Title 2
ADMINISTRATION

UPDATED: January 17, 2017

Chapters:

2.04 SERVICE OF PROCESS ON COUNTY
2.08 OFFICE HOURS
2.10 PERFORMANCE, MANAGEMENT AND ACCOUNTABILITY
2.12 MAINTENANCE OF PERMANENT RECORDS*
2.14 PUBLIC ACCESS TO ELECTRONIC RECORDS AND INFORMATION
2.15 CITIZEN AND IMMIGRATION STATUS
2.16 ADMINISTRATIVE OFFICES AND EXECUTIVE DEPARTMENTS
2.18 DIRECTOR OF ELECTIONS
2.20 COUNTY AUDITOR
2.21 CLAIMS AGAINST COUNTY
2.22 DEPARTMENT OF COMMUNITY AND HUMAN SERVICES
2.28 MEMBERSHIP ON BOARDS, COMMISSIONS AND COMMITTEES
2.29 NATURAL RESOURCES BOARDS, COMMISSIONS AND COMMITTEES
2.30 WOMEN'S ADVISORY BOARD
2.32 ADMINISTRATIVE AND ADVISORY BOARDS
2.34 BOARD OF APPEALS AND EQUALIZATION
2.35 KING COUNTY BOARD OF HEALTH
2.35A DEPARTMENT OF PUBLIC HEALTH
2.36 COMMITTEES
2.37 WASHINGTON STATE PUBLIC STADIUM AUTHORITY
2.38 WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM FACILITIES DISTRICT
2.39A HOTEL-MOTEL SPECIAL SUPPORT PROGRAM
2.40 KING COUNTY AGRICULTURE COMMISSION
2.41 KING COUNTY RURAL FOREST COMMISSION
2.42 HARBORVIEW MEDICAL CENTER
2.43 BEHAVIORAL HEALTH SYSTEM
2.45 KING COUNTY ACTIVE SPORTS AND YOUTH RECREATION COMMISSION
2.46 PUBLIC ART PROGRAM
2.48 CULTURAL PROGRAMS
2.49 CULTURAL DEVELOPMENT AUTHORITY OF KING COUNTY
2.51 KING COUNTY FRAMEWORK POLICIES FOR HUMAN SERVICES
2.52 KING COUNTY OFFICE OF CITIZEN COMPLAINTS/TAX ADVISOR
2.53 CITIZENS' ELECTIONS OVERSIGHT COMMITTEE
2.55 SECTION 504/ADA ADVISORY COMMITTEE
2.56 EMERGENCY MANAGEMENT*
2.58 EMERGENCY RADIO COMMUNICATION SYSTEM
2.59 PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS TELEVISION CHANNELS
2.60 PUBLIC DEFENSE
2.68 DISTRICT COURT DISTRICT PLAN
2.69 SUPERIOR COURT OF KING COUNTY
2.70 DISTRICT COURT - MERIT SELECTION PROCESS
2.72 COUNTY PRISONERS

2.73 RECOVERY OF INCARCERATION COSTS
2.75 LAW ENFORCEMENT OVERSIGHT
2.80 GIFTS, BEQUESTS AND DONATIONS TO COUNTY
2.84 INTERNATIONAL TRADE EXPANSION AND ECONOMIC DEVELOPMENT
2.88 HOUSING AUTHORITY - FEDERALLY ASSISTED PROGRAMS
2.92 SAFETY AND WORKER'S COMPENSATION PROGRAM
2.93 PROCUREMENT
2.96 PURCHASING*
2.97 CONTRACTING OPPORTUNITIES PROGRAM
2.98 RULES OF COUNTY AGENCIES
2.99 FEES CHARGED BY COUNTY AGENCIES
2.100 CODE INTERPRETATIONS OF DEVELOPMENT REGULATIONS
2.110 KING COUNTY FLOOD CONTROL ZONE DISTRICT
2.120 FERRY DISTRICT
2.124 TRANSIT PUBLIC INVOLVEMENT
2.130 MENTAL ILLNESS AND DRUG DEPENDENCY OVERSIGHT COMMITTEE
2.140 FORECAST COUNCIL
2.200 SEATTLE-KING COUNTY TAXICAB ADVISORY COMMISSION
2.300 WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT

2.04 SERVICE OF PROCESS ON COUNTY

Sections:

2.04.010 Service of summons upon council clerk.

2.04.010 Service of summons upon council clerk. For the purpose of service of summons on King County under provisions of RCW 4.28.080, the person to be served is the clerk of the county council. (Ord. 13, 1969).

2.08 OFFICE HOURS

Sections:

2.08.010 Office hours specified - notice.

2.08.010 Office hours specified - notice.

A. All county offices shall remain open for the transaction of public business as follows:

1. Open on Monday through Friday of each week from eight-thirty a.m. to four-thirty p.m., except where accommodations can be made, as determined necessary by the county chief administrative officer, to provide services to the public on a reduced or alternative basis and not in conflict with union contracts;

2. Closed on Saturdays, Sundays and all legal holidays; and

3. Closed on designated furlough days in the case of an emergency budget crisis.

B. If an emergency budget crisis is proclaimed and ratified or declared under K.C.C. 3.12F.020 and a budget furlough has been ordered, the executive shall notify the public that county offices are closed by posting the information on the county buildings or offices that are closed, by posting a notice on the Internet, by advertising in the official county newspaper and by issuing press releases. (Ord. 16735 § 2, 2009: Ord. 16339 § 2, 2008: Ord. 376 § 1, 1970).

2.10 PERFORMANCE, MANAGEMENT AND ACCOUNTABILITY

(Formerly PERFORMANCE, STRATEGY AND BUDGET)

Sections:

2.10.014 Intent - policy - compounds.
2.10.020 Definitions.
2.10.034 Agencies - duties.
2.10.044 Vision and policy priorities - transmittal for adoption by ordinance.
2.10.054 Strategic innovation priorities - annual report and motion – use of results - intent.
2.10.064 Business plans.
2.10.074 Biennial motion regarding vision and policy priorities and strategic innovation priorities.
2.10.084 Performance management advisory committee.
2.10.094 Interbranch team to support performance management advisory committee.
2.10.104 Cross functional strategic team for each vision and policy priorities goal.
2.10.114 Vision and policy priorities report - notice - contents.
2.10.124 Annual audit of vision and policy priorities goals.
2.10.200 Fair and just principle of 2011-2014 countywide strategic plan - purpose - K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230.
2.10.210 Fair and just principle - definitions.
2.10.220 Fair and just principle - actions to achieve.
2.10.230 Fair and just principle - intent - not basis of private right of action.
2.10.300 Strategic plan - approved and adopted.
2.10.310 Strategic plan - as framework to be reviewed and refined – performance and accountability group.
2.10.400 Intergovernmental financing partnerships for civil or cultural facilities - review - criteria.

2.10.014 Intent - policy - components.

A. It is the intent of the King County council to establish within the county government a performance management and accountability system that ensures an ongoing, systematic approach to improving county governmental operations and ensures government program results through a system of strategic planning, evidence-based decision making, continuous performance improvement and a focus on accountability in the achievement of prioritized goals.

