions and a multiplicity of current and emerging technologies to comply with these principles;
6. The system shall be as independent as possible in its operation and funding to insulate it from influences that might stifle the public information goals reflected in this mission statement; and
7. The system's goal shall be to serve all branches of county government, all county departments and the people of King County.

C. Consistent with Motion 8972, programming on the government access channel shall also inform the public about the deliberations of the metropolitan King County council and the regional policy committees that advise the council as well as programming that highlights important county services including, but not limited to, public transit, vanpool and rideshare services, commuter trip reduction services, water quality, jury duty, court and legal services, public safety, public health, property taxes and tax assessments, voter registration, disability services, licensing, permits, citizen complaints, senior citizen programs, family programs, animal

control, drug and alcohol treatment, mental health services and adult and youth detention. Programming relevant to county policies and issues produced by entities outside county government may also be aired.

D. In the exercise of (~~his or her~~) the council chair's duties regarding how CTV can best serve the citizens of the county, the chair (~~(of the council)~~) shall work cooperatively with and give due consideration to the views of the executive.

SECTION 48. Ordinance 14824, Section 4, and K.C.C. 2.59.140 are each hereby amended to read as follows:

A. The position of station manager of CTV is hereby created. The station manager shall be appointed by the council. A recommendation committee consisting of at least two members of the CTV citizens advisory committee and two members of the CTV working group shall review and interview applicants for the position and recommend finalists to the council. The CTV citizens advisory committee and the CTV working group shall each appoint its two members to the recommendation committee. The recommendation committee shall also consult with and obtain recommendations from the executive. The council shall select the manager from the finalists recommended by the recommendation committee or request that additional candidates be submitted by the committee.

B. The station manager may be removed at any time, with or without cause, by the council. The council may appoint an interim manager, for a period not to exceed one year, pending the appointment of a new station manager whenever the position is vacant. The council's employment committee may take disciplinary action regarding the station manager, consistent with council employment practices and policies. The chair of the council shall provide reasonable notification to CTV citizens advisory committee of any such a disciplinary action. The station manager shall be appointed solely with regard to (~~his or her~~) the station manager's qualifications and experience to manage a government access television channel. The station manager shall hold no other appointive or elective public office or position during the term of employment as station manager.

SECTION 49. Ordinance 8257, Section 1, and K.C.C. 2.60.010 are each hereby amended to read as

follows:

It is declared a public purpose that each citizen is entitled to equal justice under law without regard to ((his)) the citizen's ability to pay. It is the intention of King County to make publicly financed legal services available to the indigent and the near-indigent person in all matters when there may be some factual likelihood that ((he)) the person may be deprived of ((his)) the person's liberty pursuant to the laws of the state of Washington or King County. It is also the intention of King County to make such services available in an efficient manner which provides adequate representation at reasonable cost to the county.

SECTION 50. Ordinance 383, Section 5, as amended and K.C.C. 2.60.050 are each hereby amended to read as follows:

A. Legal defense services through the department shall be made available to all eligible persons for whom counsel is constitutionally required. In addition, legal defense services through department shall be made available when funds are available: to any eligible person in legal proceedings arising in King County that may result in person's loss of liberty by an act of King County or any of its agencies, including, but not limited to, criminal proceedings alleging a violation of any law of the state of Washington or ordinance of King County, juvenile matters, mental illness and similar commitment proceedings, revocations and habeas corpus proceedings when they arise in King County; and to eligible parents and children in dependency proceedings arising in King County.

B. Legal defense services through the department may be made available to a person charged in King County with a felony of public notoriety, at ((his or her)) the person's expense, when the court finds that the defendant is unable to employ adequate private counsel as a result of the public notoriety. The county public defender shall establish a reasonable fee for the legal defense services, subject to the approval of the court.

SECTION 51. Ordinance 10167, Section 1, as amended, and K.C.C. 2.60.054 are each hereby amended to read as follows:

To be eligible to receive legal defense services at no cost through the public defense program, the person must be financially unable to obtain adequate representation without substantial hardship to the person and the person's family and there must be some factual likelihood that the person will be deprived of ~~((his or her))~~ the person's liberty. If a person has some resources available that can be used to secure representation but not sufficient resources to pay the entire costs of private legal services without substantial hardship to the person and the person's family, the department of public defense shall determine how much the person shall pay for the legal defense services provided through the department of public defense.

SECTION 52. Ordinance 1168, Section 3, and K.C.C. 2.80.030 are hereby amended to read as follows:

After acceptance by the council of a gift, bequest or donation for a specified purpose which is therefore deposited in the trust and contribution fund, it shall be the responsibility of the executive or ~~((his))~~ designee to assure that expenditures from the bequest, gift or donation are appropriate within the terms of the grantor. It shall, therefore, not be necessary that the restricted gift, bequest or donation be appropriated in order to authorize expenditure once the gift, bequest or donation has been accepted by the council; however, when a gift, bequest or donation is of sufficient size or particular importance, the council may incorporate it by appropriation into the capital improvement program or other appropriate fund in which case annual reappropriation will be necessary.

SECTION 53. Ordinance 12468, Section 5, as amended, and K.C.C. 2.84.020 is hereby amended to read as follows:

It is the policy of King County as the regional government to provide leadership necessary to provide increased opportunities for international trade and related economic development for the benefit of the people and businesses in smaller cities and unincorporated communities throughout urban and rural areas in the county. This applies particularly to midsize and small businesses, engaged in or desiring to be engaged in international exporting, joint venture partnerships, technology transfer, niche marketing and related local job creation. This initiative addresses two issues related to trade expansion: first, it is concerned with providing

greater efficiency, productivity and organizational purpose among the various county-managed trade-related activities; second, the initiative is intended to assist businesses located in the county to access markets in an increasingly complex international economy. The county further intends its expanded trade initiative to be complimentary not duplicative of existing trade and economic development activities in the region. Consistent with this effort, the county intends to continue promotion of reciprocal cultural, professional and trade exchanges, including "~~((sister))~~ sibling county" relationships which can help to launch trade and economic development opportunities between newly identified businesses abroad and local companies. It is the policy of the county to measure the accomplishment of purposes of this chapter, in part, by means of public performance criteria by which it will be held accountable.

SECTION 54. Ordinance 12468, Section 8, as amended, and K.C.C. 2.84.050 is hereby amended to read as follows:

The initial goals of the international trade expansion and economic development initiative shall be as follows:

A. Enhance and expand the global trade and business development activities for local small and midsize businesses, chambers of commerce, and cities/unincorporated areas in the county in coordination with the King County International Airport;

B. Manage the county's "~~((sister))~~ sibling county" program-ultimately expanding it to seven of the major emerging global market regions including Africa (e.g. the Southern Africa economic consortium), Asia (Pacific Rim countries including Taiwan, Korea and the Philippines), Canada, India, Israel, Mexico and South America (e.g. Argentina, Chile and Peru);

C. Support trade exchanges in conjunction with the "~~((sister))~~ sibling county" program, local chambers of commerce local communities;

D. Research local markets (for example, provide local company profiles to verify the stability of potential business ventures abroad);

E. Recommend training for local businesses concerning accessing international markets through local chambers of commerce and use of the King County International Airport for trade development. This could include matching local businesses with businesses in various foreign countries;

F. Identify in cooperation with the county's agricultural program "niche markets" for locally farmed products and recycled materials to sell abroad;

G. Collaborate with trade and economic development organizations to facilitate business development activities following outbound and/or inbound trade missions;

H. Identify fields for potential "technology transfer" and match with local research;

I. Explore ways of providing direct communication between local businesses in King County and potential international trade partners through technology;

J. Facilitate exchange of "best practices" between local governments, special purpose districts and school districts with entities providing comparable services in foreign countries.

SECTION 55. Ordinance 12468, Sections 9 and 10, as amended, and K.C.C. 2.84.190 are hereby amended to read as follows:

A. There is created an international trade expansion and economic development initiative oversight board, referred to in this chapter as the "board," staffed and supported by the executive through the manager of the King County International Airport.

B. The purpose of the board shall be to provide oversight, advice and assistance to the executive and council with respect to the international trade expansion and economic development initiative, including, but not limited to, the following;

1. Conduct an analysis of the region's economy to determine components related to King County's global competitiveness;

2. Prepare an inventory of the state and region's trade-related organizations to determine functions and goals in order to avoid duplicating the inventory;

3. Develop and adopt in cooperation with the executive an annual business plan to guide the activities of the initiative;
 4. Promote, foster and publicize the ~~((sister))~~ sibling county program as appropriate;
 5. Advise the executive and council with regard to visits to the county by foreign guests and assist in hosting of events for such guests as directed by the county;
 6. Provide oversight to the county regarding contracts executed to implement the purposes of this chapter;
 7. Adopt measures to gauge the performance of contractors;
 8. Foster and promote international relations and advise and make recommendations to the council and executive on participation in such international relations and programs;
 9. Report to the council and executive on an annual basis on progress addressing goals listed in K.C.C. 2.84.050;
 10. Coordinate with other county programs and activities that perform functions related to international trade and economic development including, but not limited to, the King County library system, the cultural development authority of King County created under K.C.C. chapter 2.49, the agriculture commission and cooperative extension; and
 11. Perform such other functions and advise the county on such other international trade, economic development and related matters as the county may request.
- C. The board shall consist of sixteen voting members and three nonvoting members appointed by the executive and confirmed by the council. Board members shall serve terms of three years as specified in K.C.C. chapter 2.28. The initial terms of board members shall be governed by K.C.C. chapter 2.28.
- D. The composition of the board shall be as follows:
- 1.a. ~~((3))~~Three members from chambers of commerce and commercial clubs located in suburban, rural and unincorporated communities in King County;

b. two members representing technical or community colleges which have established international programs;

c. three representatives of small to midsize businesses in King County;

d. one at-large citizen representative residing in unincorporated King County;

e. one at-large representative for the export and import business sector;

f. one person who is the head of the Washington State Department of ~~((Community, Trade and Economic Development))~~ Commerce or the Governor's Special Trade Representative ~~((;))~~ or ~~((his or her))~~ designee;

g. one representative from the United States Department of Commerce;

h. one representative from the wholesale trade and distribution business sector;

i. one representative from the Port of Seattle; and

j. two representatives from the King County Labor Council; and

2. The three nonvoting members, who shall be: the manager or designee of King County International Airport; the county council chair or designee; and the county executive or designee.

E. The board shall adopt bylaws to govern its operations.

F. The board shall meet at least quarterly.

G. Board members shall not receive compensation except for reimbursement for actual expenses as authorized by the executive.

H. The board shall develop and recommend to the executive and council, within six months of confirmation of a majority of its members by the council, a work plan, performance objectives and first annual budget for accomplishing the program and goals described in K.C.C. 2.84.010B and 2.84.050.

SECTION 56. Ordinance 12075, Section 20 and K.C.C. 2.92.030 are each hereby amended to read as follows:

The director of the ~~((office of))~~ human resources management division shall at a minimum:

- A. Investigate or supervise the investigation of all accidents involving county employees and/or property resulting from department operations;
- B. Establish and supervise procedures designed to discover and control hazardous conditions and unsafe work practices;
- C. Inspect all properties and work areas and require reasonable correction to safety deficiencies;
- D. Select and approve purchase of all safety equipment and establish safety specifications prior to purchase of other equipment of machines;
- E. Establish safety requirements in addition to minimum state and local rules and regulations where deemed necessary;
- F. Review all employee suggestions relating to safety to ensure compatibility with federal, state and local codes, rules and regulations;
- G. Review the safety criteria on all proposed construction projects to be accomplished by private contractors;
- H. Coordinate or provide training to employees in first aid, driving and other safety related specialty fields;
- I. Demand immediate cessation of work around any operation or piece of equipment in which ((he/she)) the director believes a hazard exists creating imminent danger to the employees involved;
- J. Act as liaison between the county, the ((S))state Department of Labor and Industries and the Washington Traffic Safety Commission and coordinate activities toward compliance under the Washington State Industrial Safety and Health Act and the Highway Safety Act of 1966;
- K. Coordinate the requirements of the Washington State Traffic Safety Commission within the county.
- L. Coordinate the county pre-employment physical examination program.

SECTION 57. Ordinance 2165, Section 6, as amended, and K.C.C. 2.98.060 are each hereby amended to read as follows:

A.1. Prior to the adoption, amendment or repeal of any rule, each department shall give at least forty-five days' notice of its intended action by:

a. filing a notice with the executive department responsible for archives and records management functions;

b. providing, at least in writing or by electronic format, the notice to: all persons and other parties who have made timely request of the agency for advance notice of its rule-making proceedings on a specific topic; the clerk of the council; and each member of the county council; and

c. giving public notice by one publication in the official newspaper of King County.

2. The notice shall include:

a. reference to the authority under which the rule is proposed;

b. a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved; and

c. the time, place and manner, including at least in writing or by electronic format, in which interested persons may present their views on the rule. To the extent practicable, the department should permit persons to present their views at a public meeting, according to rules established by the department.

B. The department giving the notice required in this section shall consider all comments received by the prescribed time and shall make reasonable efforts to provide written responses to the comments before the rule is adopted.

C. Adoption of a rule by a department other than a county board, commission, committee or other multimember body is accomplished by the department's director or the sheriff, assessor or director of elections, for ~~((his or her))~~ the director or other elected official's respective department, signing the proposed rule.

Adoption of a rule by a county board, commission, committee or other multimember body is accomplished by majority vote in favor of the rule by the members of the body, as evidenced in the approved minutes of the body, and in compliance with the Open Public Meetings Act of 1971, chapter 42.30 RCW, as applicable.

D. A rule adopted under this section is not valid unless adopted in substantial compliance with this section. In any proceeding, a rule shall not be considered invalid on the ground of noncompliance with the procedural requirements of this section if two years or more have elapsed from the effective date of the rule.

SECTION 58. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are each hereby amended to read as follows:

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

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

1. Solicits, commands, encourages or requests another individual to commit the crime or violation; or
2. Aids or agrees to aid another individual in planning or committing the crime or violation.

B. "Close relative" means spouse, domestic partner, parent, child, child of domestic partner, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or relatives of a domestic partner who would be included in this subsection if the employee and the domestic partner were married.

C. "Compensation" means anything of economic value that is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

D. "County action" means any action on the part of the county, including, but not limited to:

1. Any decision, determination, finding, ruling or order; and
2. Any grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof

or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

E. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit

or division of county government, however designated, but does not include employees of the county's judicial branch. "County employee" also includes county elected officials and members of county boards, commissions, committees or other multimember bodies, but does not include officials or employees of the county's judicial branch but does include employees of the department of judicial administration.

F. "De minimis personal use" means: personal use that is brief and infrequent, incurs negligible or no additional cost to the county and does not interfere with the conduct of county business.

G. "Department" means:

1. In the executive branch, an executive department or administrative office that reports to the executive or the county administrative officer, as applicable;
2. The department of assessments;
3. The prosecuting attorney's office;
4. In the legislative branch, the council together with any subordinate legislative branch agency;
5. The department of judicial administration;
6. The department of public safety;
7. The office of economic and financial analysis; and
8. The department of elections.

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

1. Is, or will be, the subject of county action;
2. Is one to which the county is or will be a party; or
3. Is one in which the county has a direct and substantial proprietary interest.

I. "Gift or thing of value" or "gift or other thing of value" means anything of economic value or

tangible worth that is not compensation. It shall not include campaign contributions regulated by chapter 42.17A RCW or the charter and ordinances implementing it; informational materials exclusively for official or office use; memorials, trophies and plaques of no commercial value; gifts of fifty dollars or less for bona fide, nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty days after receipt, are returned to the donor, or donated to a charitable organization without seeking a tax deduction; or promotional benefits that an employee receives from a travel service provider in connection with official travel if obtained under the same conditions as those offered to the general public at no additional cost to the county.

J. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the child of an employee's spouse or domestic partner, and other dependent relatives if living in ~~((his or her))~~ the employee's household.

