



Legislation Text

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Clerk 01/05/2021

A MOTION relating to the organization of the council; amending Motion 11105 (part), Motion 11105 (part), as amended, and OR 1-020, Motion 11105 (part), as amended, and OR 1-040, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended, and OR 2-030, Motion 11122, Section H, as amended, and OR 2-050, Motion 10651, Section VI, as amended, and OR 3-010 and Motion 10651, Section VII, as amended, and OR 3-030 and rescinding Motion 14725, Section II, as amended, and OR 3-035.

WHEREAS the council has specified by motion the chairs, vice-chairs and members of council committees and provided for any changes to these positions to be made by adoption for a formal legislative motion, and

WHEREAS, the charter provides that the council shall elect one of its members as chair, and Motion 10651, Section II, as amended, and OR 1-010 provides that the council shall elect a chair who shall serve at the pleasure of the council for a term of one year, unless otherwise ordered by the council, and

WHEREAS, the council has specified by motion the chairs, vice-chairs and members of council committees and provided for any changes to these positions to be made by adoption of a formal legislative motion;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

I. Motion 11105 (part), as amended, and OR 1-020 are hereby amended to read as follows:

Powers and duties of the chair.

A. The chair, with their consent, shall appoint councilmembers to regional committees, standing committees, administrative committees, special committees and outside committees as required or as deemed necessary to efficiently conduct the business of the council. The council recognizes that its committee structure, membership and chairs and vice-chairs reflect the council's will. Any changes thereto shall be made only by formal legislative motion adopted by a majority of the members at a council meeting.

B. The chair shall have the responsibility and general direction for the council's resources, budget, operation and organizational structure. The chair shall allocate an equal amount of funding and FTE positions to each councilmember's district support and constituent services account from within the council administration account. The chair shall be responsible for the general oversight of legislative branch employees, except personal and district support and constituent services staff of councilmembers. Each councilmember shall be responsible for making employment decisions for the councilmember's personal and district support and constituent services staff.

C. On behalf of the council, the chair of the council may accept gifts or things of value of less than two thousand dollars. Gifts or things of value given to individual council offices may be accepted by each councilmember subject to the provisions of K.C.C. chapter 3.04. The chair shall notify the clerk of the council of any accepted gifts or things of value. The clerk shall maintain a list of the accepted gifts or things of value and shall report quarterly that list to all councilmembers if there have been any accepted gifts or things of value in the preceding quarter. On behalf of the council, ((T)) the chair of the council shall not enter into a service, goods or consultant contract for more than fifty thousand dollars without first being authorized to do so by council motion. All ((consultants)) contractors shall comply with the King County code of ethics.

D. The chair shall regularly consult in the exercise of the chair's duties with the vice-chairs. The chair, in consultation with committee chairs, shall direct the necessary coordination of staff, except for personal and district support and constituent services staff. The council's chief of staff shall report to the chair and is accountable to and responsive to all councilmembers. The chair may exercise any power conferred upon the

chief of staff.

II. Motion 11105 (part), as amended, and OR 1-040 are hereby amended to read as follows:

Chair and vice-chair elected. For the year ((2020)) 2021 and until a successor is elected, the council elects Councilmember Claudia Balducci as council chair, Councilmember Joe McDermott as council vice-chair of policy development and review and Councilmember Reagan Dunn as council vice-chair of regional coordination.

III. Motion 11122, Section D, as amended, and OR 2-020 are each amended to read as follows:

Standing committees - functions. In addition to any committee otherwise established by law, the committees of the metropolitan King County council and their respective functions are established as follows:

A. **Budget and fiscal management committee** shall consider and make recommendations on: the county revenue and expenditure fiscal structural gap; capital and operating budget appropriations; the sale and lease of real property to or by the county; debt and investment proposals; bond issues; the office of economic and financial analysis; levies unless referred to another committee; supplemental appropriations related to the COVID-19 pandemic response; and financial policies.