B. The performance management and accountability system shall:

1. Engage the public and county leadership in the development of countywide priorities;

2. Demonstrate achievement in meeting the county's goals;

3. Increase the ability of county managers and staff to continuously improve performance and customer service and to assess program effectiveness; and

4. Assist county elected leaders in making policy and budget decisions in support of county goals and objectives.

C. The performance management and accountability systems shall consist of:

1. A system of strategic planning including:

a. vision and policy priorities;

b. strategic innovation priorities; and

c. business plans;

2. The King County budget as authorized under K.C.C. chapter 4A.100;

3. A system of implementation, performance measurement and continuous

improvement consistent with authorities and responsibilities of the King County Charter; and

4. Regular reporting and evaluation of results. (Ord. 17929 § 1, 2014: Ord. 17834 § 2, 2014).

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

A. "Activities" means the specific, measurable processes, products and services implemented by an agency to achieve strategies and objectives.

B. "Agency" means the council administration and independent offices of the legislative branch, the executive branch, including departments, divisions and offices, the prosecuting attorney, the superior court, the district court, the sheriff, the assessor, the department of elections and the office of economic and financial analysis.

C. "Business plan" means the strategic planning documents that articulates the proposed activities and resources necessary to achieve specific targets for an agency during a prospective six to ten year period.

D. "Cross-functional strategic teams" means the leadership teams charged with coordinating achievement of each of the goals of the vision and policy priorities.

E. "Goals" means the statements of direction, purpose or intent that describe the future state or result to be achieved.

F. "[Guiding principles" means the values that reflect the beliefs about the roles and responsibilities of an agency and its employees.]*

G. "Measure" means a quantitative value, characteristic or metric used to track the internal or external performance of objectives, strategies and actions.

G. "King County" or "countywide" means all county agencies and executive branch departments and offices.

H. "Mission" means the statement that identifies the county's or agency's purpose or reason for existing that will guide its actions and strategies in the achievement of its vision.

I. "Objectives" means a statement of the specific, measureable results stated to achieve a goal. Objectives inform the development of strategies and activities.

J. "Performance measurement" means [collecting, analyzing and reporting data with regard to the performance of an agency, objectives, strategies, activities, programs, or services.]*

K. "Result" means the outcome of a program, service, set of activities or strategy used to describe the impact of the activity or strategy as it relates to meeting goals, objectives and strategies.

L. "Strategic innovation priorities" means the prioritized cross-functional strategic planning efforts or activities that that have the greatest likelihood of advancing the goals identified in the vision and policy priorities. Strategic innovation priorities are:

1. The county's immediate planning priorities for the next biennium that will require significant cross-functional planning and resource coordination;

2. Reflected in the subsequent executive's proposed budget and council adopted budget; and

3. Based on recommendations of the council and in consideration of the recommendations of the cross-functional strategic teams.

M. "Strategies" means the specific, measureable systems, methods and approaches to achieving an objective. Strategies guide the development of activities and the products and services delivered to achieve the strategy.

N. "Target" means a desired number or level related to a performance measure that the county or an agency is striving to achieve through activities, strategies and objectives.

O. "Vision" means the statement that identifies what the county or agency strives to

be in the future through the achievement of its goals and objectives.

P. "Vision and policy priorities" means the high-level statement of long-range strategic goals and priorities for King County government, generally with a ten to twenty-year planning horizon, that are used countywide to prioritize decision making, business planning and resource allocation.

Q. "Vision and policy priorities reporting" means the biennial, public reporting on the county's results in achieving the targets of the goals and objectives of the vision and policy priorities. (Ord. 17834 § 3, 2014: Ord. 16960 § 3, 2010: Ord. 16391 §13, 2009: Ord. 16308 § 1, 2008: Ord. 16202 § 2, 2008: Ord. 11980 § 2, 1995).

Reviser's note: Added but not underlined as required by K.C.C. 1.02.075 in Ordinance 17834, Section 3.

2.10.034 Agencies - duties.

A. Agencies shall use the process in this chapter to develop vision, mission, goals, objectives, strategies and activities.

B. In carrying out this section, agencies shall:

1. Regularly engage the public to identify and provide feedback on countywide priorities;

2. Work collaboratively with other agencies and between the legislative and executive branches to develop prioritized goals, objectives and strategic innovation priorities while respecting separate authorities established in the King County Charter;

3. Annually measure and report on how well it is meeting its goals, objectives and targets;

4. Use performance measurement for planning, evaluation, continuous improvement and resource allocation;

5. Use results to support continuous organizational evaluation and improvement in collaboration with the workforce rather than punitive purposes; and

6. Implement the performance management and accountability system consistent with the fair and just principle under K.C.C. 2.10.210 through 2.10.230. (Ord. 17834 § 4, 2014).

2.10.044 Vision and policy priorities - transmittal for adoption by ordinance.

A. The vision and policy priorities include the county's:

1. Vision;
2. Mission;
3. Guiding principles;
4. Goals;
5. Objectives; and
6. Measures and targets for each objective.

B. The executive shall transmit the vision and policy priorities for adoption by ordinance. (Ord. 17834 § 5, 2014).

2.10.054 Strategic innovation pirorites - annual report and motion - use of results - intent.

A. The executive shall transmit a report and motion of the recommended strategic innovation priorities by March 31 of each budget adoption year.

B. The results of strategic innovation priority planning may result in implementation strategies and performance management recommendations for integration into business plans, as well as recommendations for updates to the vision and policy priorities.

C. It is council's intent that no more than six separate strategic innovation priorities shall be identified for any budget period. (Ord. 17834 § 6, 2014).

2.10.064 Business plans.

A. Each agency shall develop a business plan, which shall include:

1. Policies and prioritization criteria affecting implementation, including, but not limited to, operational, facilities, asset management, technology and climate action;

2. The agency's results for each of its targets for the last two years and, as available, ten-year results trends;

3. Strategies and actions to be implemented;

4. Specific results and targets to be achieved for the period of the business plan;

5. Identification of the operational and capital resources necessary to deliver strategies and actions, including facilities and technology for the period of the business plan;

6. A financial plan for the period of the business plan;

7. A two-year implementation plan, including detail regarding strategies and actions, additional capital resources, proposed fund expenditures and estimated revenues and targets to be achieved; and

8. Analysis of alternatives considered and the estimated costs, as well as the criteria used to evaluate alternatives to accomplish goals and objectives.

B. Each business plan must align to the vision and policy priorities, as well as reflect policies contained in other county planning documents adopted by ordinance.

D. Business plans shall be transmitted with the executive's proposed budget consistent with K.C.C. K.C.C. chapter 4A.100. (Ord. 17929 § 2, 2014: Ord. 17834 § 7, 2014).

2.10.074 Biennial motion regarding vision and policy priorities and strategic innovation priorities.

A. By February 28 of each budget adoption year, the council shall adopt a motion regarding the vision and policy priorities and strategic innovation priorities.

B. The motion shall reflect:

1. The council's review of the vision and policy priorities report required by subsection 12*; and

2. A review with the separately elected officials of results, trends and emerging issues related to achieving the vision and policy priorities. (Ord. 17834 § 8, 2014).

Reviser's note: "subsection 12" is apparently erroneous. "Section 12 of this ordinance" was apparently intended. Ordinance 17834, Section 12, was codified as K.C.C. 2.10.114.