K. "Ombuds~~((man))~~" means the director of the office of citizen complaints established under Section 260 of the King County Charter and K.C.C. chapter 2.52~~((,))~~ or ~~((his or her))~~ designee.

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

M. "Person" means any individual, partnership, association, corporation, firm, institution or other entity, whether or not operated for profit. The term does not include governmental units of or within the United States.

N. "Respondent" means the individual against whom a complaint is filed or an investigation is conducted.

O. "Retaliatory action" means any action by a supervisor or other employee that is intended to

embarrass or to harass any individual as a result of the individual having filed a written complaint with the office of citizen complaints or having raised privately or publicly any concern or question regarding an actual or apparent violation of this chapter.

P. "Substantial financial interest" means a financial interest in a person that exceeds one-tenth of one percent of the outstanding securities of the person, or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of the concern; or a financial interest that exceeds five percent of the net worth of the employee and the employee's immediate family.

SECTION 59. Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020 are each hereby amended to read as follows:

A. ~~((Use of Public Property.))~~ No county employee shall request, use or permit the use of county-owned vehicles, equipment, materials or other property or the expenditure of county funds for personal convenience or profit. Use or expenditure is to be restricted to such services as are available to the public generally or for such employee in the conduct of official business. However, de minimis personal use of county-owned property by county employees may be authorized by policies of the executive, council or other elected county officials.

B. ~~((Obligations to Citizens.))~~ No county employee shall grant any special consideration, treatment or advantage beyond that which is available to every other citizen.

C. Except as authorized by law and in the course of ~~((his or her))~~ the employee's official duties, no county employee shall use the power or authority of ~~((his or her))~~ the employee's office or position with the county in a manner intended to induce or coerce any other person, directly or indirectly to provide the county employee or any other person with any compensation, gift or thing of value.

D. No county employee shall seek or receive, directly or indirectly, any compensation, gift or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the county other than the compensation, costs or fees provided by law.

E. ~~((Campaign activities.))~~ County employees are encouraged to participate in the political process on their own time and outside of the workplace by assisting a campaign for the election of any individual to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by RCW 42.17A.555.

F. No county employee shall disclose or use for the personal benefit of the employee or ~~((his or her))~~ the employee's immediate family any information acquired in the course of official duties that is not available as a matter of public knowledge or public record.

G. No county employee shall engage in retaliatory action.

SECTION 60. Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030 are each hereby amended to read as follows:

A. No county employee shall engage in any act that is in conflict with the performance of official duties.

B. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

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

2. Is beneficially interested or has a substantial financial interest in, or accepts any compensation, gift or thing of value from any other person beneficially interested in, any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part;

3. Accepts or seeks for others, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county employees or the public generally, from any person doing business, or seeking to do business, with the county for which the employee has responsibility or with regard to which ~~((he or she))~~ the employee may participate, provided that this

subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings that are informational or ceremonial in nature;

4. Accepts, any favor, loan, retainer, entertainment, travel expense, compensation, gift or other thing of value from any person doing business or seeking to do business with the county when such an acceptance may conflict with the performance of the employee's official duties. A conflict shall be deemed to exist where a reasonable and prudent individual would believe that it was given for the purpose of obtaining special consideration or to influence county action. The financing of county election campaigns shall continue to be governed by chapter 42.17A RCW and the provisions of the charter and ordinances implementing it;

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

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

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

b. the employee has responsibility for a matter upon which the person is doing or seeking to do business with the county, unless the employee has given notice in accordance with K.C.C. 3.04.037 and a method of providing for an alternative decision maker for the matter has been designated by the employee's appointing authority in a memorandum filed with the board of ethics, a copy of which is maintained by the appointing authority;

7. Within one year of entering county employment:

a. participates in a county action benefiting a person that formerly employed the employee, except

that participation may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and the authorization shall be filed with the board of ethics and a copy maintained by the appointing authority; or

b. awards a county contract benefiting a person that formerly employed the employee;

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

9. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties;

10. Enters into a business relationship outside county government:

a. with any other employee for whom ~~((he or she))~~ the employee has any supervisory responsibility;

or

b. with any person with regard to a matter for which the employee has responsibility as a county employee;

11. Possesses a substantial financial interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter;

12. As an appointive member of a board or commission, has a close relative serving on the same board or commission; or

13. Acts as an accomplice in any act by an immediate family member which, if the act were performed by the employee, would be prohibited by this subsection. However, it shall not be a conflict of interest for the family member to enter into a bona fide contract of employment that is not intended to influence the action of the county employee.

C.1. The following employees must obtain the prior written consent of their highest ranking supervisor

authorizing new or continued employment outside King County government, or authorizing the acceptance of any compensation or any(())thing of value for services performed outside King County government:

a. the county administrative officer, the chief officer of each executive department or administrative office as defined by the charter, the manager of each division of the department or office and all individuals who report directly to them;

b. all nonelected council employees, except that the personal staff of each individual councilmember shall obtain the consent from the councilmember;

c. all nonelected employees of the prosecuting attorney;

d. all nonelected employees of the department of judicial administration;

e. all nonelected employees of the department of assessments; and

f. the chief economist of the office of economic and financial analysis.

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

D. A county employee shall be deemed to have a conflict of interest if the employee appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county councilmember may appear before regulatory governmental agencies on behalf of constituents in the course of the councilmember's duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency.

E.1. A county councilmember shall be deemed to have a conflict of interest if the councilmember,

directly or indirectly, has a substantial financial or other private interest in any legislation or other matter coming before the council, and fails to disclose the interest on the records of the county council. This subsection shall not apply if the county councilmember (~~((disqualifies himself or herself))~~) is excused from voting by stating the nature and extent of such an interest.

2. Any other employee who is not a county councilmember, who, directly or indirectly, has a substantial financial or other private interest in, and who participates in, an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of the interest, shall be deemed in violation of this chapter.

F.1. A county employee shall be deemed to have a conflict of interest if the employee, directly or indirectly, has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while the employee is:

- a. an elected county official;
- b. the executive's administrative assistant or office manager;
- c. a county councilmember's executive secretary;
- d. the county administrative officer, the county administrative officer's administrative assistants or the county administrative officer's confidential secretary;
- e. the chief officer of an executive department, the chief officer's administrative assistant or the chief officer's confidential secretary;
- f. the chief officer of an administrative office, the chief officer's administrative assistants or the chief officer's confidential secretary;
- g. the council administrator, the council administrator's administrative assistant or the council administrator's secretary;
- h. the ombuds(~~(man))~~) or the (~~(ombudsman))~~ ombuds's staff;

i. an employee of the department of assessments;

j. an employee assigned to either the board of equalization or the board of appeals, or both;

k. any other county employee who has direct contact with the board of appeals and equalization in the carrying out of ~~((his or her))~~ the employee's duties;

l. a member of either the county board of appeals or the board of equalization, or both; or

m. The clerk of the council or the clerk's secretary.

2. All individuals listed in this subsection who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040.

SECTION 61. Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035 are each hereby amended to read as follows:

A. For one year after terminating service to the county, a former member of a county board, commission, committee or other multimember body may not appear before that board, commission, committee or other multimember body, or receive compensation for any services rendered on behalf of or for assistance to any person, in relation to any county action in which the former member participated during the period of ~~((his or her))~~ the former member's service. This prohibition also applies during the same period of time to any person with which the former member has a financial or beneficial interest. However, this prohibition does not apply if the former member's financial or beneficial interest in any entity listed in this subsection is limited to investments and does not include managerial or other influential authority, including holding controlling interest in any class of stock.

B. For one year after leaving county employment, a former county employee may not have a financial or beneficial interest in a contract or grant that was planned, authorized or funded by a county action in which the former county employee participated during county employment.

C. For one year after leaving county employment, a former county employee may not assist a person, whether or not for compensation, in any county action in which the former county employee participated during

county employment. This subsection does not prohibit a former county employee from rendering assistance to county employees in the course of union or guild business.

D. For one year after leaving county employment, a former employee must disclose (~~his or her~~) the former employee's past county employment before participation in any county action. The disclosure shall be made in writing to the department considering or taking the county action on which the former employee is or would be participating.

E. A former county employee may not, for the personal benefit of the former employee or a member of the former employee's immediate family, disclose or use any privileged or proprietary information gained by reason of the former employee's county employment unless the information is a matter of public knowledge or is available to the public on request.

F. A former county employee may not assist any person for compensation on matters in which the former employee is personally prohibited from participating.

G. It is not a violation of this chapter for a former county employee to render assistance to a person if the assistance is provided without compensation in any form and is limited to one or more of the following:

1. Providing names, work addresses and work telephone numbers of county agencies or county employees, to the extent the information is available as a matter of public record under state law;
2. Providing free transportation to another for the purpose of conducting business with a county agency;
3. Assisting oneself or another person in obtaining or completing forms required by a county agency for the conduct of a county business;
4. Providing assistance to the poor or infirm; or
5. Engaging in conduct that is authorized or protected by the constitutions or laws of Washington state or the United States.

H.1. This section does not prohibit a former county employee from accepting future employment with

the county at any time, including employment with ~~((his or her))~~ a former department.

2. Except as otherwise provided in this section, a former county employee is not prohibited from appearing before the county or seeking a county action on ~~((his or her))~~ the former county employee's own behalf to the same extent other persons may appear before or seek actions by the county.

I. Except as otherwise limited by this chapter, a former county employee may contract with the county, or participate in a contract with the county, to provide materials, equipment, supplies or services. However, any such a contract must comply with applicable requirements and procedures related to procurement.

SECTION 62. Ordinance 9704, Section 8, as amended, and K.C.C. 3.04.037 are each hereby amended to read as follows:

Any employee who becomes aware that ~~((he or she))~~ the employee might have a potential conflict of interest that arises in the course of ~~((his or her))~~ the employee's official duties shall notify in writing ~~((his or her))~~ the employee's supervisor or appointing authority of the potential conflict.

Upon receipt of such a notification, the supervisor or appointing authority shall take action to resolve the potential conflict of interest within a reasonable time, which may include, but is not limited to, designating an alternative employee to perform the duty that is involved in the potential conflict. The supervisor or appointing authority shall document the disposition of the potential conflict in writing in files maintained by the appointing authority. The supervisor or appointing authority may request an advisory opinion from the board of ethics before disposing of the potential conflict.

SECTION 63. Ordinance 1308, Section 5, as amended, and K.C.C. 3.04.040 are each hereby amended to read as follows:

All persons deemed to have a conflict of interest, in accordance with K.C.C. 3.04.030.F., and wishing to appeal to the county board of equalization shall be governed by the following procedure~~((;))~~:

A. The appeal shall be automatically denied by the county board of equalization without hearing and a minute entry shall be made. The petitioner may then take action to appeal the decision of the county board of

equalization to the state Board of Appeals in accordance with RCW 84.08.130((-)); and

B. However, the board of equalization may grant a change of venue to a board of equalization of another county, as provided in K.C.C. Title 2, in lieu of automatic denial, when:

~~((A.))~~1. A quorum cannot be achieved due to members of the board disqualifying themselves because of conflicts of interest or the appearance of fairness doctrine; or

~~((B.))~~2. When ~~((equalization is the basis for an appeal by))~~ the appeal relates to property either owned by or in which the following has an interest: a member of the board~~((;))~~; assistants to the board~~((;))~~; or any member of the county governmental authority ~~((or his or her own property or on property in which that person has an interest)).~~

SECTION 64. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are each hereby amended to read as follows:

A. All nominees for appointment to any county elective office except for judicial candidates, within two weeks of becoming a nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board of ethics a statement of financial and other interests as prescribed in subsection D. of this section. This requirement may be satisfied by filing with the board of ethics a signed copy of the report required to be filed by RCW 42.17A.700.

B.1. Within two weeks of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a statement of financial and other interests, as prescribed in subsection D. of this section, with the board of ethics: all elected county officials; all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; all employees of the office of economic and financial analysis; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C. of this section. Statements of financial and other interests that are to be filed within two weeks of employment or appointment shall report on information for the

preceding twelve calendar months. Annual statements of financial and other interests shall report on information for the preceding calendar year.

2. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file with the board of ethics a statement of financial and other interests, as prescribed in subsection D. of this section, reporting on information for the preceding twelve calendar months.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B. of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

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

1.a. the name of each person engaged in a transaction with the county in which the employee may participate or has responsibility for, where the employee or a member of the employee's immediate family received any compensation, gift or thing of value, possessed a financial interest or held a position with the person;

b. the name of the individual who received the compensation, gift or thing of value from, possessed the financial interest in, or held a position with the person engaged in the transaction with the county, and the individual's relationship to the employee; and

c. the title of the position; and

2.a. Real property, listed by street address, assessor parcel number or legal description that was involved in or the subject of an action by the county, in which the employee or a member of the employee's immediate family possessed a financial interest, except that property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of

assessments and the board of appeals who are required to file a report related to the valuation;

b. the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

c. the name of the King County department involved in the transaction.

d. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. The statement of financial and other interests must be signed with location of signing, dated and declared to be complete, true and correct under penalty of perjury of the laws of the state of Washington.

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

G. Filing of the statement of financial and other interests does not relieve the employee of the duty to notify (~~his or her~~) the employee's supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

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

I. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board shall follow the requirements of K.C.C. chapter 2.98 for rule making.

SECTION 65. Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055 are each hereby amended to read as follows:

A. It shall be the responsibility of the ombuds(~~man~~) to investigate and report apparent criminal violations of this chapter to the appropriate law enforcement authorities and to enforce this ordinance according to the powers granted herein. The ombuds(~~man~~) is expressly authorized to serve as an enforcement officer for

this chapter and to impose the civil penalties authorized in K.C.C. 3.04.060.

B.1. Complaints alleging a violation of this chapter shall be filed with the ombuds(~~man~~).

2. The complaint shall describe the basis for the complainant's belief that this chapter has been violated. Any such a complaint shall be in writing, signed by the complainant with location of signing, dated and declared to be true and correct to the best of the complainant's knowledge under penalty of perjury of the laws of the state of Washington. The complainant may state in writing whether the complainant wishes (~~his or her~~) the complainant's name not to be disclosed in accordance with RCW 42.56.240(2).

3. Any complaint filed under this chapter must be filed within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the complaint must be filed within two years from the date the violation was discovered or reasonably should have been discovered.

C. Upon receipt of a complaint meeting the requirements of subsection B. of this section, and upon a determination that the alleged conduct could constitute a violation of this chapter, the ombuds(~~man~~) shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter within twenty days after the filing of said complaint, and shall promptly make an investigation thereof. If the ombuds(~~man~~) determines that the complaint does not meet the requirements of subsection B. or C. of this section, the ombuds(~~man~~) shall inform the complainant in writing of that determination and the reason.

D. An investigation by the ombuds(~~man~~) under this chapter shall be directed to ascertain the facts concerning the alleged violation or violations of this chapter and shall be conducted in an objective and impartial manner. In furtherance of the investigation the ombuds(~~man~~) is authorized to use the subpoena power to compel sworn testimony from any person, and to require the production of any records relevant or material to the investigation except information that is legally privileged or otherwise required by law not to be disclosed.

E. During the investigation, the ombuds((~~man~~)) shall consider any statement of position or evidence with respect to the allegations of the complaint that the complainant or respondent wishes to submit.

F. The results of the investigation shall be reduced to written findings of fact and the finding shall be made that there either is or is not reasonable cause for believing that the respondent has violated this chapter.

G. If a finding is made that there is no reasonable cause, said finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent, and a copy shall be provided to the board of ethics.

H.1. If the finding is made that reasonable cause exists to believe that the respondent has violated this chapter, the ombuds((~~man~~)) shall prepare an order to that effect, a copy of which shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof filed with the board of ethics. The ombuds((~~man~~)) shall provide a copy of the order to the prosecuting attorney's office. Such a reasonable cause order shall include:

- a. a finding that one or more violations of the chapter has occurred;
- b. the factual basis for the finding;
- c. any civil penalties; and
- d. a notice informing the respondent that the respondent has the right to request a hearing before the

board of ethics as set forth in K.C.C. 3.04.057.