1. The committee shall develop recommendations on policy direction for the biennial budget, based on the recommendations of other council committees and taking into account the estimated fiscal impacts of state and federal legislation.

2. In respect to consideration of the county's proposed biennial budget, all members of the council not assigned to the budget and fiscal management committee shall be considered ex officio voting members of the committee.

B. **Committee of the whole.**

((1-)) The committee of the whole shall consider: issues of interest to the entire council, including appointments to the state legislature and department directors and key subordinate units in the executive branch; the annual legislative program; legislation before the federal, state and local governments that affect

King County; the King County Strategic Plan; oversight of Harborview Medical Center; solid waste including waste to energy; arts and culture and associated levies, if any; the Puget Sound Taxpayer Accountability Account; gun safety; the immigrant and refugee commission; issues related to the census; the charter review commission; homelessness, including the King County Regional Homelessness Authority; the Best Starts for Kids levy implementation plan; COVID-19 pandemic response, excluding supplemental appropriations; and other program and policy matters. The committee of the whole shall conduct town hall meetings on issues of significance.

~~((2. Until either the executive terminates the March 1, 2020, proclamation of emergency in response to COVID-19 or the council amends this subsection B.2., the consideration by the committee will include and be focused primarily on matters pertaining to COVID-19 response and recovery efforts.))~~

C. Community, health and housing services committee.

1. The committee shall consider and make recommendations on policies relating to:
 - a. health and housing services provided to the community by county agencies and branches, including, but not limited to, domestic violence facilitators, court navigators and community courts,
 - b. public health programs, including those related to the protection, promotion and provision functions of the department of public health, including the structure of the public health centers;
 - c. affordable housing, including therapeutic and low-income housing;
 - d. human services programs, including review of human services-related levies; and
 - e. economic development including equity and pay disparity.
2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

D. Government accountability and oversight committee.

1. The committee shall consider and make recommendations on:
 - a. improving the efficiency, cost effectiveness and performance of all branches of county government

(legislative, executive and judicial);

b. enhancing oversight, accountability and transparency in King County government, the annual county audit program and federal, state or county audit reports, the administration of the Public Records Act, capital projects oversight, the Puget Sound Emergency Radio Network, strategic planning, performance measurement and performance management, management organizational structure and technology management; and

c. general government oversight, including customer service, worker safety, the department of assessments; elections; records and licensing; animal control; cable communications; the county fair; King County international airport; risk management; veterans, and executive services such as telecommunications, facilities management, purchasing and real property management.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

E. Law and justice committee.

1. The committee shall consider and make recommendations on policies relating to law, safety, criminal justice and emergency management programs, including those related to: implementation of the charter amendments related to the duties of the sheriff's office; public safety; adult detention; juvenile justice and youth services; superior and district courts; judicial administration; prosecuting attorney; public defense; emergency medical services; office of law enforcement oversight; bail reform; pretrial services; alternatives to incarceration; and civil rights.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

F. Local services committee.

1. The committee shall consider and make recommendations on policies relating to:

a. surface water management and water supply;

- b. unincorporated and rural areas, including agriculture and rural services;
 - c. local government;
 - d. permitting and zoning;
 - e. county roads and bridges;
 - f. levies to support county roads and bridges;
 - g. emergency management including disaster response, emergency preparedness and emergency planning as it pertains to the unincorporated areas;
 - h. local services provided by the sheriff;
 - i. utility annexations and water and sewer district plans; and
 - j. local parks and trails.
2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget.

G. Mobility and environment committee.

1. The committee shall consider and make recommendations on:
- a. transportation, including passenger ferries, regional trails and public transportation including spending plans for new revenue, if any, and fares and fare equity policies;
 - b. the environment, including:
 - (1) salmon recovery and barriers to recovery such as culverts;
 - (2) resource lands, excluding agriculture;
 - (3) energy;
 - (4) water quality, including wastewater; ~~((and))~~
 - (5) regional parks and open space; and
 - (6) King County Strategic Climate Action Plan; and
 - c. growth management, including regional planning, Countywide Planning Policies and the

Comprehensive Plan.