2.10.084 Performance management advisory committee.

A. A county performance management advisory committee shall be established to facilitate legislative and executive branch collaboration and to review and make recommendations to the executive and the council regarding the performance management and accountability system.

B. The committee shall consist of:

1. The chair of the council, who shall serve as cochair of the committee;

2. The chair of the council's budget and fiscal management committee or its successor;

3. The chair of the council's committee of the whole; and

4. The executive, who shall serve as cochair of the committee.

C. The committee is charged with review of and making recommendations to its members' respective branch of government for the:

1. Vision and policy priorities and recommendations of the corresponding cross-functional strategic teams;

2. Strategic innovation priorities;

3. Performance results reporting; and

4. Opportunities for cross-branch performance management and accountability system collaboration.

B. The committee shall work on a consensus basis, respecting that recommendations of the committee are not binding. (Ord. 17834 § 9, 2014).

2.10.094 Interbranch team to support performance management advisory committee.

A. An interbranch team shall be established to support the performance management advisory committee.

B. The interbranch team shall consist of:

1. Up to three staff designated by the executive;

2. Up to three staff designated by the chair of the council;

3. One member of each cross-functional team, as designated by each team; and

4. The county auditor as an ex officio member.

C. The interbranch team shall be cochaired by one of the executive and chair of the council designees.

D. The deputy county executive and council chief of staff shall serve as advisors to the interbranch team. (Ord. 17834 § 10, 2014).

2.10.104 Cross functional strategic team for each vision and policy priorities goal.

A. A cross functional strategic team shall be established for each of the goals identified in the vision and policy priorities.

B. Cross functional strategic teams shall:

1. Annually review the internal and external performance and financial data, trends and capabilities associated with achieving its goal and objectives;

2. Identify opportunities or conditions that have a likelihood of affecting the county's achievement of its goal and objectives;

3. Identify solutions and coordinate the achievement of its goal and objectives;

4. Make recommendations to the performance management advisory committee for the results, measures and targets of its goal and objectives;

5. Facilitate cross-agency collaboration and alignment of strategies and activities to improve efficiency and effectiveness;

6. Transmit to the executive and members of the performance advisory interbranch team an annual goal report summarizing the results, challenges and opportunities by July 31 of each year.

C. For each goal, the team shall consist of:

1. The separately elected officials or their designees responsible for implementing the strategies and activities of the goal;

2. The executive-designated department or division directors responsible for implementing the strategies and activities of the goal;

3. One staff designated by the executive; and

4. One staff designated by the council.

D. The office of performance, strategy and budget, shall convene and facilitate the teams, as charged by the performance management advisory committee. (Ord. 17834 § 11, 2014).

2.10.114 Vision and policy priorities report - notice - contents.

A. The executive shall post the vision and policy priorities report on the county's website and transmit a vision and policy priorities report by September 30 of each non-budget adoption year. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the paper original and distribute electronic copies to all councilmembers and separately elected officials.

B. The vision and policy priorities report, produced by the office of performance, strategy and budget, shall reflect the results identified in business plans and reports transmitted by the cross functional strategic teams as identified in K.C.C. 2.10.104. The report shall include, at a minimum, an evaluation of:

1. The status of achieving the stated goals and objectives; and
2. The effectiveness of the strategies and activities in achieving goals and objectives. (Ord. 17834 § 12, 2014).

2.10.124 Annual audit of vision and policy priorities goals.

A. The auditor shall annually conduct an audit of at least one goal of the vision and policy priorities in order to assess the county's effectiveness and efficiency in achieving its goals and objectives.

B. The audits shall include, at a minimum, an assessment of:

1. The stated goals, objectives and strategies;
2. The effectiveness of the strategies and activities in producing the desired results;
3. The measures and measurement of target achievement; and
4. The relationship between resource allocation and achievement of results.

C. The audits shall also include findings consistent with the achievement the goal. (Ord. 17834 § 13, 2014).

2.10.200 Fair and just principle of 2011-2014 countywide strategic plan - purpose - K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230. Through adoption of the King County Strategic Plan 2010-2014: Working Together for One King County, King County has transformed its work on equity and social justice from an initiative to an integrated effort that applies the countywide strategic plan's principle of "fair and just" intentionally in all the county does in order to achieve equitable opportunities for all people and communities. K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230 establishes definitions and identifies the specific approaches necessary to implement and achieve the "fair and just" principle that is embedded as a core element of the goals, objectives and strategies of the countywide strategic plan. (Ord. 16948 § 1, 2010).

2.10.210 Fair and just principle - definitions. 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 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. (Ord. 16948 § 2, 2010).

2.10.220 Fair and just principle - actions to achieve. To achieve the fair and just principle embedded within the countywide strategic plan goals, objectives and strategies, the executive shall:

A. Apply equity and social justice foundational practices to county actions and endeavor to integrate these practices into the county's: strategic, operational and business plans; management and reporting systems for accountability and performance; and budgets in order to eliminate inequities and create opportunities for all people and communities;

B. Establish an interbranch team to facilitate accountability of and coordination by all branches, departments, agencies, and offices of county government regarding implementation of the fair and just principle of the countywide strategic plan. The executive shall designate a department or agency to colead the effort. The interbranch team shall be composed of the directors or their designees of all branches, departments, agencies and offices of county government. The interbranch team shall support the county's application of equity and social justice foundational practices through:

1. Development of analytical tools to support all branches' departments and agencies in identifying the equity impacts of policies and decisions and ways in which to amplify positive impacts and mitigate negative impacts;

2. Development of guidelines which can be implemented across all branches' departments and agencies for outreach, communication and community engagement to improve the scope and effectiveness of county efforts to ensure that all communities receive information and have the opportunity to shape county policies and services;

3. Identifying focus areas and supporting the development of policies and actions that improve fairness and opportunity in county government organizational practices, including all employment practices such as hiring, training, retention and promotion and business practices such as contracting, procurement and grant writing;

4. Providing a forum for exchange of information and identification of opportunities for collaboration across branches' departments and agencies on equity and social justice foundational practices; and

5. Supporting the identification of annual work plans by branches' departments and agencies on application of equity and social justice practices, including the items listed in subsection B.1. through 5. of this section; and

C. Design and publish an annual report for King County elected leadership, employees and the public on the status and trends in equity in the county and measures of accountability for work plans and results related to implementation of K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230. (Ord. 16948 § 3, 2010).

2.10.230 Fair and just principle - intent - not basis of private right of action. It is the intent of the council that K.C.C. 2.10.200, 2.10.210, 2.10.220 and 2.10.230 is a general statement of county policy that cannot form the basis of a private right of action. (Ord. 16948 § 4, 2010).

2.10.300 Strategic plan - approved and adopted. The King County Strategic Plan, 2010-2014, Attachment A to 16897*, is hereby approved and adopted. (Ord. 16897 § 1, 2010).

***Available in the King County Archives.**

2.10.310 Strategic plan - as framework to be reviewed and refined - performance and accountability group.

A. The King County Strategic Plan, 2010-2014 provides a broad policy and management framework to unify and inform decision making across all branches of King County government. To be most effective in this function, the King County Strategic Plan, 2010-2014 must be a dynamic document that is reviewed and refined as implementation actions are taken.