2. In determining civil penalties, the ombuds((~~man~~)) may consider any notification made by the employee under K.C.C. 3.04.037 as a mitigating factor.

3. If the respondent does not request an appeal hearing in a timely manner under K.C.C. 3.04.057, the ombuds((~~man~~)) shall provide a copy of the reasonable cause order to the complainant and the respondent's appointing authority.

I.1. At any stage in the investigation, the respondent may agree to an early resolution agreement in lieu of a finding of reasonable cause by the ombuds((~~man~~)).

2. An early resolution agreement may not be appealed.

3. The agreement shall be in writing and signed by the ombuds((~~man~~)) and the respondent.

4. The respondent shall acknowledge in the agreement that an ethical violation has occurred and that the agreement may not be appealed. The respondent may include a statement explaining circumstances surrounding the ethical violation.

5. The agreement shall identify the violations of the chapter that occurred, the factual basis for the violation and any civil penalties.

6.a. The early resolution agreement is not effective unless approved by the board of ethics. If approved by the board of ethics, the board shall send a copy of the approved early resolution agreement to the ombuds((~~man~~)), who shall forward a copy to the respondent, the respondent's appointing authority, to the prosecuting attorney's office and to the complainant.

b. If the early resolution agreement is not approved by the board of ethics, the board shall notify the ombuds((~~man~~)).

SECTION 66. Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057 are each hereby amended to read as follows:

A. Any respondent who disagrees with an order of reasonable cause of the ombuds((~~man~~)) may file a written request, within twenty days of the service of the order upon the respondent or delivery of the order by certified mail, for an appeal hearing before the board of ethics. The request shall be filed with the board of ethics, with a copy provided to the ombuds((~~man~~)). The request shall cite the order appealed from and specify with particularity the findings being contested.

B. Any order of reasonable cause issued by the ombuds((~~man~~)) pursuant to K.C.C. 3.04.055 shall become final twenty days after service of the order or delivery of the order by certified mail, unless a timely written request for an appeal hearing is filed as set forth above.

C. If an order of reasonable cause has been timely appealed, a hearing shall be conducted by the board

of ethics for the purpose of affirming, reversing or modifying the order. The parties to the hearing shall be the respondent and the ombuds(~~(man)~~) or (~~(his or her)~~) designee. There shall be a verbatim record kept of the hearing and the board of ethics shall have the power to administer oaths and affirmations, issue subpoenas and compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records relevant or material to the hearing. The burden of proving that a violation occurred shall at all times be upon the ombuds(~~(man)~~). The board of ethics's decision shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties at least ten days prior to the hearing date.

D. At the hearing, each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombuds(~~(man)~~) or (~~(his or her)~~) designee;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any relevant matter;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against (~~(him or her)~~) the party; and
6. To self-represent (~~(himself or herself)~~) or to be represented by anyone of (~~(his or her)~~) the party's choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the board's decision shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof retained by the board. The board shall provide a copy of its decision to the ombuds(~~(man)~~), the respondent's appointing authority, the prosecuting attorney's office and

the complainant.

SECTION 67. Ordinance 1308, Section 7, as amended, and K.C.C. 3.04.060 are each hereby amended to read as follows:

A. Any negligent or willful violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed ninety days; or both;

B.1. Any elected official who commits a violation of this chapter may be subjected to penalties as provided by RCW 42.12.010 and the King County Charter, and may also be subjected to a civil penalty of an amount not to exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

2. An employee of the county who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter may also be subjected to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

3. Members of boards and commissions who commit a violation of this chapter may be subjected to immediate removal from such appointment.

C. Civil and criminal liability under the provisions of this section shall be imposed on any person who either directly or as an accomplice commits a violation of this chapter.

D. Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in ~~((his/her))~~ the person's dealings with the county by offering any valuable consideration, gift or thing of value, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have ~~((his/her))~~ the person's current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years.

SECTION 68. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are each hereby amended

to read as follows:

Whenever requested by a county officer or employee, or whenever it deems it in the public interest, the board of ethics shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be delivered to any officer or employee requesting the opinion, the ombuds(~~man~~), the county executive and all members of the King County council.

SECTION 69. Ordinance 12138, Section 4, as amended, and K.C.C. 3.04.120 are each hereby amended to read as follows:

A.1. Each consultant entering into a contract to provide professional services or technical services to the county costing in excess of the amount specified in K.C.C. (~~(4.16.095)~~) chapter 2.93 shall file both with the King County board of ethics and the executive a signed, sworn written statement disclosing the following information:

a. any office or directorship in the consultant held by any county employee or any member of (~~his or her~~) the employee's immediate family;

b. any financial interest in the consultant held or received by any county employee or any member of (~~his or her~~) the employee's immediate family as follows:

- (1) ownership of over five percent of the stock or other form of interest in the consultant; and
- (2) receipt of any compensation, gift or thing of value from the consultant;

c. a list of all contracts between the consultant and the county in the five years immediately preceding the presently contemplated contract including the amount of money paid by the county to the consultant in accordance with to each contract;

d. any position or positions on any county board or commission, whether salaried or unsalaried, held by any officer or director of the consultant in the five years immediately preceding the presently contemplated contract; and

e. any other information known to the consultant about any interest or relationship whatsoever

between any county employee, including any member of ~~((his or her))~~ the employee's immediate family, and the consultant, other than that disclosed in accordance with subsection A.1.a. through d. of this section.

2. Unless otherwise specified in this section, the information disclosed shall cover the period twenty-four months before and including the date of filing the sworn statement.

3. A consultant filing a King County consultant disclosure form in accordance with this section shall execute a signed, dated with location of signing, written declaration that the information in the disclosure form is complete, true and correct under penalty of perjury of the laws of the state of Washington.

B. No payment shall be made on any contract with any consultant until five days after receipt by the board of ethics and the executive of the information required to be disclosed by this section.

C. For purposes of this section, "consultant" means a person who by experience, training and education has established a reputation or ability to provide professional services or technical services, as defined in K.C.C. ~~((4.16.010))~~ 2.93.030, on a discrete, nonrecurring basis over a limited and preestablished term as an independent contractor to the county.

SECTION 70. Ordinance 9704, Section 13, as amended, and K.C.C. 3.04.130 are each hereby amended to read as follows:

The ombuds~~((man))~~ and the board of ethics are each authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter. Any rules governing the conduct of contested hearings shall be promulgated in compliance with K.C.C. chapter 2.98, Rules of County Agencies.

The executive is directed to prepare, with the assistance of council staff, the office of the prosecuting attorney, the ombuds~~((man))~~ and the board of ethics, information regarding the provisions of this chapter to be made available to employees and members of boards and commissions. The availability of these materials and of copies of this chapter shall be described in a summary form, which shall be distributed to all new county employees, who shall sign and return the form within two weeks of commencing work for King County or at

the new employee orientation, whichever is sooner. A summary of the ethics code shall also be distributed to all county employees at least once every two years, and any time there are material changes to this chapter.

SECTION 71. Ordinance 543, Section 4, as amended, and K.C.C. 3.08.040 are each hereby amended to read as follows:

Candidates for county personnel board member shall file declarations of candidacy with the elections division not earlier than twenty-nine days and not later than twenty-five days prior to the primary during each election year prescribed ~~((herein))~~ in this chapter. Any candidate may withdraw ~~((his or her))~~ the candidate's own declaration not later than nineteen days prior to the first election during each election year prescribed ~~((herein))~~ in this chapter. A ~~((non-refundable))~~ nonrefundable five-dollar filing fee shall be charged for filing a declaration of candidacy.

SECTION 72. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030 are each hereby amended to read as follows:

The commission shall serve in an advisory capacity to the county executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority/woman business and public accommodations to ensure the consistent application of all county ordinances, rules and regulations concerning these programs. The powers of the commission shall be advisory only, and when the commission is granted authority to review, monitor, lead, report, identify, assess, evaluate, adopt~~((;))~~ or perform, such actions shall be consistent with, and strictly limited to, offering advice and recommendations to the county executive and the county council. The functions of the commission shall include, but not be limited to, the following:

A. Review the affirmative action plan and make recommendations concerning its adoption and subsequent amendment to the county executive.

B. Monitor and review the implementation of civil rights ordinances and policies to determine compliance and effectiveness.

C. Propose legislation to the county council.

D. Take a strong leadership role in raising community awareness and involvement on civil rights issues.

E. Review civil rights issues brought to the commission by concerned individuals or groups. Requests for review of civil rights issues shall follow the procedure set out in K.C.C. 3.10.040_B_ through E.

F. Report to the county council committee-of-the-whole semi-annually; provided that the civil rights commission shall, prior to July 1, 1996, carry out the following tasks:

1. Identify the goals, program components and characteristics and anticipated outcomes resulting from the county's civil rights policies, taking into consideration the limitations placed upon such policies by recent court decisions;

2. Assess community needs and issues with respect to civil rights, including unincorporated King County, taking into consideration the fact that King County has consistently met or exceeded affirmative action goals in most categories.

3. Evaluate and make recommendations on the organizational structure, program resources, goals and objectives, and program policies necessary to address needs and issues and achieve an updated civil rights program;

4. The commission shall submit its report to the executive. The executive shall review the report and submit it, with ((his)) the executive's recommendations and implementation plans to the King County council.

SECTION 73. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each hereby 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 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. "Council" means the county council as established by Article 2 of the charter.

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

Q. "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(($\frac{5}{7}$)) or the secretary's designee(($\frac{5}{7}$)) 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.

R. "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.

S. "Director" means the manager of the human resources management division.

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

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

V. "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.

W. "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.

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

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

Z. "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.

AA. "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.

BB. "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.

CC. "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.

DD. "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.

EE. "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.

FF. "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.

GG. "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.

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

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

positions.

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

KK. "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.

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

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

NN. "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.

OO. "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.

PP. "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.

QQ. "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.

RR. "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.

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

TT. "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.

UU. "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.

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

WW. "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.

XX. "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.

YY. "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.

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

AAA. "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.

BBB. "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.

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

DDD. "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.

EEE. "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.

FFF. "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.

GGG. "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.

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

III. "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 positions as defined in this chapter and short-term (normally less than six months) temporary positions 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, 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.

JJJ. "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.

KKK. "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.

LLL. "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 ((his or her)) 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.

MMM. "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.

NNN. "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 74. Ordinance 12014, Section 9, and K.C.C. 3.12.044 are each hereby amended to read as follows:

A. ~~((Affidavit of Marriage/Domestic Partnership.))~~ Employees who receive medical, dental, life and disability insurance, and vision benefits shall designate their spouse, their domestic partner, their dependent children and the dependent children of their spouse or domestic partner in an Affidavit of Marriage/Domestic Partnership in order for such spouse, domestic partner and/or children to receive such benefits, to the extent such benefits are available to them. The director shall prescribe the form of the affidavit. In the affidavit, the employee shall:

1. Attest to the following:

a. ~~((I))~~if married, that ~~((he or she))~~ the employee is currently married to the individual identified by name on the affidavit, or

b. ~~((I))~~if participating in a domestic partnership, that:

(1) ~~((He or she))~~ the employee is currently in a domestic partnership with the individual identified by name on the affidavit~~((, and))~~;

(2) ~~((He or she))~~ the employee meets all the qualifications of a domestic partnership, as defined by this chapter~~((,))~~; and

(3) ~~((A))~~any prior domestic partnership in which ~~((he or she))~~ the employee or ~~((his or her))~~ the employee's domestic partner participated with a third party was terminated at least ninety days prior to the date of said affidavit or by the death of that third party, and if such prior domestic partnership had been acknowledged pursuant to this chapter, that notice of the termination of the prior domestic partnership, whether by death of the domestic partner or otherwise, was provided to the county at least ninety days prior to the date of said affidavit;

2. Agree to notify the county if there is a change of the circumstances attested to in the affidavit; and

3. Affirm, under penalty of law, that the assertions in the affidavit are true.

B. ~~((Termination of Marriage/Domestic Partnership. Such))~~ The employee shall provide the county with a notice of termination of marriage~~((/))~~ or domestic partnership, on a form prescribed by the director, upon

dissolution of a marriage or termination of a domestic partnership, within thirty days of termination of the marriage or domestic partnership. A marriage shall be deemed terminated as provided under state law. A domestic partnership shall be deemed terminated:

1. When the domestic partners no longer meet one or more of the qualifications of a domestic partnership, as defined by this chapter; or
2. Upon the death of a domestic partner.

C. ~~((Confidentiality))~~ All affidavits of marriage/domestic partnership, notices of termination of marriage/domestic partnership, and any information contained in said affidavits submitted to the county shall be confidential and subject to disclosure only upon express written authorization by the persons identified in the forms or if otherwise required by law.

SECTION 75. Ordinance 12014, Section 11, and K.C.C. 3.12.060 are each hereby amended to read as follows:

If the functions of another governmental entity are assumed by the county, and if former employees of that entity become county employees, then the director shall determine whether such employees will be members of or exempt from the career service. In making this determination, the director shall apply the standards contained in Section 550 of the charter. The status of each employee shall be equivalent to that which the employee would have had, had ~~((he or she))~~ the employee been a county employee during the term of the former employment. Nothing in this section shall derogate from the county's power to eliminate positions and lay off employees because of lack of work, lack of funds or considerations of operational efficiency.

SECTION 76. Ordinance 12014, Section 13, as amended, and K.C.C. 3.12.100 are each hereby amended to read as follows:

A. There shall be a probationary period during which time a probationary employee shall be evaluated by the appointing authority to determine qualification for entry into the career service. Except as otherwise provided in this section, an individual's appointment, promotion, demotion or transfer to a career service

position is not final unless the employee successfully completes the probationary period. The probationary period shall be determined by the director, but shall be not less than six months or more than one year of actual service, and shall be served by those employees who have been newly hired or reemployed or have moved from another career service position, whether through promotion, demotion or transfer except:

1. A furloughed employee's probationary period shall not be extended as a result of a budgetary furlough; and
2. A career service employee who transfers to a position within the employee's same classification, pay range and department or agency shall not be required to serve a probationary period unless the director of the human resources division or its successor((;)) or the director's designee((;)) makes a written finding, in advance of the transfer, that the essential functions of the new position are substantially different from those of the employee's previous position, taking into consideration: the specific duties of the position; the work setting; the skills, training, and experience needed; the level of available support and supervision; and any other factors the director or designee deems relevant.

B. A probationary employee may be separated from county service at any time during the probationary period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which ((he or she)) the employee had been promoted or transferred may be restored to ((his or her)) the employee's former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former salary and all other benefits to which ((he or she)) the employee would have been entitled if the promotion or transfer had not occurred.

SECTION 77. Ordinance 12014, Section 15, as amended, and K.C.C. 3.12.120 are each hereby amended to read as follows:

- A. Nothing contained in this chapter shall prevent, relieve or otherwise excuse any county officer or

employee from the performance of any duty imposed upon (~~him or her~~) the officer or employee by any other law of this county, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of (~~his or her~~) the officer or employee's office or employment.

B. Except as otherwise provided by ordinance, the official workday shall consist of eight hours of work for all full-time regular and full-time probationary employees. The lunch hour shall not be considered as part of the workday. The official workday for other employees shall be determined by the director. In the case of service reductions resulting in a budgetary furlough, departments may reduce work hours or county offices may be closed.

C. Except as otherwise provided by ordinance, the official workweek shall consist of five working days for all full-time regular and full-time probationary employees. The official workweek for other employees shall be determined by the director. In the case of service reductions resulting from a budgetary furlough, county offices may be closed, resulting in the reduction of the workweek.

D. The county recognizes that there is an occasional need for an employee to return to work outside (~~his or her~~) of the employee's normal workday. The personnel guidelines shall contain procedures relating to call duty.

E. The county recognizes a responsibility for action regarding on-the-job injuries. The personnel guidelines shall contain procedures relating to on-the-job injury.

F. A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996, and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013 shall retain (~~his or her~~) the employee's career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.