2. In the areas within the committee's purview, the committee shall track state and federal legislative action and develop recommendations on policy direction for the biennial budget

IV. Motion 10651, Section V, as amended, and OR 2-030 are each amended to read as follows:

Employment and administration committee.

A. Duties.

1. In accordance with this section OR 2-030, the committee shall oversee employment-related issues in the legislative branch, excluding all decisions for those positions and employees serving councilmembers' personal, district support and constituent services functions.

2. The employment and administration committee shall consider and make recommendations on:

- a. administrative and personnel-related policies;
- b. changes to the organization chart established in OR 3-030.A.;
- c. classification specifications and compensation ranges;
- d. job descriptions for all positions in the legislative branch;
- e. hiring chief officers and independent agency officers, in accordance with a hiring process

established by the committee that may include forming a subcommittee to implement the hiring process. The committee may consult with the board of appeals on its hiring of the executive director and staff of the board of appeals and the committee may express its preference; and

f. censure related to alleged violations by a councilmember of any antiharassment or discrimination policy.

3. The council chair, in consultation with the committee, shall provide oral and written expectations and counseling regarding employee performance for chief officers and independent agency officers. The chair of the council, with committee input, shall establish a process for periodically evaluating the chief officers and independent agency officers for their performance in performing job duties and achieving goals.

4.a. The council chair, in consultation with the committee, shall, when appropriate, issue either written reprimands or performance improvement plans, or both, regarding employee performance issues of a chief officer or an independent agency officer that persist, following an oral or written statement of expectations or counseling.

b. It is the responsibility of the council chair, when appropriate, to recommend to the committee for approval either suspension without pay or termination of chief officers or independent agency officers.

c. Following a suspension without pay of more than ten working days or termination hearing decision, a chief officer or independent agency officer subject to the committee's suspension without pay or termination decision may, within five business days of being notified of the decision, appeal the decision to the council. An appeal is filed by delivering a notice of appeal to the clerk of the council.

d. A decision of the council to suspend without pay or terminate a chief officer or independent agency officer is final.

e. The chair of the council, with consultation of the committee, may execute a settlement agreement with a chief officer or independent agency officer.

f. A written disciplinary action may not be issued before completion of review of it by legal counsel or the civil division of the office of the prosecuting attorney. For the purposes of this subsection A.4., "written disciplinary action" means written expectations and counseling regarding employee performance issues, reprimands, performance improvement plans and decisions regarding suspension without pay or termination of an employee.

B. Committee recommendations and actions.

1. Committee recommendations on matters set out in subsection A.2. of this section shall be presented to the council as a motion for its consideration.

2. For actions authorized under subsection A.3. and 4. of this section, the chair of the employment and administration committee shall issue notice to the affected employee upon final action of the committee or

council.

C. **Personnel records as confidential.** To the extent permitted by law, personnel records which would be exempt from public disclosure shall continue to be treated as confidential and records or portions thereof which are exempt shall be identified as such and separated from nonexempt records.

D. **Construction of section.** Nothing in this section is to be construed to alter the at-will status of legislative branch employees. This section designed to facilitate the will of the majority of the council. If there are specific provisions of a collective bargaining agreement that are different than this section, the collective bargaining agreement shall prevail.

E. **Definitions.** For the purposes of this section OR 2-030:

1. "Administrative services staff" are those legislative branch employees assigned to communications, government relations, administration and clerk blocks in the organization chart, Attachment A to ((~~Motion 15446~~)) this motion.