B. To provide leadership and guidance, and to promote unified approaches to implementing the countywide strategic plan, the county shall convene a performance and accountability group to ensure that the strategies in the plan are successfully addressing the mission, vision, principles and goals of the plan, consisting of:

1. The executive;
2. Two councilmembers as designated by the council;
3. The sheriff;
4. The prosecuting attorney;
5. An elected judge designated by the superior courts;
6. An elected judge designated by the district courts;
7. The assessor; and
8. The director of elections.

C. The performance and accountability group shall meet at least twice annually to:

1. Identify annual countywide strategic plan priorities;

2. Review the county's performance on meeting the objectives and goals set forth in the strategic plan;

3. Consider emerging trends, issues and opportunities of countywide and regional significance; and

4. Recommend revisions to the countywide strategic plan for consideration by the council in its regular review of the plan in accordance with K.C.C. chapter 2.10.

D. To support the performance and accountability group, the office of strategic planning and performance management*, or its successor, shall convene a working

group that consists of senior staff to the elected officials represented on the performance and accountability group. The working group shall meet as directed by the performance and accountability group. (Ord. 16897 § 2, 2010).

***Reviser's note: The office of strategic planning and performance management was succeeded by the office of performance, strategy and budget under Ordinance 16960.**

2.10.400 Intergovernmental financing partnerships for civil or cultural facilities - review - criteria.

A. The county's office of performance, strategy and budget shall review municipal proposals for intergovernmental financing partnerships that, if the eligibility criteria in subsection B. of this section are satisfied, would support the development of an interlocal agreement for the county to issue bonds in support of municipally-sponsored development and construction of civic or cultural facilities with regional benefit.

B. The office of performance, strategy and budget shall apply the following criteria in evaluating a proposal for an intergovernmental financing partnership for the development and construction of civic or cultural facilities as provided for in subsection A. of this section:

1. Only municipalities in King County are eligible to be a partner city;
2. The proposed project must be located in the partner city;
3. The proposed project must serve a county purpose and be determined to have broad regional benefit;
4. The partner city must establish and identify the available secured revenue sources for the proposed project;
5. The county's contribution shall be limited to an amount that can reasonably be supported by the established or identified available tax revenues or other secured revenues identified by the partner city, and shall be in an amount that is appropriate for the specific circumstances of the proposal. County debt shall be used only if the county has determined that its participation in the project with the partner city project would be consistent with the county's debt policies and would not adversely impact the county's bond rating or finances;
6. The partner city must enter into an interlocal agreement with the county. The interlocal agreement may further establish the roles and responsibilities of the partner city and the county, including the financing, management, ownership, communication, oversight and accountability mechanisms that may be required by the county as the basis for its participation in the partner city's project;
7. The proceeds from the county bond issuance may only be used for the project's development and construction. The bond proceeds may not be used for a facility's operations;
8. The partner city shall cover all county costs associated with the bond issuance;
9. The project must satisfy all environmental requirements; and
10. The project must receive all necessary permitting approvals. (Ord. 17402 § 1, 2012).

2.12 MAINTENANCE OF PERMANENT RECORDS*

Sections:

2.12.005 Definitions.
2.12.010 Preparation of permanent records of council proceedings.

2.12.020 Transfer of council and commissioners records to archives.
2.12.035 Archives and records management program - archives as official repository.
2.12.040 Records retention and public disclosure manuals.
2.12.060 Retention of public records.
2.12.120 Recording services - fees.
2.12.130 Non-statutorily required reports – Fees.
2.12.170 Enhanced program for preserving, copying, maintaining and indexing documents - fee.
2.12.180 Agency index of records, reports and manuals required.
2.12.210 Public records - rules adopted - clarification by agencies – King County as political subdivision
2.12.220 Records - authority and purpose.
2.12.200 Records - authority and purpose.
2.12.230 Public records - public records officer - contact information - requests to each agency - assistance - education and training - minimize interference and disruption.
2.12.240 Public Records - availability of public records - hours for inspection - index – organization - requests.
2.12.250 Public records - processing requests - general – providing full access - process upon request - notice to affected parties - exempt records – inspection - copies - installments - closing withdrawn or abandoned request - later-discovered documents.
2.12.260 Public records - processing electronic records - request – provision - customized access.
2.12.270 Public records - exemptions.
2.12.280 Public records - fees - payment.
2.12.290 Public records - review of denial - petition - process.
2.12.300 Public records - performance reports - lawsuit reports.

***For the statutory provisions regarding county record keeping, see RCW 36.32.140, 36.32.150, 36.32.155, 36.32.160 and 36.32.170.**

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

A.1. "Agency" means:

a. the executive branch;
b. the legislative branch;
c. the department of public safety;
d. the department of assessments;
e. the office of the prosecuting attorney;
f. the department of elections;
g. the forecast council and office of economic and financial analysis;
h. the board of appeals; and
i. the personnel board.

2. "Agency" does not include the superior court or the district court.

B. “Archival records” means those designated as having continuing historical value by the Washington State Archives or the King County archivist.

C. "County records" means any document, including any paper, correspondence, completed form, bound records book, photograph, film, sound or video recording, map, drawing, machine-readable material or other document, regardless of physical form or

characteristics, and including copies thereof, that has been made by or received by any agency of King County in connection with the transaction of public business.

D. "Executive branch" means the executive branch as defined in the county charter, but excluding the department of public safety, the department of assessments and the department of elections.

E. "Legislative branch" means the legislative branch as defined in the county charter and as provided by ordinance, including, but not limited to, the county council and the offices of the county auditor, citizen complaints, the hearing examiner and law enforcement oversight.

F. "Official record" means a public record that an agency is required by law to accept or maintain, including, but not limited to, recorded documents, judgments, licenses, vital statistics and property records.

G. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

H. "Public records officer" means the person appointed by the agency in accordance with K.C.C. 2.12.230.A. (Ord. 16679 § 1, 2009: Ord. 10698 § 3, 1993).

2.12.010 Preparation of permanent records of council proceedings. The clerk of the council is responsible for the preparation of permanent records of the council proceedings. (Ord. 16679 § 2, 2009: Ord. 695 § 1, 1971).

2.12.020 Transfer of council and commissioners records to archives. All records of the King County council and records of the King County commissioners, including office files and memoranda, shall be transferred to the King County archives for permanent retention in accordance with the applicable records retention schedules. (Ord. 16679 § 3, 2009: Ord. 15971 § 27, 2007: Ord. 10698 § 1, 1993: Ord. 4714 § 1, 1979: Ord. 695 § 2, 1971).

2.12.035 Archives and records management program - archives as official repository.

A. An archives and records management program is hereby established in the records and licensing services division of the department of executive services. The archives and records management program shall be responsible for:

1. Maintaining a facility for storage of inactive and archival records;

2. Establishing standards for records storage media to ensure continued public access to public records during their legal retention period and for preservation of archival records;

3. Maintaining records retention schedules of current records index as set forth in chapter 42.56 RCW. A directory of historical, noncurrent or obsolete records designated archival shall serve as an index to King County administrative history, as provided by chapter 40.14 RCW; and

4. Preserving and providing public access to the archival records of King County.

B. The King County archives is designated as the official repository of the county's archival records. The King County archives may transfer the county's archival records to the Washington state archives for ongoing preservation. (Ord. 16679 § 4, 2009: Ord. 15971 § 28, 2007: Ord. 10698 § 2, 1993).