G. A career service employee who accepts a transfer or promotion to an exempt position before December 1, 1979, shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee. A career service employee accepting such a transfer or promotion on or after December 1, 1979, shall have such a right to restoration, but only if:

1. The right to restoration is exercised within four calendar years from the effective date of the transfer or promotion to an exempt position; and

2.a. the former appointing authority, at the appointing authority's discretion, approves the restoration within the limits of available authorized positions; or

b. a different appointing authority, having jurisdiction over comparable authorized positions, and at the different appointing authority's discretion, approves the restoration within the limits of available authorized positions.

H. Matters involving wages and hours, including but not limited to minimum wage and overtime compensation, shall be determined in accordance with applicable state and federal laws and regulations.

I. Overtime work may be authorized by the department director where necessary to maintain or perform vital county services and shall be paid in accordance with appropriate state and federal law.

J. If a county agency or the benefits, payroll and retirement operations section of the finance and business operations division has determined that an overpayment of wages to a nonrepresented employee has occurred, the agency or the benefits, payroll and retirement operations section of the finance and business operations division shall provide written notice to the nonrepresented employee consistent with state law.

K. The following adjudicative process is available, subject to subsection K.1. through 12. of this section, after a decision regarding a nonrepresented employee's challenge to an initial determination of an overpayment of wages:

1. A nonrepresented county employee who is dissatisfied with the decision regarding the employee's

challenge to the overpayment determination must submit to the manager of the benefits, payroll and retirement operations section of the finance and business operations division a written request for an adjudicative proceeding consistent with RCW 49.48.210;

2. The request must comply with RCW 49.48.210;

3. A county agency's determination concerning an overpayment to a nonrepresented employee shall be final if the nonrepresented employee fails to request an adjudicative proceeding in the manner prescribed by RCW 49.48.210;

4. The manager of benefits, payroll and retirement operations section of the finance and business operations division shall log the date and time of the request and forward the request to the agency and to the manager of the finance and business operations division, who shall be responsible for the adjudicative proceeding;

5. Within forty-five business days of receipt of the nonrepresented employee's written request for an adjudicative hearing, the manager of the finance and business operations division shall conduct an adjudicative hearing to review the decision regarding the challenge to the overpayment determination and to determine the final amount of the overpayment, if any, received by the nonrepresented employee. However, the manager of the finance and business operations division may, under extenuating circumstances, schedule the adjudicative hearing at a time that is more than forty-five days after the receipt of the request for a hearing. The manager of the finance and business operations division shall set the time and place of the hearing and give not less than fifteen business days advance written notice to all parties; notice to the nonrepresented employee shall be by certified mail, return receipt requested;

6. At the hearing, evidence may be presented by the nonrepresented employee, the agency and the benefits, payroll and retirement operations section of the finance and business operations division, but any documents must be provided to the other parties at least five business days before the hearing;

7. If the nonrepresented employee fails to attend or participate in the hearing, upon a showing of valid

service, the manager of the finance and business operations division may enter an administrative order declaring the amount claimed, in the notice sent to the employee after the employer's review of the employee's challenge to the overpayment determination, to be assessed against the employee and subject to collection action by the employer as provided in RCW 49.48.200;

8. Within thirty business days after the hearing, the manager of the finance and business operations division shall issue an administrative order that determines the final amount of the overpayment, if any, received by the nonrepresented employee. The manager of the finance and business operations division shall send a copy of the administrative order, by certified mail, return receipt requested, to the nonrepresented employee at the employee's last known address, to the agency and to the manager of benefits, payroll and retirement operations section of the finance and business operations division; however, the manager of the finance and business operations division may, under extenuating circumstances, issue an administrative order more than thirty days after the hearing;

9. The administrative order issued by the manager of the finance and business operations division shall be final;

10. Once a final administrative order determining the final overpayment amount owed by the nonrepresented employee has been entered, a payroll deduction to recover the overpayment may begin as authorized by state law;

11. Nothing in this section precludes an agency or the benefits, payroll and retirement operations section of the finance and business operations division from entering into a voluntary agreement with a nonrepresented employee to repay any overpayment of wages, consistent with state law; and

12. The manager of the finance and business operating division may be recused (~~((himself or herself))~~) from conducting an adjudicative hearing, at (~~((his or her))~~) the manager's discretion, to avoid any real conflict of interest. If this occurs, the county administrative officer(~~(;)~~) or (~~((the county administrative officer's))~~) designee(~~(;))~~) shall assume responsibility for the hearing.

SECTION 78. Ordinance 12014, Section 34, and K.C.C. 3.12.123 are each hereby amended to read as follows:

The council desires to continue the weapons policy established by the Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994, by the county and continued by the council during the 1994 - 1995 transition period. The council recognizes that employees in the transit division of the department of transportation interact daily with the public in providing public transportation services, are expected to avoid any potentially volatile situation or confrontation, and are required to contact the appropriate authority for assistance when necessary. In conjunction with the behavior expected of such employees, it is also the policy that the use, threatened use, or possession of a weapon concealed, licensed or otherwise, by such an employee while in the performance of ~~((his/her))~~ the employee's official duties or while on county property is strictly prohibited and will result in termination. This policy does not apply to commissioned police officers under contract with or employed by the county for investigatory, undercover or enforcement reasons.

SECTION 79. Ordinance 12014, Section 19, as amended, and K.C.C. 3.12.190 are each hereby amended to read as follows:

A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28

Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

B. Notwithstanding the vacation leave schedule in subsection A. of this section, employees eligible for leave benefits, excluding employees in the former department of metropolitan services, shall accrue vacation leave as follows:

1. Those employees who were employed on or before December 31, 1995, and by that date had completed at least three but less than five full years of service shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;

2. Those employees who were employed on or before December 31, 1995, and subsequent to that date complete three full years of service shall begin to accrue fifteen days of vacation leave per year effective on the first day of their fourth full year of service.

Beginning on the first day of their sixth full year of service, all such employees shall accrue vacation leave as set forth in subsection A. of this section.

C. Vacation accrual rates for an employee who works other than the full time schedule standard to (~~his or her~~) the employee's work unit shall be prorated to reflect (~~his or her~~) the employee's normally scheduled work week. No adjustment to vacation accrual rates for a furloughed employee shall be made as a result of a budgetary furlough.

D. Employees eligible for vacation leave shall accrue vacation leave from their date of hire into a benefit eligible position.

E. Employees eligible for vacation leave may accrue up to sixty days vacation leave, prorated to reflect their normally scheduled work day. Those employees shall use vacation leave beyond the maximum accrual amount before December 31 of each year. Failure to use vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation leave beyond the maximum amount unless the appointing authority has approved a carryover of the vacation leave because of cyclical workloads, work assignments or other reasons as

may be in the best interests of the county.

F. Exempt employees in regular positions, other than provisional or probationary employees, may take and upon leaving county employment be paid for accrued vacation leave as approved by their appointing authorities.

G. Career service employees, provisional, probationary and term-limited temporary employees, shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment before successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave.

H. A furloughed employee shall not be eligible to take or be paid for vacation in lieu of taking a budgetary furlough day.

In lieu of the remuneration for fifty percent of unused accrued vacation leave at retirement, the manager of the human resources division(,) or ((the manager's)) designee(,) may, with equivalent funds and in accordance with the procedures in K.C.C. 3.12.220.F.2.b, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses.

I. An employee who is eligible for leave benefits shall be paid for accrued vacation leave to the employee's date of separation up to the maximum accrual amount if the employee has successfully completed ((his or her)) the employee's first six months of county service and is in good standing. Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out. Payment shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings.

J. Employees shall not use or be paid for vacation leave until it has accrued and the use or payment is consistent with the provisions of this section.

K. Employees shall not work for compensation for the county in any capacity during the time that the employees are on vacation leave.

L. For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in one-half hour increments, at the discretion of the appointing authority.

M. In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed (~~his or her~~) the employee's first six months of county service, payment of unused vacation leave up to the maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, Title 11 RCW. Except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cashout.

N. If an employee resigns from a full-time regular or part-time regular position with the county in good standing or is laid off and subsequently returns to county employment within two years from the resignation or layoff, as applicable, the employee's prior county service shall be counted in determining the vacation leave accrual rate under subsection A. of this section.

SECTION 80. Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 are each hereby amended to read as follows:

A. Except for employees covered by subsection G. of this section, employees eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month; except that sick leave shall not begin to accrue until the first of the month following the month in which the employee commenced employment. No adjustment to reduce sick leave accruals for furloughed employee shall be made as a result of a budgetary furlough. The employee is not entitled to use sick leave if not previously earned.

B. During the first six months of service, employees eligible to accrue vacation leave may, at the appointing authority's discretion, use any accrued days of vacation leave as an extension of sick leave. If an

employee does not work a full six months, any vacation leave used for sick leave must be reimbursed to the county upon termination.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in fifteen-minute increments or as specified in the collective bargaining agreement.

D. There shall be no limit to the hours of sick leave benefits accrued by an eligible employee.

E. Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for medical reasons, shall cancel all sick leave accrued to the employee as of the date of separation or termination. Should the employee resign in good standing, be separated for medical reasons or be laid off, and return to county employment within two years, accrued sick leave shall be restored, but the restoration shall not apply where the former employment was in a term-limited temporary position.

F.1. Except for employees covered by subsection G. of this section, employees eligible to accrue sick leave and who have successfully completed at least five years of county service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings. This provision is predicated on the requirement that, except with the written approval of the executive, the position, if vacated by a nonrepresented employee, shall not be filled until salary savings for the position are accumulated in an amount sufficient to pay the cost of the cash out. For the purposes of this subsection F.1., "retire as a result of length of service" means an employee is eligible, applies for and begins drawing a pension from the Law Enforcement Officers and Firefighters (LEOFF), Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS) or the city of Seattle Retirement Plan immediately upon terminating county employment.

2.a. In lieu of the remuneration for unused sick leave at retirement, the manager of the human

resources division((~~τ~~)) or ((~~the manager's~~)) designee((~~τ~~)) may, with equivalent funds, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical expenses. Under K.C.C. 3.12.190.H., in lieu of the remuneration for fifty percent of unused vacation leave at retirement, the manager may also fund the voluntary employee beneficiary association plan.

b. The manager shall adopt procedures for the implementation of all voluntary employee beneficiary association plans. At a minimum, the procedures shall provide that:

(1) each group of employees hold an election to decide whether to implement a voluntary employee beneficiary association plan for a defined group of employees. The determination of the majority of voting employees in a group shall bind the remainder. Elections for represented employees shall be conducted by the appropriate bargaining representative. Elections for nonrepresented employees shall be conducted in accordance with procedures established by the manager;

(2) the manager has discretion to determine the scope of employee groups voting on whether to adopt a voluntary employee beneficiary association plan. The manager shall consult with bargaining representatives and elected officials in determining the scope of voting groups;

(3) any voluntary employee beneficiary association plan implemented in accordance with this subsection F.2. complies with federal tax law. Disbursements in accordance with this subsection F.2. shall be exempt from withholdings, to the extent permitted by law; and

(4) employees shall forfeit remuneration under subsections F.1. and 2. of this section if the employee belongs to a group that has voted to implement a voluntary employee beneficiary association plan and the employee fails to execute forms that are necessary to the proper administration of the plan within twelve months of retirement by reason of length of service, as defined in subsection F.1. of this section.

G. Uniformed employees covered under the LEOFF Retirement System-Plan I shall apply for disability retirement under RCW 41.26.120.

H.1. An employee must use all of ((~~his or her~~)) the employee's accrued sick leave and any donated sick

leave before taking unpaid leave for ~~((his or her))~~ the employee's own health reasons. If the injury or illness is compensable under the county's workers compensation program, then the employee has the option to augment or not augment wage replacement pay with the use of accrued sick leave. A furloughed employee shall not be eligible to take or be paid for sick leave in lieu of taking a budgetary furlough day.

2. For a leave for family reasons, the employee shall choose at the start of the leave whether the particular leave would be paid or unpaid; but when an employee chooses to take paid leave for family reasons ~~((he or she))~~ the employee may set aside a reserve of up to eighty hours of accrued sick leave. A furloughed employee who is on county family medical leave as provided for in this section shall retain county benefits during furlough days.

3. An employee who has exhausted all of ~~((his or her))~~ the employee's accrued sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by ~~((his or her))~~ the employee's appointing authority. A furloughed employee shall not be eligible to take or be paid for vacation leave in lieu of sick leave in lieu of taking a furlough day.

I. Sick leave may be used only for the following reasons:

1. The employee's bona fide illness, but an employee who suffers an occupational illness may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee;

2. The employee's incapacitating injury, but:

a. an employee injured on the job may not simultaneously collect sick leave and workers' compensation payments in a total amount greater than the net regular pay of the employee, though an employee who chooses not to augment ~~((his or her))~~ the employee's workers' compensation wage replacement pay through the use of sick leave shall be deemed on unpaid leave status;

b. an employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the

leave; and

c. an employee may not collect sick leave and workers' compensation wage replacement pay for physical incapacity due to any injury or occupational illness that is directly traceable to employment other than with the county;

3. The employee's exposure to contagious diseases and resulting quarantine;

4. An ~~((female))~~ employee's temporary disability caused by or contributed to by pregnancy and childbirth;

5. The employee's medical or dental appointments but only if the employee's appointing authority has approved the use of sick leave for those appointments;

6. To care for the employee's child as defined in this chapter if the child has an illness or health condition which requires treatment or supervision from the employee; or

7. For family and medical leave available under federal law, state law or King County ordinance.

J. Department management is responsible for the proper administration of the sick leave benefit.

Verification from a health care provider may be required to substantiate the health condition of the employee or family member for leave requests.

K. Failure to return to work by the expiration date of a leave of absence may be cause for removal and result in termination of the employee from county service.

SECTION 81. Ordinance 12014, Section 22, as amended, and K.C.C. 3.12.223 are each hereby amended to read as follows:

A.1. Any employee eligible for leave benefits may donate a portion of ~~((his or her))~~ the employee's accrued vacation leave to another employee eligible for leave benefits. Such a donation will occur upon written request to and approval of the donating and receiving employees' department director or directors, except that requests for vacation donation made for the purposes of supplementing the sick leave benefits of the receiving employee shall not be denied unless approval would result in a departmental hardship for the receiving

department.

2. The number of hours donated shall not exceed the donor's accrued vacation credit as of the date of the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed ~~((his or her))~~ that employee's maximum vacation accrual.

3. A furloughed employee shall not be eligible to take or be paid for donated vacation in lieu of taking a furlough day, except as provided in K.C.C. 3.12F.040.

4. Donated vacation leave hours must be used within ninety calendar days following the date of donation. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated vacation leave hours shall be excluded from vacation leave payoff provisions in this chapter. For purposes of this section, the first hours used by an employee shall be accrued vacation leave hours.

B.1. Any employee eligible for leave benefits may donate a portion of ~~((his or her))~~ the employee's accrued sick leave to another employee eligible for leave benefits upon written notice to the donating and receiving employees' department director or directors.

2. No donation shall be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more. No employee may donate more than twenty-five hours of ~~((his or her))~~ the employee's accrued sick leave in a calendar year.

3. Donated sick leave hours must be used within ninety calendar days. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in this chapter, and sick leave restoration provisions contained in this chapter. For purposes of this section, the first hours used by an employee shall be accrued sick leave hours.

C. All donations of vacation and sick leave made under this chapter are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donating vacation or sick leave hours.

D. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Vacation leave donated to a furloughed employee, who is designated by a department director and confirmed by the chief administrative officer as eligible to use donated leave on a furlough day, is donated on an hour-for-hour basis, without an hourly rate conversion. Unused donated vacation and sick leave shall be reconverted based on the donor's straight time hourly rate at the time of reconversion. Vacation leave donated to a furloughed employee who is designated by the department director and confirmed by the chief administrative officer as eligible to use donated leave on a furlough day shall not revert back to the donor.