2. "Chief officers" includes the chief of staff and chief legal counsel;

3. "Directors" includes the clerk of the council, the communication director, the director of government relations, the director of municipal relations, the director of operations, the director of equity and social justice and the chief policy officer;

4. "Independent agency officers" includes the auditor, the director of law enforcement oversight, the hearing((s)) examiner((, the King County Flood Control District executive director)) and the director of the office of citizen complaints/tax advisor, which is also known as the ombuds.

5. "Legislative services staff" are those legislative branch employees assigned to the legislative services block in the organization chart, Attachment A to ((~~Motion 15446~~)) this motion.

V. Motion 11122, Section H, as amended, and OR 2-050 are each amended to read as follows:

Memberships. The council designates the following councilmembers, in addition to the chairs and vice -chairs, as members of the standing committees created in this motion and the regional committees established

in the King County Charter.

Budget and fiscal management committee:

Members: Claudia Balducci, Kathy Lambert, Joe McDermott,
Dave Upthegrove, Girmay Zahilay.

Committee of the whole:

Members: All councilmembers.

Community, health and housing services committee:

Members: Reagan Dunn, Joe McDermott, Dave Upthegrove, Girmay
Zahilay.

Employment and administration committee:

Members: All councilmembers.

Government accountability and oversight committee:

Member: Rod Dembowski.

Law and justice committee:

Members: Claudia Balducci, Rod Dembowski, Reagan Dunn, Jeanne
Kohl-Welles(~~((, Dave Upthegrove))~~).

Local services committee:

Members: (~~((Claudia Balducci,))~~) Joe McDermott, Girmay Zahilay.

Mobility and environment committee:

Members: Claudia Balducci, Kathy Lambert, Jeanne Kohl-Welles, Joe
McDermott, Dave Upthegrove, Girmay Zahilay.

Regional policy committee:

Members: Claudia Balducci, Rod Dembowski, (~~((Jeanne Kohl-Welles))~~).
Alternate: (~~((Claudia Balducci,))~~) Jeanne Kohl-Welles.

Regional transit committee:

Members: Joe McDermott, Girmay Zahilay.

Alternate: Claudia Balducci.

Regional water quality committee:

Members: Claudia Balducci, Reagan Dunn.

Alternate:

VI. Motion 10651, Section VI, as amended, and OR 3-010 are each amended to read as follows:

Use of councilmembers' district accounts and district support and constituent services accounts.

A.1. All salaries and benefits for a councilmember and a councilmember's personal staff shall be paid out of the councilmember's district account, and all salaries and benefits for a councilmember's district support and constituent services staff shall be paid out of the councilmember's district support and constituent services account.

2.a. The council prohibits councilmembers from hiring as personal or district support and constituent services staff persons who have been employed within the prior twelve months:

(1) as a council legislative services staff member classified at range 62 or above in the King County 10 step annual exempt squared table, or as an administrative services staff member classified at range 23 or above in the Legislative Branch Classification Plan; or

(2) persons who have been employed as a personal or district support and constituent services staff member of another currently serving councilmember, except with the consent of that councilmember.

b. District account and district support and constituent services account moneys cannot be used to pay the salary or benefits of persons prohibited from being hired as set forth subsection A.2.a. of this section.

c. This subsection A.2. shall not apply to any employee hired as a personal staff member before October 13, 2008.

3. The central council account, a district account or a district support and constituent services account

may not be used to fund benefits for employees whose employment as personal and district support and constituent services staff is prohibited by subsection A.2. of this section.

B.1. All expenditures for mail originating from an individual councilmember's office shall be paid for out of that councilmember's district account or district support and constituent services account, except for mailings of ten items or less, which may be paid for out of the council administration budget, and for postage that may be funded from the council administration budget subject to the approval of the chair of the council.

2. A councilmember shall not send any mass mailing that is deposited in the mail between the date the councilmember has filed a declaration and affidavit of candidacy with the department of elections and election day in any year in which an election is to be held to fill the councilmember's office. However, mailings may be made after the last day for filing for office if the councilmember has not filed for the office. For the purposes of this subsection B.2, "mass mailing" means any mailing of more than two hundred pieces that contains essentially identical messages and that is prepared or sent by or on behalf of an individual councilmember at council expense.