2.12.040 Records retention and public disclosure manuals. The department of executive services is responsible for maintaining records retention and public

disclosure manuals. The manuals shall include each agency's record retention schedules. The manuals shall be made available to the public by electronic means. (Ord. 16679 § 5, 2009: Ord. 12485 § 4, 1996).

2.12.060 Retention of public records. Retention of public records, including official records, shall be in accordance with approved records retention schedules established pursuant to RCW 40.14.070. In accordance with those records retention schedules, the archives and records management program shall provide for the legal retention and disposition of public records, including identification of archival records. (Ord. 16679 § 7, 2009: Ord. 10698 § 5, 1993: Ord. 3606 § 4, 1978).

2.12.120 Recording services - fees. The manager of the records and licensing services division shall charge such fees for the provision of recording services as are provided for county auditors in chapters 36.18 and 36.22 RCW and RCW 58.24.070. In addition, the following specific fees apply:

A. Record of survey. As authorized under RCW 58.09.100, for land surveys, which shall be eighteen by twenty-four inches or less in size, the fee schedule is:

1. Basic fee for first page $25.00
2. Each additional page $5.00

B. For short plats and boundary line adjustments, legal size or smaller, the manager of the records and licensing services division shall charge such fees as are provided for county auditors in chapter 36.18 RCW. For short plats and boundary line adjustments, eighteen by twenty-four inches or less in size, the fee schedule shall be the same as record of survey under subsection A. of this section.

C. The record of monument shall be filed without charge on the standard form prescribed by the state Department of Natural Resources, Bureau of Surveys and Maps.

D. As authorized under RCW 64.34.202, to reserve the right to use a specific name for a condominium, the fee is fifty dollars. (Ord. 16679 § 13, 2009: Ord. 15971 § 30, 2007: Ord. 14764 § 1, 2003: Ord. 14457 § 1, 2002: Ord. 14007 § 2, 2000: Ord. 13331 § 2, 1998: Ord. 9168 § 3, 1989: Ord. 1660 §§ 1-2, 1973).

2.12.130 Non-statutorily required reports – Fees.

A. The purpose of this section is to authorize departments of King County government to assess service fees for reimbursement of actual costs incurred by the county for the research, production and provision of computer print-out pages of requested reports which are not specifically required by statute to be provided.

B. This section shall apply to the provision of non-statutorily required reports to any party other than a King County agency. The cost to any party other than a King County agent shall be the actual unit cost per print-out page or part thereof. This cost shall be based on data maintenance and input, research, and production time.

C. Departments providing non-statutorily required reports shall establish a procedure for collection of these fees.

D. This section shall not apply to infrequent provision of non-statutorily required reports if the collection of service fees is determined by a department to be cost ineffective. (Ord. 8068, 1987).

2.12.170 Enhanced program for preserving, copying, maintaining and indexing documents - fee.

A. There is established within the records and licensing services division an enhanced program for preserving, copying, maintaining and indexing documents officially recorded and filed with the county that require preservation in the public interest against age and environmental degradation before they are irreparably damaged. The

program shall take advantage of the latest technology for records preservation to include, but not limited to, photomicrographic and computerized electronic digital storage methods.

B. To support the program, the manager of the records and licensing services division shall collect the fee authorized under RCW 36.22.170 for each document recorded in the recorder's office, which shall be in addition to any other authorized fee or charge. The fee shall be used for only those purposes outlined by state law as amended, that is, to provide for the installation and maintenance of an improved system for copying, preserving and indexing documents recorded in King County and for the preservation of those records deemed archival. (Ord. 16679 § 15, 2009: Ord. 15971 § 32, 2007: Ord. 9168 § 2, 1989).

2.12.180 Agency index of records, reports and manuals required.

A. Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

1. Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

2. Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

3. Administrative staff manuals and instructions to staff that affect a member of the public;

4. Planning policies and goals and interim and final planning decisions;

5. Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies reports or surveys, whether conducted by public employees or others; and

6. Correspondence, and materials referred to in the correspondence either prepared or received by the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, in which the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government or any private party.

B. An agency need not maintain such an index if to do so would be unduly burdensome, but it shall in that event:

1. Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

2. Make available for public inspection and copying all indexes maintained for agency use.

C. An agency's record retention schedule approved in accordance with chapter 40.14 RCW may serve as an index for the purposes of this section. (Ord. 14266 § 6, 2001: Ord. 2165 § 4, 1974. Formerly K.C.C. 2.98.040).

2.12.210 Public records - rules adopted - clarification by agencies - King County as political subdivision.

A. The county adopts the rules on records in K.C.C. 2.12.220, 2.12.230, 2.12.240, 2.12.250, 2.12.260, 2.12.270 and 2.12.280, which are based on chapter 44-14 WAC. However, chapter 44-14 WAC and its comments are not adopted.

B. These rules may also be further clarified and implemented by each agency to the extent that the clarifications do not conflict with state law.

C. King County is a political subdivision of the state of Washington and is a home rule charter county composed of multiple agencies. (Ord. 16679 § 18, 2009).

2.12.220 Public records - authority and purpose.

A. RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. Chapter 42.56 RCW defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

B. The purpose of this chapter is to establish the procedures the county will follow in order to provide full access to public records that are not exempt from disclosure under applicable law. This chapter provides information to persons wishing to request access to public records of the county and establish processes for both requestors and county staff that are designed to best assist members of the public in obtaining such access.

C. The purpose of chapter 42.56 RCW is to provide the public full access to records concerning the conduct of government that are not exempt from disclosure under applicable law, mindful of individuals' privacy rights and the desirability of the efficient administration of government. Chapter 42.56 RCW and this chapter will be interpreted in favor of disclosure. In carrying out its responsibilities under chapter 42.56 RCW, the county will be guided by the provisions of the act describing its purposes and interpretation. (Ord. 16679 § 19, 2009).

2.12.230 Public records - public records officer - contact information - requests to each agency - assistance - education and training - minimize interference and disruption.

A. Each agency shall appoint a public records officer and shall identify the officer in a way reasonably calculated to provide notice to the public, including posting, at the agency's public service counters, if any, and on its website, the officer's name, office address, telephone number, fax number and email address. Each agency shall include on its website home page a link to the web page on which the agency provides this contact information and instructions on how to make a public records request.

B. Any person wishing to request access to public records of an agency, or seeking assistance in making such a request, should contact the public records officer of the agency. A request to one agency does not constitute a request to any other agency. A separate request must be made to each agency from which access to public records is requested or assistance in making such a request is sought.

C. The public records officer, or the public records officer's designee, for each agency shall oversee compliance by the agency with chapter 42.56 RCW. The agency shall:

1. Provide the fullest assistance to requestors;

2. Provide education and training within an agency to ensure that public records are protected from damage or disorganization and are promptly produced for inspection and copying upon request to the extent required by law; and

3. Prevent fulfillment of public records requests from causing excessive interference with essential functions of the agency or unreasonably disrupting the operations of the agency. (Ord. 16679 § 20, 2009).