SECTION 82. Ordinance 13743, Section 1, as amended, and K.C.C. 3.12.224 are each hereby amended to read as follows:

Notwithstanding K.C.C. 3.12.190, if an employee dies while engaged within the scope of ~~((his or her))~~ the employee's employment, the executive may implement a process providing a one-time opportunity to allow employees eligible for benefits to convert either accrued vacation or accumulated compensatory time hours, or both, to cash to benefit any children of the deceased employee who are under twenty-three years old at the time of the employee's death. This process must conform to the following requirements:

A. The executive shall establish a forty-five-day period during which time employees may sign a written request, subject to approval by the executive, to convert either accrued vacation or accumulated compensatory time hours, or both, to cash and to authorize a payroll deduction of the cash to benefit the children of the deceased employee who are under twenty-three years old at the time of the employee's death. The hours must be in full-hour increments, with a minimum of four;

B. The executive shall determine the maximum hours that any employee can convert to cash, but the maximum may not be greater than a total of forty by each employee;

C. The value of the hours must be determined based on the regular hourly rate of the employee in effect

at the time the approved conversion request is received by the county's payroll office;

D. If employees elect to convert either accrued vacation or accumulated compensatory time hours, or both, to cash as set forth in this section, the executive shall identify one or more support accounts or programs to which the cash may be paid for the benefit of the children. Unless the executive determines that another support account or program is more suitable given the circumstances of the children, the executive shall first insure the establishment of a Washington state college tuition prepaid program-guaranteed education tuition (GET) account with the state of Washington treasury to benefit the children of the deceased employee. In addition to or in lieu of the GET program, the executive may direct that some or all of the cash collected under this section be paid to other support accounts or programs that the executive has determined:

1. Are established in the names of the children or their legal guardian for the benefit of the children;
2. Are held by a governmental agency, nonprofit organization, bank, trust or lawful entity other than an individual;
3. Contain adequate safeguards against theft, diversion, loss or wasting of the funds paid under this section; and
4. Restrict the permissible use of funds paid under this section to paying for minimal, if any, administrative expenses and providing for the children's reasonable food, shelter and educational expenses;

E. The cash resulting from converted accrued vacation or compensatory time hours, or both, net of all mandatory deductions, including, but not limited to, deductions for retirement plans and federal income tax and the Federal Insurance Contributions Act, must be transmitted to the Washington state college tuition prepaid program-guaranteed education tuition (GET) account established by the executive, or such other accounts or programs as may be determined by the executive, under subsection D₂ of this section; and

F. Employees governed by a collective bargaining agreement may convert to cash either accrued vacation or accumulated compensatory time hours, or both, only if the existing agreement allows for or the collective bargaining agreement is amended to allow for conversions as authorized in this section.

SECTION 83. Ordinance 12014, Section 23, as amended, and K.C.C. 3.12.230 are each hereby amended to read as follows:

A. The following days are hereby designated as official county holidays:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Birthday;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. July 4, Independence Day;
6. First Monday in September, Labor Day;
7. November 11, Veteran's Day;
8. Thanksgiving Day and the day immediately following;
9. December 25, Christmas Day;
10. Special or limited holidays as declared by the president or governor, and as approved by the

council;

11. Such other days in lieu of holidays as the council may determine;

12. An employee who is eligible for leave benefits shall be granted two personal holidays to be administered through the vacation plan, though the hours granted to an employee working less than a full-time schedule shall be prorated to reflect ~~((his or her))~~ that employee's normally scheduled work day. One day shall be credited to the employee's leave balance on the first of October and one day on the first of November.

B. For holidays falling on a Saturday, the Friday before shall be a paid holiday. For holidays falling on a Sunday, the Monday following shall be a paid holiday.

C. An employee must be eligible for leave benefits and in a pay status on the day before and the day following a holiday to be eligible for holiday pay. However, an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled

working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday. An employee otherwise eligible for holiday pay shall not be ineligible as a result of not being in a pay status on the day before or after the holiday due to budgetary furlough.

SECTION 84. Ordinance 12077, Section 5, as amended, and K.C.C. 3.12.240 are each hereby amended to read as follows:

Any employee eligible for leave benefits who is ordered on a jury shall be entitled to ~~((his or her))~~ the employee's regular county pay but only if any fees received for jury duty are deposited, exclusive of mileage, with the department of finance. A furloughed employee shall not be eligible to take or be paid for jury duty leave in lieu of taking a furlough day. Employees shall report to their work supervisor when dismissed from jury service.

SECTION 85. Ordinance 12014, Section 24, and K.C.C. 3.12.247 are each hereby amended to read as follows:

A. ~~((Findings.))~~ The council finds that:

1. The county is committed to affirmative action in hiring and the full participation of ~~((women))~~ pregnant county employees in all occupations throughout the county's work force.
2. Pregnancy is a normal occurrence ~~((in a woman's life))~~.
3. The county has already established maternity and parental leaves for its employees.
4. It is desirable to establish a policy to reasonably accommodate pregnant ~~((female))~~ county employees in a medically approved limited duty assignment.

B. ~~((Definition.))~~ For the purposes of this section, "((E))employee" ~~((, for purposes of this limited duty assignment policy.))~~ means a full-time regular employee or a part-time regular employee. Promotional probation may be extended at the discretion of the director and after consultation with an employee's appointing authority so an employee who utilizes the limited duty provisions of this section has the opportunity to perform for the established promotional probationary period.

C. ~~((Establishment of Policy.))~~ 1. It is the policy of the county to recognize that pregnancy is a normal event ~~((in a woman's life))~~ and that provisions shall be made to provide ~~((all female))~~ every employee(s) the opportunity to continue to participate in the work force during and up to three months after ~~((a))~~ the employee's pregnancy.

2. An ~~((female))~~ employee, who upon the advice of ~~((her))~~ the employee's physician, cannot safely perform all of the normal duties of ~~((her))~~ the employee's job due to pregnancy and who indicates a desire to continue working ~~((prior to))~~ before taking sick or maternity leave for which ~~((she))~~ the employee may otherwise be eligible, shall upon concurrence of the director receive consideration for temporary reassignment. The county shall, where reasonably possible, accommodate an ~~((female))~~ employee's desire for medically approved continued employment during the employee's pregnancy and up to three months thereafter via one or more of the three alternatives listed. The first alternative shall have preference, and either assignments ~~((and/))~~ or reassignments, or both, shall be given within ~~((an))~~ the employee's department where possible. The office of human resources management shall be responsible for coordination of the following limited duty alternatives:

- a. ~~((F))~~ temporary assignment to limited duties within the employee's classification;
- b. ~~((F))~~ temporary reassignment of the employee to a similar classification with equal pay for which the employee is qualified;
- c. ~~((O))~~ only if the director concurs that an employee cannot reasonably be accommodated by ~~((K.C.C. 3.12.247))~~ subsection C.2.a. or ~~((K.C.C. 3.12.247C.2.))~~ b. of this section, temporary reassignment of the employee can be made to another classification for which the employee is qualified but with lesser pay, to be assigned at the pay step closest to that which the employee was receiving in ~~((her))~~ the employee's normal job classification.

3. The executive shall determine and facilitate any necessary interfund transfers when an employee is temporarily reassigned to another department.

4. Because of the separate and unique retirement system for police, either the temporary assignment (~~and/~~) or temporary reassignment, or both, for pregnant police personnel shall be provided as in (~~K.C.C. 3.12.247~~) subsection C.2.a. and (~~K.C.C. 3.12.247C.2.~~) b. for LEOFF I members. All three alternatives listed in (~~K.C.C. 3.12.247~~) subsection C.2. of this section can apply to LEOFF II members.

D. (~~Limitations.~~) 1. Temporary assignments (~~and/~~) or reassignments, or both, made pursuant to this section shall be limited to the period of temporary incapacity caused by pregnancy both before childbirth and upon return to work, all prior to the time when released by the employee's physician to return to full duty.

2. For the purposes of this section, "temporary incapacity" (~~is defined as~~) means the period during which because of pregnancy the employee cannot perform all of (~~her~~) the employee's regular duties but is capable of performing a temporary limited duty assignment provided by the county as listed in (~~K.C.C. 3.12.247~~) subsection C. of this section and, for purposes of this policy, in no instance shall such a temporary incapacity extend more than three months after termination of the pregnancy.

3. (~~Female-e~~) Employees shall continue to be eligible for paid accrued vacation and sick leave and leave of absence without pay pursuant to the personnel rules during the period of temporary incapacity due to pregnancy, pregnancy related conditions, and parenting.

E. (~~Procedures.~~) The director (~~will~~) shall develop procedures to implement this policy, which shall include verification of the medical basis for the limited duty request.

F. (~~Severability.~~) Should any subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

SECTION 86. Ordinance 12014, Section 26, as amended, and K.C.C. 3.12.260 are each hereby amended to read as follows:

A.1. A leave of absence shall be granted, in accordance with applicable provisions of state or federal law, to any employee who voluntarily or upon demand by the Washington state or the United States government

leaves (~~(his or her)~~) the employee's position with the county, either to determine (~~(his or her)~~) the employee's physical fitness to enter or to actually enter active duty or training in the United States Uniformed Services, which includes, but is not limited to, the Armed Services, the Washington National Guard and the United States Public Health Service Commissioned Corps and its reserve. Under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, Uniformed Services may also include an appointee when the National Disaster Medical System is activated.

2. The leave of absence shall continue until the employee has exhausted (~~(his or her)~~) the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

B. Employees are required to give their employing county agency advance notice of the need for military leave, preferably in writing, though oral notification is sufficient. Notice should be provided as soon as is reasonable under the circumstances, and, if feasible to do so, service members should provide thirty days advance notice; however, advance notice is not required if prevented by military necessity or otherwise impossible or unreasonable under the circumstances, to the extent provided in federal law and regulations. Written notice should be accompanied by a validated copy of the military orders. Oral notice should be supplemented as soon as is reasonable with a validated copy of the military orders.

C. An employee who is eligible for benefits under K.C.C. 3.12.040 and volunteers or is ordered to serve in the United States Uniformed Services, as described in subsection A.1. of this section, or to receive associated training that requires a leave of absence from the employee's county position, and has exhausted annual military leave provided pursuant to state and federal law or a collective bargaining agreement, shall be granted a paid leave of absence from the employee's county position at the employee's regular base rate of county pay less the amount of the employee's regular base rate of military pay to which the employee is entitled. The paid leave of absence shall continue until the lesser of the conclusion of the employee's service in the United States

Uniformed Services, or until the employee has exhausted (~~(his or her)~~) the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

D. Receipt of the pay provided for in the preceding section is contingent upon the employee providing the employing county agency with supporting documentation verifying:

1. The employee's rank;
2. That the employee is on active duty; and
3. The employee's military pay grade statement and military pay grade change statement.

SECTION 87. Ordinance 9967, Section 2, as amended, and K.C.C. 3.12.262 are each hereby amended to read as follows:

A. An employee who is eligible for benefits under K.C.C. 3.12.040 and who volunteers or is ordered to serve in the United States Uniformed Services, as described in K.C.C. 3.12.260.A.1, or to receive associated training that requires a leave of absence from the employee's county position, shall continue to receive medical, dental, vision and life insurance benefits, and shall continue to accrue vacation and sick leave. Receipt of medical, dental, vision and life insurance benefits and vacation and sick leave accruals shall continue until the lesser of the conclusion of the employee's service in the United States Uniformed Services, or until the employee has exhausted (~~(his or her)~~) the employee's employment and reemployment rights under the Uniform Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Secs. 4301 through 4335, which is generally up to five years, subject to certain exceptions provided under federal law.

B. Receipt of medical, dental, vision and life insurance benefits and leave accruals is contingent upon the employee providing (~~(his or her)~~) the employing county agency with supporting documentation verifying that the employee is in service. The documentation shall be provided by the employee upon commencing military leave, annually in September and upon leaving military service.

SECTION 88. Ordinance 12014, Section 27, and K.C.C. 3.12.270 are each hereby amended to read as follows:

A. A career service employee may be disciplined by the appointing authority for any of the following causes, or for any other justifiable cause:

1. Dishonesty, including but not limited to dishonesty in securing appointment;
2. Incompetency;
3. Inefficiency;
4. Unauthorized absence, including patterns of continual tardiness;
5. Neglect of duty;
6. Insubordination;
7. Consumption of alcoholic beverages or use of illegal drugs while on duty during the workday;
8. Conviction of a crime;
9. Disorderly conduct while on duty;
10. Negligent, reckless or knowing damage to or waste of public property;
11. Violation of any of the provisions of applicable federal or state law relating to political activities;
12. Negligent, reckless or knowing violation of any of the provisions of the personnel guidelines;
13. Violation of any lawful order, directive, or policy of a superior, including but not limited to the

executive, department directors and division managers, or a violation of the employee code of ethics, K.C.C. 3.04.

B. Prior to the disposition of any suspension or discharge, a career service employee shall be advised of ~~((his/her))~~ the employee's right to seek assistance through the county's employee assistance program as described in the personnel guidelines.

C. Disciplinary action shall be the primary responsibility of the appointing authority and may include but is not limited to reduction in rank or pay, suspension without pay, and/or discharge of the employee from

county employment. The appointing authority shall consult with the director prior to the discharge of any career service or exempt employee.

D. In any disciplinary action against a career service employee, pertinent information shall be reduced to written form by the appointing authority and a copy provided to the employee and to the director. Such written notice shall state the following:

1. The reason for discipline;
2. The facts supporting the discipline;
3. The form of discipline to be imposed;
4. The effective date of the discipline;
5. Unless otherwise provided in an applicable collective bargaining agreement, the right of the

employee to appeal the following disciplinary action to the personnel board:

- a. Suspension of more than sixty days;
- b. Reduction in rank or pay; or
- c. Discharge;

6. Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal any disciplinary action to appropriate authorities through the initiation of grievance procedures, as authorized by or approved under this chapter.

E. Written notice of the discipline shall be delivered to the career service employee or mailed to the employee's last known address by certified mail, return receipt requested. An employee shall be deemed notified of the disciplinary action on the date the notice was delivered to the employee or the date on the return receipt, as applicable.

SECTION 89. Ordinance 12943, Section 14, as amended, and K.C.C. 3.12A.020 are each hereby amended to read as follows:

The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this chapter. Words not

defined in K.C.C. chapter 3.12 or in this chapter shall have their ordinary and usual meanings. In the event of conflict, the specific definitions set forth in this chapter shall presumptively, but not conclusively, prevail.

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

1. ~~((1))~~ The following three permanent members:

a. the county executive or ~~((his or her))~~ designee;

b. the chief officer of the office of budget or successor organizational unit~~((s))~~ or ~~((his or her))~~

designee; and

c. the manager of the human resources management division or successor organizational unit~~((s))~~ or ~~((his or her))~~ designee; and

2. ~~((2))~~ One member representing the department whose body of work ~~((and/))~~ or employees are then under review.

SECTION 90. Ordinance 12943, Section 17, and K.C.C. 3.12A.050 are each hereby amended to read as follows:

A. Part-time and temporary employees, other than probationary and provisional employees, who exceed the calendar-year working-hour thresholds set forth in the definitions contained in K.C.C. chapter 3.12 may seek conversion of a body of work in which they perform into a part-time or full-time regular career service position by appeal to the committee. Conversion decisions shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work that is half time or more, even though the work was not perceived as such previously, and whether it should be performed by a regular part-time or full-time career service employee. The committee shall also decide, if the body of work does not warrant a career service position, whether the position should be converted to a term-limited temporary employee position. The committee shall determine whether the work performed by the employee shall:

~~((1))~~ 1. ~~((1))~~ Remain outside career service as part-time or temporary~~((s))~~

2. ~~((b))~~ Be converted to a term-limited temporary employee position that receives benefits~~((7))~~ or
- ~~((3))~~ 3. ~~((b))~~ Be converted to a part-time or full-time regular career service position.

The committee shall make its determination within ~~((45))~~ forty-five days of the employee's request. In the event of a tie vote by the committee, where half the committee finds that the body of work should be converted, the appeal shall be deemed to have prevailed. The committee shall make a recommendation to the executive for recommendation to the council. The executive's recommendation shall be submitted to the council if the executive decides the body of work should be performed by a career service employee and that further position authority is required. If the council does not approve the additional position, the work shall promptly be discontinued and not performed by temporary or part-time employees.