C. All expenditures for rent, office equipment and furniture, utilities and telephones to support a councilmember's outside district office shall be paid out of the councilmember's district support and constituent services account.

D. All travel expenditures incurred by a councilmember or the councilmember's or personal staff or the councilmember's district support and constituent services staff shall be paid for out of the councilmember's district support and constituent services account or from the council administration budget with the approval of the chair of the council.

E. All other expenditures for community meetings, training, publications, (~~((newspaper advertising, nonnewspaper))~~) advertising, cellular phones, cellular phone services or other related activities as determined by the councilmember shall be paid out of the councilmember's district account or from the councilmember's district support and constituent services account, or from the council administration budget with the approval of

the chair of the council.

F. A councilmember is authorized to execute a contract for services, goods or consulting:

1. That is awarded following any procurement process in K.C.C. chapter 2.93;

2. Payment for which will be made with moneys from either the councilmember's district account or district support and constituent services account, or both; and

3. That does not exceed fifty thousand dollars.

G. Whenever questions about expenditures may arise, a councilmember shall consult with the chief of staff, legal counsel or the chief of staff's designee as necessary in considering whether a specific expenditure is authorized by this section OR 3-010.

VII. Motion 10651, Section VII, as amended, and OR 3-030 are each amended to read as follows:

Legislative branch organization.

A. **Organization chart.** The legislative branch shall be organized in accordance with the organization chart, Attachment A to ~~((Motion 15446))~~ this motion. The chief of staff shall prepare and file with the clerk of the council a revised organization chart to replace Attachment A to ~~((Motion 15446))~~ this motion when the organization of the legislative branch is changed either by any employment and administration committee decision or by any ordinance, motion, or personnel decision adopted by the council.

B. **Chief of staff.** There shall be a council chief of staff who reports to the chair, and shall be accountable and responsive to all councilmembers. The chief of staff is responsible for the efficient overall management and administration of the administrative and legislative services staff as they are defined in OR 2-030. All directors, as defined in OR 2-030, shall report to the chief of staff. The chief of staff is also responsible for monitoring the independent agencies of the council. The chief of staff shall be the council's bargaining lead for all legislative branch bargaining units.

C. **Chief policy officer.** There shall be a chief policy officer who, as a director, reports to the chief of staff and shall be responsive to all councilmembers. As the chief policy officer is the direct report for the

legislative services staff, the chief policy officer is responsible for: the efficient overall management and administration of the legislative services staff; development and administration of analytic standards; committee lead and support assignments; and legislative and policy assignments for analysis.

D. **Chief legal counsel.** There shall be a chief legal counsel who reports to the chair and shall be accountable and responsive to all councilmembers for the provision of legal services to the council, councilmembers, and administrative and legislative services staff. The chief legal counsel is responsible for the efficient overall management and administration of the legal services staff, outside counsel and coordination with the prosecuting attorney's office.

E. **Independent agency officers.** For all the independent agencies, identified in the organization chart, Attachment A to ((~~Motion 15446~~)) this motion, their officers shall be appointed by the council and each independent agency officer shall be accountable and responsible for the efficient overall management and administration of their agencies. The independent agencies, their officers, managers and staff are subject to the policies and procedures of the legislative branch.

~~((F. **King County Flood Control District executive director.** The King County Flood Control District executive director shall report to the county councilmember who serves as the chair of the King County Flood Control District. The executive director shall be accountable and responsive to all councilmembers who serve on the King County Flood Control District board of supervisors. The executive director is responsible for the efficient overall management and administration of the King County Flood Control District and the flood control district administration unit and its employees. The executive director is subject to the policies and procedures of the legislative branch.))~~

VIII. Motion 14725, Section II, as amended, and OR 3-035 are hereby rescinded.