2.12.240 Public Records - availability of public records - hours for inspection - index - organization - requests.

A. Public records are available for inspection and copying during normal business hours of the agency, or department thereof. Original records must be inspected at the offices of the agency, unless the agency provides an alternative.

B. An index of public records of each agency is available through the archives and records management program established under K.C.C. 2.12.035. The index may be accessed online at the archive and records management program's website.

C.1. An agency shall maintain its records in a reasonably organized manner. An agency should take reasonable actions to protect records from damage and disorganization.

2. A requestor shall not take an agency's records from the agency's offices.

3. A variety of records is available on the county website at www.kingcounty.gov. Requestors are encouraged to view the documents available on the website before submitting a records request.

D.1. A person wishing to inspect or copy public records of an agency is encouraged to make the request in writing on the agency's request form, which shall be created and maintained by the agency's public records officer and made available on the agency's website. The agency request form shall:

a. recite that inspection of records is free, provide the per-page charge for standard photocopies and indicate that the requestor may inspect the records, receive a copy of the records or inspect the records first and then select records to copy;

b. prompt the requestor to provide contact information including name, phone number, mailing address and email address if available;

c. prompt the requestor to identify the public records adequately for the public records officer or designee to locate the records; and

d. prompt the requestor to provide the date and time of day of the request.

2. If a request is made orally, unless it is promptly fulfilled, the public records officer shall provide written confirmation of the request to the requester.

3. If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit. Charges for copies shall be made in accordance with RCW 42.56.070. (Ord. 16679 § 21, 2009).

2.12.250 Public records - processing requests - general - providing full access - process upon request - notice to affected parties - exempt records - inspection - copies - installments - closing withdrawn or abandoned request - later-discovered documents.

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 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 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. (Ord. 17128 § 1, 2011: Ord. 16679 § 22, 2009).

2.12.260 Public records - processing electronic records - request - provision - customized access.

A. The process for requesting electronic public records is the same as for requesting paper public records.

B. When a requestor requests records in an electronic format, the agency's public records officer shall provide the nonexempt records or portions of those records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by K.C.C. 2.12.280.B.

C. The agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The agency may charge a fee consistent with RCW 43.105.280 for the customized access. (Ord. 16679 § 23, 2009).

2.12.270 Public records - exemptions.

A. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Exemptions outside the Public Records Act that restrict the availability of some documents held by the county or its agencies for inspection and copying include, but are not limited to, those set forth for counties and municipalities in the most-recent list of other such statutes posted on the website of the Municipal Research and Services Center of Washington, which is, as of November 1, 2009, www.mrsc.org/Publications/pra06.pdf, Appendix C, and which is incorporated in this chapter by reference.

B. King County and its agencies are prohibited by statute from disclosing lists of individuals for commercial purposes. (Ord. 16679 § 24, 2009).

2.12.280 Public records - fees - payment.

A.1. There is no fee for inspecting public records. A requestor may obtain copies, for which charges shall be made in accordance with RCW 42.56.070 or other applicable law. For certified copies, eight and one-half inches by fourteen inches or smaller, for the first page the fee shall be two dollars, and for each additional page the fee shall be one dollar.

2. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the

records, or the payment of the costs of copying an installment before providing that installment. The agency shall not charge sales tax when it makes copies of public records.

B.1. The cost of electronic copies of records shall be the actual cost of the medium used.

2. If the agency incurs a cost of transferring a paper record to electronic form, that cost may be charged.

3. If the agency uses an outside vendor, the vendor's charge to the agency, including applicable sales tax, shall be passed on to the requestor.

C. An agency may also charge actual costs of mailing, including the cost of the shipping container.

D. Payment for the costs under this section may be made to the agency or the agency's designee by cash, check or money order to the agency or its designee.

E. Charges for paper copies of official records shall be in accordance with fees set forth in applicable chapters of the RCW.

F. Charges for copies of material in the archival collection shall follow the guidelines of the Washington state Archives and WAC 434-690-080. (Ord. 16679 § 25, 2009).

2.12.290 Public records - review of denial - petition - process.

A. Any person who objects to the initial denial or partial denial of a public records request may petition in writing to the public records officer for a review of the decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

B. The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or any other agency official designated by the agency to conduct the review. The reviewing officer shall review the decision and provide the requestor with a response.

C. Any person may obtain court review of the denial of a public records request made in accordance with RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal. (Ord. 16679 § 26, 2009).

2.12.300 Public records - performance reports - lawsuit reports.

A.1.a. No later than April 1 of each year, the public records officer of each county agency shall submit to the county council a report on the agency's performance in responding to public records requests during the preceding calendar year. The report shall include, at a minimum, a listing of all requests that either were closed during the preceding calendar or remained open at the end of the preceding calendar year, including, for each such request:

(1) the name of the requestor;

(2) a summary of the request;

(3) the date the request was received;

(4) whether the five-day response requirement in K.C.C. 2.12.250.C.1 was met;

(5) the date the request was closed, if it has been closed; and

(6) for each closed request for which more than six months elapsed from the date the request was received until the date the request was closed, and for each open request that had been open for more than six months at the end of the preceding calendar year, an explanation of why the request was not closed more promptly.

2. For the purpose of this section, a request is closed if the agency has provided all responsive records, has indicated that there are no responsive records or

that all of the responsive records are exempt from disclosure or has provided records and indicated that no additional records will be produced because the remaining records are exempt from disclosure, or if the request is closed pursuant to K.C.C. 2.12.250.F., H. or I.

3. A paper original and an electronic copy of the report shall be filed with the clerk of the council, who shall email the electronic copy to all councilmembers. In the electronic copy of the report, the listing of public records requests shall be in the form of an electronic spreadsheet.

B. On January 15 and July 15 of each year, the county prosecuting attorney shall submit to the county council a report listing all pending lawsuits alleging that the county has violated chapter 42.56 RCW, including the name of the case, the court in which it was filed, the date on which it was filed, the case number, a brief summary of the claims made against the county and the current case status. A paper original and an electronic copy of the report shall be filed with the clerk of the council, who shall email the electronic copy to all councilmembers. (Ord. 17128 § 2, 2011: Ord. 16679 § 27, 2009).

2.14 PUBLIC ACCESS TO ELECTRONIC RECORDS AND INFORMATION

Sections:

2.14.010 Definitions.
2.14.020 Management and dissemination of electronic information.
2.14.030 Commitment to protecting privacy.
2.14.040 Information access charges.
2.14.050 Social media used by county.

2.14.010 Definitions. 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 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.

(Ord. 17382 § 1, 2012: Ord. 17008 § 1, 2010: Ord. 16391 § 14, 2009: Ord. 15608 § 1, 2006: Ord. 12550 § 1, 1996).

2.14.020 Management and dissemination of electronic information.

A. King County is committed to managing its public records as a countywide resource and in a manner that:

1. Is efficient and economical;
2. Promotes open government and an informed citizenry;
3. Protects individual privacy; and
4. Meets county record retention and disposition standards.