If the committee finds that the work performed by the employee should remain part-time or temporary, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. The committee shall direct the appeal to be considered by a hearing examiner of the county or, at its option, the committee may direct the appeal be considered by an independent, neutral arbitrator who will make a final determination. The arbitrator shall be chosen by the director and the appellant, and shall be paid by the employing department or administrative office. The hearing examiner's or arbitrator's decision shall be limited to either upholding the committee's finding or overturning the committee's finding. The decision shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work and is half-time or more, under the same standards applicable to the committee, or on whether the work meets the definition of term-limited temporary position. Employees covered by a grievance procedure contained in a collective bargaining agreement may elect either to use the grievance procedure, if the applicable collective bargaining agreement permits it, or to use the appeal procedure described above, but not both procedures.

If the hearing examiner or arbitrator overturns the committee's findings, any new career service or term-limited temporary position must be absorbed by the department within its authorized position level, or within

funds available for term-limited temporary position work, provided that the department may request additional position or budget authority. The appealing employee will be placed in the career service position as a provisional appointee, with insured benefits and leave benefits, until a competitive hiring process, which substantially takes into account and weighs the experience of the employee performing the tasks of the position, is completed. If the appealing employee is selected for the position, ~~((his or her))~~ the employee's start date will be the date of the provisional appointment for all purposes, including seniority and/or a probationary period, except that those employees covered by a collective bargaining agreement the date of the appointment shall be determined in accordance with the collective bargaining agreement or by the collective bargaining process. If the employee is placed in a term-limited temporary position, ~~((his or her))~~ the employee's start date will be the date of ~~((his or her))~~ the employee's appointment to the term-limited temporary position for all purposes, except for those employees covered by collective bargaining agreements, whose start date will be determined by the collective bargaining agreement or by the collective bargaining agreement process.

B. Appeal Procedure For Term-Limited Temporary Employees. A term-limited temporary employee who exceeds ~~((his or her))~~ the employee's term may appeal to the committee to have the body of work converted to a career service position. The committee shall decide whether the body of work still warrants a term-limited temporary position designation or should be converted to a career service position. If a majority of the committee finds that the body of work should continue as a term-limited temporary position, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. In the event of a tie vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for part-time and temporary employees (other than probationary and provisional employees), provided, however, if the employee prevails in the appeal, the employee shall be placed in a career service position, not a provisional appointment, and the employee shall not be required to serve a probationary period.

SECTION 91. Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040 are each hereby

amended to read as follows:

A.1. When a furlough administrator other than the executive has determined that a budgetary furlough is necessary, the furlough administrator shall designate a person to administer the budgetary furlough and to provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

2. The county administrative officer shall be responsible for budgetary furlough administration in the executive branch and shall provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

B. In order to achieve budget savings, a furlough administrator may implement a budgetary furlough for designated nonrepresented employees, and implement reductions in operating and office hours, closure of offices or departments or reductions in levels of operations or service. A furlough administrator shall seek and document the views of affected nonrepresented employees when determining whether and how to implement a budgetary furlough.

C. If a furlough administrator directs reductions in operating and office hours, closures of offices or departments or reductions in levels or service that result in budgetary furloughs for represented employees, the executive shall fulfill all applicable bargaining obligations with labor unions representing the employees in those departments before the implementation of a furlough.

D. In administering a budgetary furlough, the following principles should apply:

1. An employee who is furloughed should be notified of furlough in writing when possible, although any reasonable notice is permissible;

2. During a furlough period, a furloughed employee remains a King County employee subject to K.C.C. chapter 3.04;

3. A furloughed employee shall not volunteer to do what the county otherwise pays any employee to do;

4. Medical, dental, vision and any other insured benefits shall remain in effect for a furloughed benefit-eligible employee during a furlough period;

5. A furloughed employee shall not be eligible to take or be paid for vacation or sick leave on a budgetary furlough day. The furlough administrator may designate that paid vacation leave is available for the following employees:

a. those employees earning equal or less than two times the federal poverty index; and

b. those employees enrolled in the Public Employees' Retirement System or the city of Seattle retirement systems who submit to the chief administrative officer or the furlough administrator a letter of intent to retire during the succeeding two calendar years; and

6. A salaried employee is considered an hourly employee for each week in which the employee observes one or more furlough days and must track and report (~~his or her~~) the employee's hours and follow standard hourly work practices.

E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the equivalent of the time on furlough in furlough replacement time. In administering furlough replacement time for benefit-eligible nonrepresented employees, the following principles apply:

1. Furlough replacement time may not be provided to employees when the county is in an officially declared and council-sanctioned emergency budget crisis;

2. One half of the furlough replacement time will be awarded in the first year following an emergency budget crises and one half of the furlough replacement time will be awarded in the second year following an emergency budget crisis, unless the county is in an officially declared and council sanctioned financial emergency;

3. Furlough replacement time must be used by the employee in the year that it is issued to the employee. An employee who was not employed by King County in 2009 shall not receive furlough replacement time. An employee who left King County employment before April 11, 2010, shall not receive

furlough replacement time. Furlough replacement time may not be carried over to another calendar year, it may not be cashed out, it has no cash value and it may not be donated; and

4. The furlough administrator must provide for the effective direction, control and coordination of furlough replacement time.

SECTION 92. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 are each hereby amended to read as follows:

This section applies to all positions in the executive branch, noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification approved by the council.

A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved by ordinance annually.

2. On a continuing three-year cycle, the executive shall assess market conditions and determine whether to make adjustments, if any, to pay ranges assigned to existing classifications.

B. Consistent with K.C.C. 3.12.350, the manager of the human resources management division shall establish guidelines for pay increases in accordance with the following:

1. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary-period pay increases must be supported by documented performance appraisal. Probationary-period pay increases exceeding Step 5 must have prior written approvals by the department director and the manager of the human resources management division. In the event of the completion of the probationary period by a division of human resources employee, the county administrative officer must provide prior written approval for probationary-period pay increases exceeding Step 5. A written report listing the number of employees who have received probationary increases above Step 5 must be filed with the clerk of the council for distribution to the chair of the labor, operations and technology committee or its successor committee on February 15 and August 15 of each year;

2. Employees may be eligible to receive increases annually in accordance with the following

principles:

a. An incentive increase must be supported by an annual documented performance appraisal approved by the department director((;)) or ((his or her)) designee((;)) and the documented performance appraisal must be maintained in the employee's personnel file. Incentive increases shall be prospective only and shall be effective on January 1 following the year on which the appraisal was based;

b. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the manager of the human resources management division;

c. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant an increase of one or more steps for above-standard performance; and

d. For employees currently in Steps 8 through 9 in the pay range, the appointing authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance;

3. An appointing authority may grant an employee incentive pay up to five percent above the top step of the range for a period of twelve months, if all of the following conditions are met:

a. the employee is not a department director;

b. the employee has been at the top step of the prior or current range for two years before the award of the increase; and

c. the employee has demonstrated continuous outstanding performance;

4. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the written direction of the appointing authority, as defined in K.C.C. 3.12.010_B, within the guidelines established by the manager of the human resources management division;

5.a. When the manager of the human resources management division reclassifies a position to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the

new classification or the nearest step that constitutes an increase of no more than five percent above the former rate of pay, whichever is greater.

b. A pay increase as a result of reclassification may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes an above-Step-10 amount as a result of an incentive increase, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.

c. Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the manager of the human resources management division. The pay increase as a result of reclassification may not exceed five percent above the top step in any case; and

6. When the manager of the human resources management division adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous range. Implementation of any pay range adjustment shall be prospective and is effective when approved by the manager of the human resources management division or, if required by K.C.C. 3.15.040, by the labor, operations and technology committee or its successor committee.

SECTION 93. Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 are each hereby amended to read as follows:

Lodging costs actually incurred are reimbursable only as follows:

A. Lodging costs will be reimbursed only if a person is in overnight travel status, except as provided in subsection D. of this section. Government rates must always be requested. Lodging receipts are required. Lodging costs in the host city may be claimed from the night before the authorized event starts through the night before it ends, unless reasonably priced and timely return transportation is not available, thereby necessitating additional lodging costs.

B. The traveler shall be reimbursed for actual lodging costs incurred for single occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the lodging receipt indicates a charge for double occupancy and two persons are authorized to travel on behalf of the county, each traveler shall be allowed one-half the double occupancy charge. If one person is not authorized to travel on behalf of the county, the person authorized to travel shall be reimbursed at the single occupancy rate to a maximum of the federal lodging limit.

C. For seminars, conferences or conventions, costs for lodging at the event site may be authorized in excess of the federal lodging limit for the host city under one or more of the following conditions:

1. No alternate lodging is available within a reasonable distance of the event site which is within the federal lodging limit for the host city. The traveler must provide a signed statement of unavailability with the request for reimbursement;

2. The authorized means of transportation between the alternate lodging site and the event site would exceed the savings in lodging costs; or

3. The presiding elected official~~((s))~~ or ~~((his or her))~~ designee~~((s))~~ has authorized the excess expenditure in writing and in advance for any exigent circumstances that might exist.

D. First responders and essential employees, who are not in overnight travel status who must work extended hours during certain unanticipated events which is critical to or in response to a regulatory requirement may be provided either lodging paid by the county or reimbursed by the county to the employee, but only if:

1. The employee who is provided lodging must remain close to the worksite in order to respond to the event;

2. The event requires that the work being performed is critical or necessary to meet a regulatory requirement or to respond to a public health and safety situation not rising to the level of a proclaimed emergency; and

3. During the first twenty-four hours, the lodging is approved by the presiding elected official or designee in writing with a brief description of the event; any extension beyond the first twenty-four hours is approved in advance and by the presiding elected official or designee in writing with a brief description of the event.

E. The department of finance shall distribute federal lodging limits, as published in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, as rate changes occur.

SECTION 94. Ordinance 15648, Section 2, as amended, and K.C.C. 3.32.006 are each hereby amended to read as follows:

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

A. "After hours parking" means work time parking for employees whose normal work shifts begin after 1:30 p.m. and end between 9:00 p.m. and 5:00 a.m. or who are required to come into work after 4:30 p.m. "After hours parking" also includes parking on weekends and holidays that is required by the employee's agency.

B. "Business convenience" means a county business-related requirement. For the purposes of this chapter, "a county business-related requirement" includes after hours parking for county employees, parking for commissioned sheriff's office personnel, parking for county employees working for a specified and limited period on a time-sensitive project that requires them to arrive before or stay after regular work hours, parking for county employees who are required as part of their jobs to use their private vehicles to routinely travel to multiple county business locations, parking for county-owned vehicles and paid parking for county volunteers authorized by ordinance or by any presiding elected official as defined by K.C.C. 3.24.010 or the presiding elected official's designee, but for the executive branch any designee must be at least the highest-ranking employee of a division.

C. "County automotive parking facility" means:

1. The Goat Hill parking garage located at Sixth Avenue and Jefferson in Seattle;
2. The parking structure located at the regional justice center in Kent;
3. County adult detention center parking facilities located at Fifth Avenue and James in Seattle;
4. Open surface lots that are owned or leased by the county;
5. The Chinook Building parking located at Fifth Avenue and Jefferson in Seattle; and
6. The King Street Center, located at 201 South Jackson Street in Seattle.

D. "County volunteer" means a person who is not a county employee, 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. "County volunteer" includes, but is not limited to, a person serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

E. "Director" means the director of the county department of executive services (~~and his or her successor~~) or designee, unless otherwise specified in this chapter.

F. "Public parking" means general purpose parking by persons who are not county employees and by county employees that park for less than a full day.

SECTION 95. Ordinance 11687, Section 2, as amended, and K.C.C. 3.42.020 are each hereby amended to read as follows:

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

A. "Appropriate investigating official" means an investigating official acting within (~~his or her~~) the investigating official's respective jurisdiction as identified in K.C.C. 3.42.030.D. or any assistant or representative authorized to receive documents on (~~his or her~~) the investigating official's behalf, except that for the department of public safety, the only appropriate investigating official shall be the internal investigations unit or any assistant or representative authorized to receive documents on its behalf.

B. "Employee" or "county employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated. The term "employee" or "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies.

C. "Good faith" means the individual providing the information or report of improper governmental action has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know ~~((he or she))~~ that the information or report is ~~((providing or reporting,))~~ malicious, false~~((,))~~ or frivolous ~~((information))~~, or information that is provided with reckless disregard for the truth, is not acting in good faith.

D. "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

E. "Gross waste of public funds" means to spend or use public funds or to allow public funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

F.1. "Improper governmental action" means any action by a county officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment, and:

- a. violates any state or federal law or rule or county ordinance or rule;
- b. constitutes an abuse of authority;
- c. is gross mismanagement;
- d. creates a substantial and specific danger to the public health or safety;
- e. results in a gross waste of public funds; or

f. prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless disclosure is legally prohibited. This subsection G.1.f. is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings.

2. "Improper governmental action" does not include violations of anti-discrimination laws, violations of collective bargaining or civil service laws, or alleged violations of agreements with labor organizations under collective bargaining. A properly authorized county program or activity does not become an "improper governmental action" because an employee or investigating official dissents from the county policy or considers the expenditures unwise.

G. "Investigating official" means any individual to whom a report may be made pursuant to K.C.C. 3.42.030.D. or any assistant or representative authorized to receive documents on ~~((his or her))~~ the investigating official's behalf.

H. "Retaliate," "retaliation" and "retaliatory action," means to make any unwarranted adverse change in an employee's employment status or the terms and conditions of employment including, but not limited to:

1. Denial of adequate staff to perform duties;
2. Frequent staff changes;
3. Frequent and undesirable office changes;
4. Refusal to assign meaningful work;
5. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
6. Demotion;
7. Reduction in pay;
8. Denial of promotion;
9. Denial of training or benefits;
10. Transfer or reassignment;

11. Suspension or dismissal;

12. Other unwarranted disciplinary action;

13. A supervisor or senior manager or official behaving in or encouraging coworkers to behave in a hostile manner toward the employee, or failing to take appropriate action to prevent coworkers from behaving in a hostile manner toward the employee.

I. "Substantial and specific danger" means a risk of serious injury, illness, peril or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

J. "Written report of improper governmental action" means any writing that alleges that an improper governmental action has occurred and describes the basis for that belief.

SECTION 96. Ordinance 11687, Section 4, as amended, and K.C.C. 3.42.030 are each hereby amended to read as follows:

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

B. In reporting improper governmental action, the employee is encouraged, but not required, to make a written report first to any investigating official as defined by K.C.C. 3.42.020.G; the employee is encouraged to consult with the office of the ombuds((man)) in order to determine to whom a written report should be made.

C.1. This section does not authorize a county employee to report information that is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060 privileged communications) unless waived, or to make disclosure where prohibited at law.

2. An employee making a written report under this subsection is encouraged to wait at least thirty days from receipt of the written report by the investigating official before reporting the improper governmental action to a person who is not an investigating official. However, reporting to a person who is not an investigating official before this thirty-day period will not result in the loss of the protections in this chapter.

3. An employee's reporting of the employee's own improper action does not grant the employee immunity from discipline or termination insofar as the employee's improper action would be cause for discipline.

D. For purposes of this chapter, the person to whom a written report should be made is as follows:

1. Reporting sexual harassment to the employee's supervisor, department head or other government official as set out in the county's adopted procedure for reporting sexual harassment complaints;
2. Reporting violations of the fair employment practices ordinance, which is K.C.C. chapter 12.18, to the executive or the executive's designee;
3. Reporting police misconduct to the department of public safety's internal investigation unit or to the office of law enforcement oversight;
4. Reporting violations of the Code of Judicial Conduct to the Washington state Commission on Judicial Conduct;
5. Reporting improper governmental action occurring within the district court to the presiding judge of the district court;
6. Reporting improper governmental action occurring within the legislative branch to the chair of the council or to the prosecutor;
7. Reporting improper governmental action occurring within the executive branch to the executive or to the department director of the executive agency in which the alleged improper governmental action occurred or to the ombuds(~~man~~);
8. Reporting improper governmental action occurring within the department of judicial administration to the director/clerk of the superior court or to the ombuds(~~man~~);
9. Reporting improper governmental action occurring within the department of assessments to the assessor or to the ombuds(~~man~~);
10. Reporting improper governmental action occurring within the department of elections to the

director of elections or to the ombuds(~~man~~);

11. Reporting improper governmental action occurring within the superior court to the presiding judge of the superior court;

12. Reporting violations of criminal laws to the sheriff or the county prosecuting attorney;

13. Reporting improper governmental action of the county prosecuting attorney to the state auditor or the attorney general;

14. Reporting improper governmental action occurring within the office of economic and financial analysis to any member of the forecast council or to the ombuds(~~man~~);

15. Reporting violations of K.C.C. chapter 3.04, the Employee Code of Ethics, to the ombuds(~~man~~); and

16. Reporting any improper governmental action for which no other appropriate recipient of a report is listed in subsection D.1. through 15. of this section to the ombuds(~~man~~).

E. Any one or more of the following conduct by employees is protected under this chapter:

1. Reporting improper governmental action;

2. Cooperating in an investigation by any official related to improper governmental action, including but not limited to local, state, federal, and internal investigation; and

3. Testifying in any official proceeding, hearing, or prosecution arising out of an improper governmental action.

F. A county officer or employee shall not retaliate, attempt to retaliate or threaten to retaliate against any employee because that employee has in good faith engaged in conduct protected by K.C.C. 3.42.030.E., or because the county officer or employee believes the employee has engaged or will engage in such conduct, whether or not such conduct actually occurred.

G. Any county officer or employee who engages in retaliatory action prohibited by K.C.C. 3.42.030.F. is subject to disciplinary action including, but not limited to, suspension without pay, demotion or termination.

In addition, any elected official who engages in retaliatory action prohibited by K.C.C. 3.42.030.F. is subject to censure by motion of the council and also may be subject to recall from office due to misfeasance or malfeasance in office.

H. Each appointing authority shall ensure that, upon entering county service or any time there are material changes to this chapter, every county officer and employee shall receive a written summary of this chapter, the procedures for reporting improper governmental actions to investigating officials, the procedures for obtaining the protections extended, the prohibition against retaliation in this section, and identification of offices and resources available to help the employee understand the provisions of this chapter including but not limited to the ~~((ombudsman's))~~ ombuds's office. The ~~ombuds((man))~~'s office shall assist in the development of materials. Copies of these summaries shall be conspicuously posted where all employees will have reasonable access to them. Every county officer and employee shall also receive a written summary of this chapter at least once every two years; the summary may be distributed electronically.

SECTION 97. Ordinance 11687, Section 5, as amended, and K.C.C. 3.42.040 are each hereby amended to read as follows:

To the extent allowed by the Public Disclosure Act, RCW 42.56.240 and other laws, the identity or identifying characteristics the identity of an employee reporting information about an improper governmental action or cooperating in an investigation of improper governmental action under K.C.C. 3.42.030E.1. or K.C.C. 3.42.030E.2. shall be kept confidential from all persons except for investigating officials and their staff. However, the employee may waive confidentiality in a written waiver or by making ~~((his or her))~~ the employee's own identity known in connection with the protected conduct in the course of public testimony or by acknowledging ~~((his or her))~~ the employee's own identity in a claim against the county for retaliation. If applicable, the complainant may state in writing whether the complainant wishes ~~((his or her))~~ the complainant's own name not to be disclosed pursuant to the provisions of RCW 42.56.240(2), which exempts information revealing the identity of persons who are witnesses to or victims of crime or who file complaints

with investigative, law enforcement or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety or property.

SECTION 98. Ordinance 11687, Section 6, as amended, and K.C.C. 3.42.050 are each hereby amended to read as follows:

A. If the official receiving a complaint under this section is not the appropriate investigating official identified in K.C.C. 3.42.030.D.1, ~~((he or she))~~ the official receiving the complaint shall immediately forward the written report to the appropriate investigating official and notify the reporting employee of the referral.

B. If a report of improper governmental action meets the definition of a complaint under K.C.C. 3.04.055, the ombuds~~((man))~~, upon receipt of the report, shall investigate that allegation according to the procedures in K.C.C. chapter 3.04, the Employee Code of Ethics.

C. If the ombuds~~((man))~~ is an appropriate investigating official and the report does not meet the definition of a complaint under K.C.C. chapter 3.04, the Employee Code of Ethics, the ombuds~~((man))~~ upon receipt of the report may refer the report to the department director of the agency in which the alleged improper governmental action occurred or to the chief elected official of the branch of government implicated in the allegation; if the ombuds~~((man))~~ does not refer to another official, or if the other official's response is not timely or satisfactory to the ombuds~~((man))~~, the ombuds~~((man))~~ shall conduct an investigation in accordance with the procedures outlined in K.C.C. 3.42.057.

D. If a report of improper governmental action is filed with an appropriate investigating official who is not the ombuds~~((man))~~, and a report is concurrently filed with the ombuds~~((man))~~, the ombuds~~((man))~~ may defer action until the investigation is completed by the affected department, office or agency. When the ombuds~~((man))~~ chooses to conduct a concurrent investigation the ombuds~~((man))~~ shall notify the executive and the chair of the council.

E. Decisions of the ombuds~~((man))~~ under this section may not be appealed to the Board of Ethics.

SECTION 99. Ordinance 16580, Section 6, and K.C.C. 3.42.055 are each hereby amended to read as

follows:

A. The procedures in this section shall apply to any investigating official except the ombuds(~~man~~) or the judicial branch. Investigations by the ombuds(~~man~~) shall be conducted in accordance with K.C.C. 3.42.057.

B. When an appropriate investigating official who is not the ombuds(~~man~~) receives a report of improper governmental action, (~~he or she~~) the ombuds shall respond to the reporting employee in writing within thirty days of when the report was received with either a final report or a preliminary report, with a copy of the response to the ombuds(~~man~~). If responding with a preliminary report, the official shall include a summary of the status of the investigation and information obtained thus far, and identifying matters for further research or inquiry. If the identity of the reporting employee is not known, the response shall be sent to the ombuds(~~man~~).

C. The investigating official shall complete the investigation and issue a final report no later than one year from when the report of improper governmental action was received. If the final report concludes that there was improper governmental action, it shall include an action plan for addressing the improper governmental action and provide reasonable timelines for completing corrective actions.

D. The investigating official shall send a copy of the final report to the reporting employee and the ombuds(~~man~~).

E. When conducting an investigation of improper governmental action occurring within the legislative branch, the prosecutor may at any stage, issue subpoenas, administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

F. If the investigating official determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the investigating official may seek temporary preventive action, including but not limited to the transfer of the reporting employee to another department at

the request of the reporting employee or authorizing leave with pay for the reporting employee. If the investigating official deems it necessary, the investigating official's recommendation may be made to the executive. Such a temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.

G. To the extent allowed by law, investigating officials are encouraged to enter into cooperative agreements or arrangements for receiving and processing complaints with other agencies or entities that are investigating related complaints, so that duplication of functions shall be minimized and multiple redundant investigations avoided.

SECTION 100. Ordinance 16580, Section 7, and K.C.C. 3.42.057 are each hereby amended to read as follows:

A. The procedures in this section apply to the ombuds(~~man~~) when the ombuds(~~man~~) is investigating a report of an improper governmental action that is not investigated according to the rules applicable to K.C.C. chapter 3.04, the Employee Code of Ethics.

B. In determining whether to conduct an investigation, the ombuds(~~man~~) may consider factors including, but not limited to, the nature and quality of the evidence and the existence of relevant laws and rules; whether the alleged improper governmental action was isolated or systematic; the history of previous assertions regarding the same subject or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The ombuds(~~man~~) has the sole discretion to determine the priority and weight given to these or any other relevant factors and to decide whether a matter is to be investigated.

C. If the ombuds(~~man~~) elects not to investigate the matter, the ombuds(~~man~~) shall, before making a final decision to close the investigation, send a notice to the person who made the report explaining the factors considered and the analysis applied, summarizing allegation deficiencies if any, and providing a reasonable

opportunity to reply. The notification may be by electronic means.

D. If the ombuds((man)) determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the ombuds((man)) may recommend to the head of the department that temporary preventive action be taken, including but not limited to transferring the reporting employee at the reporting employee's request to another department or authorizing leave with pay for the reporting employee. If the ombuds((man)) deems it necessary, the ombuds's((man's)) recommendation may be made to the executive instead. Such temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.

E. If the ombuds((man)) elects to conduct an investigation and it appears to the ombuds((man)) that the investigation will take longer than thirty days to complete, the ombuds((man)) shall, within thirty days after receiving the report of alleged improper governmental action, provide the complainant with a preliminary written report that summarizes the procedural status of the investigation, the information obtained thus far, any preliminary findings as the ombuds((man)) deems appropriate, and identifying matters for further research or inquiry. The ombuds((man)) shall also notify the subject or subjects of the investigation and the agency head of the need for continued investigation.

F. When conducting an investigation, the ombuds((man)) may at any stage issue subpoenas, administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

G. Upon completion of an investigation, the ombuds((man)) shall make a final written report that summarizes the results of the investigation, including findings with regard to each assertion of improper governmental action and recommended actions. The ombuds((man)) shall complete the investigation and issue a final report within one year of receipt of the report of improper governmental action.

1. If the ombuds((man)) determines that no improper governmental action has occurred, the ombuds((

~~man~~) shall send the report to the complainant, the subject or subjects of the investigation and the agency head.

2. If the ombuds(~~man~~) determines that an improper governmental action has occurred:

a. The ombuds(~~man~~) shall give the subject of the report an opportunity to respond before issuing a final report.

b. The ombuds(~~man~~) shall send the report to: the complainant; the head of the department with responsibility for the action or if a department head is implicated, to the executive and county council; and such other governmental officials or agencies as the ombuds(~~man~~) deems appropriate. The ombuds(~~man~~) shall also send a copy of the written report to the executive or the county council if requested to do so by the complainant, if the ombuds(~~man~~) has not already done so.

c. The department with responsibility for the improper governmental action shall report back to the ombuds(~~man~~) and complainant with an action plan for addressing the improper governmental action and provide reasonable timelines for completing its corrective actions. The department's response should be made within fourteen days of receipt of the ombuds(~~man~~)'s report. If the ombuds(~~man~~) deems that satisfactory action within a reasonable timeframe has not been achieved, the ombuds(~~man~~) shall report ~~((his or her))~~ the ombuds's determination to the executive and the county council.

d. The ombuds(~~man~~) may impose a fine of not greater than ten thousand dollars on the department within which the improper governmental action occurred. A fine should be imposed for improper governmental actions that are exceptionally egregious or for which corrective actions have been highly unsatisfactory. The department shall be given a reasonable opportunity to be heard before imposition of any fine. Proceeds collected from any fine shall be deposited into an account to be used for the purpose of educating employees about this chapter or may be applied by the department toward the cost of administrative leave paid to the employee reporting the improper governmental action where the reason for the administrative leave is related to the employee's reporting.

H. At any stage in the investigation, the ombuds(~~man~~) may, with the agreement of the parties,

recommend, arrange for, convene, or conduct voluntary mediation between the employee and either the subject of the investigation or agency head, or both, with cost sharing, if any, to be determined by the parties.

1. If the parties reach agreement as a result of mediation, the ombuds((~~man~~)) may close the investigation.
2. The response times from subsection E. of this section shall be tolled for the duration of the mediation process.
3. Mediation and other informal resolution processes are voluntary. No employer or employee shall be pressured into participating in such processes, and no negative inferences shall be drawn if any party declines to participate in such processes. If a party agrees to participate in voluntary mediation or other informal resolution process, that party is under no obligation to accept the resolution recommended by the mediator, the ombuds((~~man~~)), or any other person participating in this process, and no negative inferences shall be drawn as a result of a refusal to accept such recommendations.

I. The ombuds((~~man~~)) may close an investigation at any time the ombuds((~~man~~)) determines that no further action is warranted and shall so notify the complainant, the subject or subjects of the investigation and the agency head. The ombuds((~~man~~)) shall also issue any reports as required by this section.

J. Decisions of the ombuds((~~man~~)) under this section may not be appealed to the board of ethics.

SECTION 101. Ordinance 11687, Section 7, as amended, and K.C.C. 3.42.060 are each hereby amended to read as follows:

A. In order to seek relief, an employee who believes ((~~he or she~~)) the employee has been retaliated against in violation of K.C.C. 3.42.030.E. must file a signed written complaint within six months of when the alleged retaliation occurred or the employee reasonably should have known of the occurrence. The complaint shall be filed with the ombuds((~~man~~)) and must specify the alleged retaliatory action and the relief requested.

B. The ombuds((~~man~~)) shall conduct an investigation of the alleged retaliatory action except that complaints involving the judicial branch shall be forwarded to the appropriate investigating official for that

branch for investigation and complaints involving councilmembers shall be forwarded to and investigated by the prosecutor.

C. When conducting an investigation, the ombuds((~~man~~)) or prosecutor may at any stage, issue subpoenas, administer oaths, examine witnesses, and compel the production of documents or other evidence; refer the matter to the state auditor, law enforcement authorities or other governmental agency; and issue reports; or any combination thereof, each as deemed appropriate.

D. If it appears to the ombuds((~~man~~)) or prosecutor after conducting an investigation that no retaliation has occurred, the ombuds((~~man~~)) or prosecutor shall so notify the complainant summarizing ~~((his or her))~~ the ombuds's or prosecutor's findings and providing a reasonable opportunity for the complainant to reply before making a final determination.

E. The ombuds((~~man~~)) or prosecutor shall, within forty-five days after receiving the report of alleged retaliatory action, provide the complainant with a written report that summarizes the results of the investigation, including findings with regard to each assertion of retaliation and recommended actions. The ombuds((~~man~~)) or prosecutor shall also send a copy of the written report to any governmental officials or agencies as ~~((he or she))~~ the ombuds or prosecutor deems appropriate. If the ombuds((~~man~~)) or prosecutor finds that additional time is needed to complete the report, ~~((he or she))~~ the ombuds or prosecutor shall notify the complainant in writing before the expiration of the forty-five day response period, and shall specify the reasons that additional time is required. The effect of the notice is to extend for forty-five days the time period in which a response must be made. Only two such extensions may be made.

F. The following apply to investigations by the ombuds((~~man~~)) under this section.

1. If it appears to the ombuds((~~man~~)) at any stage in the process that the complainant is at great risk of retaliation, the ombuds((~~man~~)) may recommend to the head of the department that temporary preventive action be taken, including but not limited to transferring the individual to another department or authorizing leave with pay. If the ombuds((~~man~~)) deems it necessary, the ombuds((~~man~~)) recommendation may be made to the

executive instead. Such temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter;

2. If the ombuds((~~man~~)) determines that no retaliatory action has occurred, the ombuds((~~man~~)) shall send the report to the complainant, the subject or subjects of the investigation and the agency head; and

3. If the ombuds((~~man~~)) determines that retaliatory action has occurred:

a. The ombuds((~~man~~)) shall give the subject of the investigation an opportunity to respond before issuing a final report;

b. The ombuds((~~man~~)) shall send the report to: the complainant; the head of the department with responsibility for the action or if a department head is implicated, to the executive and county council, and to such other governmental officials or agencies as the ombuds((~~man~~)) deems appropriate. The ombuds((~~man~~)) shall also send a copy of the written report to the executive or the county council if requested to do so by the complainant, if the ombuds((~~man~~)) has not already done so;

c. The department with responsibility for the retaliatory action shall report back to the ombuds((~~man~~)) and complainant with an action plan for addressing the retaliatory action and provide reasonable timelines for when the corrective actions will occur. The department's response should be made within fourteen days of receipt of the ombuds((~~man~~)) report;

d. If the ombuds((~~man~~)) deems that the responsible department has not taken satisfactory action within a reasonable timeframe, the ombuds((~~man~~)) shall report ((~~his or her~~)) the ombuds's determination to the executive and the county council; and

e. The ombuds((~~man~~)) may impose a fine on the department within which the retaliatory action occurred; the ombuds((~~man~~)) shall not impose a fine greater than ten thousand dollars. A fine should be imposed for retaliatory actions where the department's response to the retaliatory actions was grossly inadequate. The department shall be given a reasonable opportunity to be heard before imposition of any fine. Proceeds collected from any fine shall be deposited into an account to be used for the purpose of educating

employees about this chapter or applied by the department toward administrative leave paid to the complainant where the reason for the administrative leave is related to the retaliation claim.