B. A public records committee is hereby established. The public records committee shall

1. Advise the council and the executive on county public records policies, including both paper and electronic records; these policies must include policies for posting records on county web sites;

2. Provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system;

3. Advise county agencies on their use of digital communication technology and serve as a forum for sharing and discussing information about the county's use of such technology; and

4. Submit a report containing the following information by March 1 of each year in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy of the report to all councilmembers, the council chief of staff, and the lead staff for the council's government accountability, oversight, and financial planning committee* or its successor. The report shall include:

a. a description of the forms of digital communication that are in use by each county agency;

b. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to retain records of digital communication to meet applicable record retention requirements; and

c. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to search records of digital communication to meet applicable public record disclosure requirements.

C. The director of the records and licensing services division or the director's designee shall be the chair of the public records committee. The public records committee shall include representatives of a broad range of county departments and elected agencies, including at a minimum the following:

1. The council;
2. The prosecuting attorney's office;
3. The sheriff's office;
4. The assessor's office;
5. The department of elections;
6. Office of performance, strategy and budget;
7. The executive branch's senior public records officer;

8. The department of information technology's director of web-based services technology; and

9. Each executive department. (Ord. 17382 § 2, 2012: Ord. 17142 § 2, 2011: Ord. 17008 § 2, 2010: Ord. 16960 § 8, 2010: Ord. 15971 § 33, 2007: Ord. 15608 § 2, 2006: Ord. 12550 § 2, 1996).

***Reviser's note: The government accountability, oversight and financial performance committee was renamed the government accountability and oversight committee in Motion 13805.**

2.14.030 Commitment to protecting privacy. King County is committed to balancing the promotion of public access to information with the privacy rights of its citizens by adhering to the following guidelines:

A. Collection of personal data shall be lawful, fair, and to the extent possible with the knowledge and consent of the individual;

B. Agencies shall establish procedures to ensure that data is accurate, complete, current and relevant to the agency's mandated functions;

C. When data can only be collected with the consent of the individual, the purpose for the data shall be stated upon collection. Personal data should not be used by the county for any purpose not stated upon collection without the consent of the data subject or by the positive authorization of law. This is not intended to limit collection of personal data for purposes of investigative agencies or other functions which collect non-disclosable information according to chapter 42.56 RCW or any other federal, state, local statute, rule or regulation;

D. Personal data shall be reasonably protected by the data collector;

E. Agencies shall establish mechanisms for citizens to review information about themselves and to submit corrections of possible inaccuracies in that information; and

F. The executive shall submit a report by October 1 of every year filed in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and committee coordinator for the government and accountability committee or its successor. The report shall list by category new and existing personal data collected by county agencies, a description of the uses of this personal data and its public disclosure status. (Ord. 17008 § 3, 2010: Ord. 12550 § 3, 1996).

2.14.040 Information access charges. Charges assessed of either commercial or public users for paper copies of information maintained in electronic shall be set in accordance with chapter 42.56 RCW 42.17 and K.C.C. 2.112.280. Fees for development, maintenance, staff time or any other costs necessary to respond to customized or special service requests may be included in the charges for such requests. Funding to meet the costs of providing electronic access, including the building of the necessary information systems, developing the ability to mask nondisclosable information and maintenance and upgrade of systems should come primarily from local appropriations, grants, private funds, cooperative ventures among governments, nonexclusive licensing and partnerships between government agencies and private entities. (Ord. 17008 § 4, 2010: Ord. 12550 § 4, 1996).

2.14.050 Social media used by county.

A. King County is committed to using social media technologies in a manner that:

1. Is efficient and economical;
2. Promotes open government and an informed citizenry;
3. Protects individual privacy; and
4. Meets county record retention and disposition standards developed for social media.

B. The department of information technology shall develop training materials for the use of social media technologies that include discussion of issues relating to security and privacy, risk management, ethics and records retention. The training materials shall be made available to all county employees electronically and online.

C. Each agency should consider the use of social media in its outreach to the public. If an agency determines that social media is appropriate for the agency, the agency shall:

1. Identify those personnel that are authorized to use social media to conduct county business; and

2. Ensure that all authorized users receive the training in subsection B. of this section. (Ord. 17615 § 1, 2013: Ord. 17008 § 6, 2010).

2.15 CITIZEN AND IMMIGRATION STATUS

Sections:

2.15.010 Citizenship and immigration status - provision of county services - limitations on use of documentation, police powers - provision of health benefits, opportunities or services - use of documentation - limitations on liability – review of county applications, questionnaires and interview forms.

2.15.020 Civil immigration hold requests - county policy - reports.

2.15.010 Citizenship and immigration status - provision of county services - limitations on use of documentation, police powers- provision of health benefits, opportunities or services - use of documentation - limitations on liability - review of county applications, questionnaires and interview forms.

A. Except as provided in this section or when otherwise required by law, a Reverend Doctor Martin Luther King, Jr., County office, department, employee, agency or agent shall not condition the provision of county services on the citizenship or immigration status of any individual.

B.1. Nothing in this section shall be construed to prohibit any King County officer or employee from participating in cross-designation or task force activities with federal law enforcement authorities.

2. The Reverend Doctor Martin Luther King, Jr., County sheriff's office personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws. The documents include but are not limited to:

a. passports;
b. alien registration cards; or
c. work permits.

3. The Reverend Doctor Martin Luther King, Jr., County sheriff's office personnel may use documents relating to a person’s civil immigration status if the documents are offered by the person upon a general, nonspecific request.

4. The Reverend Doctor Martin Luther King, Jr., County sheriff's office personnel shall not use stops for minor offenses or requests for voluntary information as a pretext for discovering a person's immigration status.

5. The Reverend Doctor Martin Luther King, Jr., County sheriff's office personnel shall not initiate any inquiry or enforcement action based solely on a person's:

a. civil immigration status;
b. race;
c. inability to speak English; or
d. inability to understand the deputy.

C. The Seattle-King County department of public health shall not condition the provision of health benefits, opportunities or services on matters related to citizenship or immigration status. The Seattle-King County department of public health may inquire about or disclose information relating to an individual's citizenship or immigration status

for the purpose of determining eligibility for benefits or seeking reimbursement from federal, state or other third-party payers.

D. Except when otherwise required by law, where the county accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this ordinance and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

E. This section does not create or form the basis for liability on the part of the county, its officers, employees or agents.

F. Unless permitted by this section or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of county benefits, opportunities or services shall be promptly reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.

The review and revision shall be completed within one hundred and eighty days of November 29, 2009. (Ord. 16692 § 2, 2009).

2.15.020 Civil immigration hold requests - county policy - reports.

A. It is the policy of the county to only honor civil immigration hold requests from United States Immigration and Customs Enforcement for individuals that are accompanied by a criminal warrant issued by a U.S. District Court judge or magistrate.

B. The department of adult and juvenile detention shall compile a listing all immigration detainers received by the department, showing detainers received and detainers accompanied by federal judicial warrants. Beginning May 1, 2014, the department shall prepare and transmit to the council a quarterly report showing the number of detainers received and the number of detainers that were accompanied by a federal judicial warrant with descriptive data that includes but is not limited to: the types of offenses that individuals with detainers accompanied by a federal judicial warrant were being held, the reason for release from county custody, the length of stay for each individual before the detainer accompanied by a federal judicial warrant was executed, and the number of individuals that had detainers but were transferred to federal or state department of corrections' custody. The reports called for in this section shall be transmitted in the form of a paper original and an electronic copy to the clerk of the council, who shall distribute electronic copies to all councilmembers and the lead staff for the committee of the whole, and the law, justice, health and human services committee, or their successors. (Ord. 17886 § 2, 2014: Ord. 17706 § 2, 2013).