G. At any stage in the investigation, the ombuds((~~man~~)) or prosecutor may, with the agreement of the parties, recommend, arrange for, convene or conduct voluntary mediation between the employee and the subject of the investigation and/or agency head.

1. If the employer and employee reach agreement as a result of a mediation, the investigation shall be closed and the employee shall not be entitled to seek a hearing under subsection I. of this section.

2. If the employer and employee fail to reach agreement, the response times from subsection C. of this section shall be tolled for the duration of the mediation process.

3. Mediation and other informal resolution processes are voluntary. No employer or employee shall be pressured into participating in such processes, and no negative inferences shall be drawn if any party declines to participate in such processes. If a party agrees to participate in voluntary mediation or other informal resolution process, that party is under no obligation to accept the resolution recommended by the mediator, the ombuds((~~man~~)), or any other person participating in this process, and no negative inferences shall be drawn as a result of a refusal to accept such recommendations.

H. The ombuds((~~man~~)) or prosecutor may close an investigation at any time ((~~he or she~~)) the ombuds or prosecutor determines that no further action is warranted and shall so notify the complainant, the subject or subjects of the investigation and the agency head. The ombuds((~~man~~)) or prosecutor shall also issue any reports as required by this section.

I. Decisions of the ombuds((~~man~~)) under this section may not be appealed to the board of ethics.

J. If an employee who has filed a complaint of retaliation under this section is dissatisfied with the progress of the investigation or the response and desires a hearing under RCW 42.41.040, the employee shall deliver a request for hearing to the head of the branch within which retaliation is alleged to have occurred within the later of: one year of when the alleged retaliation occurred or the employee reasonably should have

known of the occurrence; or ninety days from receipt of the department's response under K.C.C. 3.42.060E.2.b. The employee shall notify the ombuds((~~man~~)) of the request. Within five working days of receipt of the request for hearing, the county shall apply to the state office of administrative hearings for a hearing to be conducted as provided in RCW 42.41.040(4) through (9).

K. An employee shall not have the right to seek a hearing under this section if the complaint of retaliation is pursued under and falls within the subject matter jurisdiction of a collective bargaining agreement grievance procedure ending in binding arbitration or the career service grievance procedure ending in a hearing before the personnel board.

L. To the extent allowed by law, investigating officials are encouraged to enter into cooperative agreements or arrangements for receiving and processing complaints with other agencies or entities that are investigating related complaints, so that duplication of functions shall be minimized and multiple redundant investigations avoided.

SECTION 102. Ordinance 16580, Section 9, and K.C.C. 3.42.070 are each hereby amended to read as follows:

By March 31 of each year, the ombuds((~~man~~)) shall submit an annual report on the status of the whistleblower program from the previous year, including summarizing improper governmental action and retaliation claims processed the previous year, case outcomes from all claims investigated by King County officials, resource issues, any concerns raised by whistleblowers about the process and any recommendations for program improvements. The ombuds((~~man~~)) is encouraged to seek feedback from participants in the whistleblower process when preparing the report. Three copies of the report shall be filed with the clerk of the council for distribution to the chair of the council and the executive.

SECTION 103. Ordinance 12413, Section 5, and K.C.C. 3.46.050 are each hereby amended to read as follows:

Employees subject to alcohol testing under this chapter will have a sample of their breath tested for the

presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols and including methyl or isopropyl alcohol. Any refusal to submit to an alcohol test and all positive alcohol tests will be reported to the executive or ((his/her)) designee. Employees subject to drug testing will have a sample of their urine tested for the presence of five drugs as follows:

1. Marijuana;
2. Cocaine;
3. Opiates;
4. Amphetamines;
5. Phencyclidine.

All drug tests will be reported by the testing laboratory to a medical review officer designated by the county who will evaluate the results. After evaluation and interpretation, all verified positive test results will be reported by the medical review officer to the executive or ((his/her)) designee. Any refusal to submit to a drug test will be immediately reported by the collection site to the executive or ((his/her)) designee. If employees test positive as previously explained, said employees will be notified by the medical review officer that they have seventy-two hours following this notification in which to request, at their own expense, that a split urine specimen be tested by another laboratory certified by the ((S))state Department of Health and Human Services. In the event that the split sample test is negative, the employee will be reimbursed for the test. Failure to request testing of the split specimen within seventy-two hours of being notified of a positive test by the medical review officer will result in the test results from the original specimen being accepted as the final test results. Provided, that there will be only one random testing pool for all King County employees covered by the provisions of this chapter. Independent contractors will have the option of participating in one random testing pool for all their employees who perform safety sensitive functions covered by this chapter.

SECTION 104. Ordinance 12413, Section 8, and K.C.C. 3.46.080 are each hereby amended to read as follows:

The executive or ((his/her)) designee is authorized to enter into agreements with alcohol and drug testing services providers as required for the implementation of this chapter.

SECTION 105. Ordinance 7112, Section 6, as amended, and K.C.C. 4.10.060 are each hereby amended to read as follows:

The investment instruments in which county funds shall be invested shall be selected solely by the manager of the finance and business operations division or ((his or her)) designee and fully reported to the executive finance committee on a monthly basis at a minimum. Any losses on investments including all investments of the county treasury shall be reported by the manager of the finance and business operations division to all members of the executive finance committee immediately upon discovery. Investments shall be chosen from those which are now or may hereafter be legally permitted, with the aim of maximizing return to the county while safeguarding county funds, providing the liquidity needed to meet county obligations in timely fashion, and complying with such other county policy directives as now exist or may be hereafter adopted.

SECTION 106. Ordinance 7112, Section 9, as amended, and K.C.C. 4.10.090 are each hereby amended to read as follows:

At the direction of the executive finance committee, with the agreement of the fund manager, the manager of the finance and business operations division or ((his or her)) designee, may pool monies for specific fund investments with other monies directed for specific fund investments by a fund manager under the first paragraph of RCW 36.29.020, as now or hereafter amended, monies in the residual treasury cash and monies directed for investment by other municipal corporations. Interest earnings and any losses shall be apportioned pro rata, after payment of investment service fees to the county current expense fund, to each of the funds participating in the pooled investment.

SECTION 107. Ordinance 12076, Section 37, as amended, and K.C.C. 4.10.120 are each hereby amended to read as follows:

All prior actions of the executive finance committee and the manager of the finance and business

operations division (~~(or his or her predecessor)~~) taken in connection with investment directives and policies, investment decisions, and the allocation of investment earnings, as they relate to the investment of county funds, are hereby ratified.

SECTION 108. Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035 are each hereby amended to read as follows:

County employees shall be held accountable and responsible for all of the various personal property assigned to them during the course of their employment with the county.

A. Written documentation, by employee, of all changes in assigned capitalized items from the department or agency inventory reports will be recorded at the time of the occurrence and kept in each county department or agency.

B. The fleet administration division shall provide a report of losses to the county council, county administrative officer and office of risk management.

C. The fleet administration division shall recommend to the department or agency director or manager corrective action for all capitalized items lost or misplaced due to employee negligence or misconduct.

D. If the director or manager determines an employee to be negligent in (~~(his or her)~~) the care of the property assigned to (~~(him or her)~~) the employee or if a terminated employee fails to return personal property assigned to (~~(him or her)~~) the employee, then the county may pursue any remedy available at law for recovery of loss of property. If a career service employee is disciplined, that employee has the right to the full protection of the county disciplinary-grievance process as established by applicable union bargaining agreements and the county code provisions and administrative guidelines for the career service.

E. The fleet administration division shall be the sole agency responsible for inventorying and disposing of county personal property.

SECTION 109. Ordinance 12045, Section 16, as amended, and K.C.C. 4.56.170 are each hereby amended to read as follows:

A. Applications to lease county real property shall be submitted to the facilities management division.

B. The right is reserved by the county to require that a deposit of a reasonable amount accompany all applications or bids to lease county real property. If a deposit is required, all deposits upon the same lease shall be of equal amount. The deposit shall be in the form of a certified check or cashier's check, or may be paid in cash. In case the lands applied for are leased at the time of application, the deposit shall be returned to the applicant; but if the party making application fails or refuses to comply with the terms of ~~((his/her))~~ the application and to execute the lease, the deposit shall be forfeited to the county, and deposited in the current expense fund.

SECTION 110. Ordinance 17293, Section 45, and K.C.C. 4A.10.235 are each hereby amended to read as follows:

"Designee" means the person appointed by a group member to participate on ~~((his or her))~~ the group member's behalf at any given meeting. A designee may be a councilmember, departmental director or staff person, as determined by a group member to represent them.

SECTION 111. Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070 are each hereby amended to read as follows:

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

2. If during the fiscal period the executive determines that revenues will be less than the expenditure amounts included in the appropriations ordinance, the executive shall revise the expenditures of departments or agencies funded from those revenue sources to prevent the making of expenditures in excess of revenues. If the executive determines that the fund has unrestricted reserves, the executive may use these reserves to avoid

making expenditure reductions; however, the use of reserves may not reduce the fund balances below target reserve amounts. If the use of reserves exceeds five percent of the total appropriation, the council shall be notified in the quarterly management and budget report. An expenditure shall not be made from any portion of an appropriation that has been assigned to a reserve status except as provided in this section.

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

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

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

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

a. the contract commits the county to expend funds beyond the biennium and the contract includes a cancellation clause that provides:

~~((i-))~~ (1) the contract may be unilaterally terminated by the county for lack of appropriation; and

~~((ii-))~~ (2) the costs associated with such a termination, if any, shall not exceed the appropriation for the biennium in which termination occurs;

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

c. the contract implements a grant awarded to the county before the appropriation of grant funds, including appropriations that must be made in future years, if the council has received prior notice of the grant application and if either of the following conditions are met: all of the funds to be appropriated under the

contract will be from the granting agency; or all financial obligations of the county under the contract are subject to appropriation; or

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

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

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

b. Any decision to extend a lease or license for the possession or use of real property by the county beyond a cumulative total of five years, whether memorialized through an option, extension, amendment, or new lease or license, must be approved by the council before execution by the executive.

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

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

F. Ongoing review of capital projects for which moneys have been appropriated shall be coordinated by the office of performance, strategy and budget or its successor. For capital projects involving more than one agency, representatives from the agencies shall consult with the office of performance, strategy and budget or its successor. The office of performance, strategy and budget shall review capital projects for compliance with scope, budget and schedule.

SECTION 112. Ordinance 12076, Section 4, as amended, and K.C.C. 4A.110.010 are each hereby amended to read as follows:

A. The director of the office of performance, strategy and budget, or its successor shall maintain a fiscal

note process and shall update formats for fiscal notes as needed to provide for the requirements of this section, adopted comprehensive financial management policies and any other information required by the council.

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

C. If proposed legislation authorizes the execution of a contract or interlocal agreement that extends beyond two subsequent biennia, the legislation's fiscal note shall document the impact through the end of the term of the proposed contract or interlocal agreement, either in fiscal terms or by using a narrative regarding the long term impacts. A fiscal note shall accompany any request for expenditure authority transmitted by the executive, but a fiscal note may be omitted when the executive certifies in writing with ~~((his))~~ the transmittal that the legislation has no significant fiscal impact on either the operating budget or the capital budget, or both.

D. All fiscal notes shall include:

1. A brief descriptive title of the proposed legislation;
2. An explanation of how the revenue or expenditure impacts were developed. The explanation shall include, but not be limited to, quantifiable data that illustrates a significant workload increase or decrease caused by adoption of the proposed legislation major assumptions made in preparing the fiscal note;
3. For a program anticipated to be funded by any dedicated non-general fund revenue source, the fiscal note shall denote anticipated collection schedules for the non-general fund revenue. For a new fee or a fee change, in addition to the requirements of K.C.C. 2.99.030, the fiscal note shall identify the fee and include the rates proposed. For a regulatory fee, the fiscal note shall include an analysis of the county costs associated with performing the regulatory function;
4. An updated financial plan or plans shall accompany the fiscal note if the expenditure impact of the proposal results in a positive or negative change of five percent or more in the fund financial plan.

E. The director of the office of performance, strategy and budget, or its successor, shall provide a fiscal note on any proposed legislation whenever a fiscal note is requested by a councilmember. In addition, the director shall provide additional fiscal impact information regarding the proposed legislation upon request by a councilmember. The requested fiscal note or information shall be returned within five working days of the request to the requesting councilmember and shall be filed with the clerk of the council's office for distribution to all councilmembers, for distribution to lead staff of the budget and fiscal management committee, or its successor committee, and for inclusion with the legislation.

SECTION 113. Ordinance 18203, Section 1 and K.C.C. 4A.200.148 are each hereby amended to read as follows:

A. There is hereby created the best starts for kids fund.

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

C. The director of the department of community and human services shall be the manager of the fund.

D.1. The fund shall account for the proceeds of the property tax levy approved by the voters of King County, in accordance with Ordinance 18088 on November 3, 2015, in excess of the levy limitation contained in chapter 84.55 RCW. The six-year levy commencing in 2016, has been approved by the voters for the express purpose of paying costs as outlined in Ordinance 18088, Section 5.

2. Out of the first year's levy proceeds:

a. nineteen million dollars shall be used to plan, provide and administer a youth and family homelessness prevention initiative; and

b. such sums as are necessary to provide for the costs and charges incurred by the county that are attributable to the election.

3. The remaining levy proceeds shall be used to plan, provide and administer the provision of a wide range of strategies to:

a. improve health and well-being outcomes of children and youth, as well as the families and the

communities in which they live, including, but not limited to, by ensuring adequate services and supports for pregnant ((women)) individuals and newborns; access to safe and healthy food; support for hospitals and other mental health providers in King County to provide children and youth with access to mental health services; and developmental screening for children and youth;

b. prevent and intervene early on negative outcomes, including, but not limited to, chronic disease, mental illness, substance abuse, homelessness, domestic violence and incarceration;

c. reduce inequities in outcomes for children and youth in the county; and

d. strengthen, improve, better coordinate, integrate and encourage innovation in health and human services systems and the agencies, organizations and groups addressing the needs of children and youth, their families and their communities.

4. Of the eligible expenditures described in subsection D.3. of this section:

a. fifty percent shall be used to plan, provide and administer strategies focused on children and youth under five years old and their caregivers, pregnant ((women)) individuals and for individuals or families concerning pregnancy. Of these moneys, not less than forty-two million eight hundred thousand dollars shall be used to provide health services, such as maternity support services and nurse family partnership home visiting program services;

b. thirty-five percent shall be used to plan, provide and administer strategies focused on children and youth ages five through twenty-four years old;

c. ten percent shall be used to plan, provide and administer communities of opportunity; and

d. five percent shall be used to plan, fund and administer the following:

(1) evaluation and data collection activities;

(2) activities designed to improve the delivery of services and programs for children and youth and their communities;

(3) services identified in subsection D.3. of this section provided by metropolitan park districts in

King County. Of these moneys identified in this subsection D.4.d.(3), an amount equal to the lost revenues to the metropolitan park districts resulting from prorationing as mandated by RCW 84.52.010, up to one million dollars, shall be provided to those metropolitan park districts if authorized by the county council by ordinance; and

(4) services identified in subsection D.3. of this section provided by fire districts, in an amount equal to the lost revenues to the fire districts in King County resulting from prorationing, as mandated by RCW 84.52.010, for those services, to the extent the prorationing was caused solely by the levy and if authorized by the county council by ordinance.