2.16 ADMINISTRATIVE OFFICES AND EXECUTIVE DEPARTMENTS

Sections:

2.16.020 Executive branch of county government – policy regarding organizational structure.
2.16.025 County executive.
2.16.035 Department of executive services.
2.16.045 Department of natural resources and parks – duties – divisions.

2.16.055 Department of permitting and environmental review – duties – divisions.
2.16.060 Department of public safety - duties - division.
2.16.062 Destruction and disposition of confiscated firearms.
2.16.0755 Department of information technology – chief Information officer - duties.
2.16.0756 Department of information technology – chief Information officer – convening of information technology security steering committee.
2.16.0758 Department of information technology – information technology office of project oversight.
2.16.075805 Department of information technology - information and Telecommunications services office.
2.16.07581 Definitions - K.C.C. 2.16.07581, 2.16.07582, 2.16.07583, 2.16.07584 and 2.16.07585.
2.16.07582 Strategic advisory council.
2.16.07583 Business management council.
2.16.07584 Technology management board.
2.16.07585 Project review board.
2.16.097 Civil fines and civil penalties – write offs.
2.16.100 Career service exemptions.
2.16.110 Appointment and confirmation of exempt officials.
2.16.120 Department of adult and juvenile detention – duties – divisions.
2.16.122 Community corrections division.
2.16.130 Department of community and human services.
2.16.135 Department of elections.
2.16.136 Department of elections – voting materials preparation – reports on languages used in county – translation of voting materials – outreach to language communities – costs.
2.16.137 County offices to provide voter information to public – determination of offices and languages involved.
2.16.140 Department of transportation – duties – divisions.
2.16.175 Juvenile court services – detention facilities – administration by the county executive.
2.16.190 Liability.
2.16.210 Department of assessments – duties – divisions.
2.16.215 Assessor - advertising agreements authorized – restrictions - use of revenue.
2.16.250 Continuation of authorizations and duties, and changes to names of departments, divisions, offices, and director and manager positions in the King County Code.
2.16.260 High-value data set publication.

2.16.020 Executive branch of county government – policy regarding organizational structure.

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 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. (Ord. 17142 § 3, 2011: Ord. 15559 § 2, 2006: Ord. 14199 § 12, 2001: Ord. 11955 § 2, 1995).

2.16.025 County executive.

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy and budget and the office of labor relations.

B. The office of performance, strategy and budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the annual operating and capital project budgets;

2. Preparing forecasts of and monitor revenues;

3. Monitoring expenditures and work programs in accordance with Section 475 of the King County Charter;

4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital project budgets throughout the fiscal period;

5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;

6. Performing program analysis, and contract and performance evaluation review;

7. Developing and transmitting to the council, concurrent with the biennial proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

8. Performance management and accountability:

a. providing leadership and coordination of the performance management and accountability system countywide;

b. overseeing the development of strategic plans and business plans for each executive branch department and office;

c. providing technical assistance on the development of strategic plans and business plans for agencies;

d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of county agencies;

e. overseeing the production of an annual performance report for the executive branch;

f. coordinating performance review process of executive branch departments and offices;

g. collecting and analyzing land development, population, housing, natural resource enhancement, transportation and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks;

h. leading public engagement and working in support of county performance management, budget and strategic planning; and

i. developing and transmitting to the council an annual report on April 30 about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects and a comparison with benefits that were projected during different stages of the project. The report shall also include a description of the expected benefits from those projects not yet completed. The report shall be approved by the council by motion. The report and motion shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers;

9. Strategic planning and interagency coordination:

a. coordinating and staffing executive initiatives across departments and agencies;

b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;

c. [leading governance transition efforts for the urban area consistent with the Growth Management Act;

d. providing technical assistance in the update of regional growth management planning efforts including the Countywide Planning Policies and distribution of jurisdictional population and employment growth targets;

e.]** providing assistance in the development of agency and system planning efforts such as agency business plans;

f. negotiating interlocal agreements as designated by the executive; and

g. serving as the liaison to the boundary review board for King County;

10. Business relations and economic development:

a. developing proposed policies to address regional, unincorporated urban, and rural economic development;

b. establishing, fostering and maintaining healthy relations with business and industry;

c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;

d. developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;

e. refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and

f. assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs; and

11. Continuous improvement:

a. leading, coordinating and implementing a program of continuous improvement, including the provision of leadership development, transformational improvement and capacity building in Lean thinking; and

b. providing annual reports to the council on the implementation of the continuous improvement program, including but not limited to a description of the number of people and agencies that have received training, the processes changed as a result of Lean implementation and the budget and other impacts of these changes.

[11. Regional planning:

a. coordinating the county's participation in multicounty planning at the Puget Sound Regional Council, including serving on the Puget Sound Regional Council's regional staff committee;

b. coordinating countywide planning at the Growth Management Planning Council consistent with the Washington state Growth Management Act, including leading the Growth Management Planning Council's interjurisdictional staff team in accordance with the interlocal agreement authorized by King County Motion 8495;

c. managing updates to the county's Comprehensive Plan in coordination with the department of permitting and environmental review, in accordance with K.C.C. Title 20;

d. coordinating the development of demographic and growth forecasting data and information including census data, growth targets and buildable lands;

e. facilitating annexations and joint planning with cities, including developing annexation proposals, drafting interlocal agreements, and serving as the liaison to the boundary review board for King County; and

f. coleading with the department of permitting and environmental review an interbranch regional planning team that supports the council and executive through the provision of information and data, development of policy proposals and options for regional issues related to growth management, economic development and

transportation. Participation in the interbranch regional planning team shall include executive, department and council staff as designated by the respective branches.]*

C. The office of labor relations functions and responsibilities shall include, but not be limited to:

1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;

2. Developing and maintaining databases of information relevant to the collective bargaining process;

3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the human resources management division;

4. Administering labor contracts and providing consultation to county agencies regarding the terms and implementation of negotiated labor agreements, in collaboration with the human resources management division;

5. Advising the executive and council on overall county labor policies; and

6. Providing resources for labor relations training for county agencies, the executive, the council and others, in collaboration with the human resources management division.

D.1. The county council hereby delegates to the executive or the executive's designee authority to request a hearing before the Washington state Liquor Control Board and make written recommendations and objections regarding applications relating to:

a. liquor licenses under chapter 66.20 RCW; and

b. licenses for marijuana producers, processors or retailers under chapter 69.50 RCW.

2. Before making a recommendation under subsection D.1. of this section, the executive or the executive's designee shall solicit comments from county departments and agencies, including, but not limited to, the department of permitting and environmental review, public health - Seattle & King County, the sheriff's office and the prosecuting attorney's office.

3. For each application reviewed under subsection D.1.b. of this section, the executive shall transmit to the county council a copy of the application received with the applicant's name and proposed license application location, a copy of all comments received under subsection D.2. of this section and the executive's recommendation to the Washington state Liquor Control board.

E. The executive may assign or delegate budgeting, performance management and accountability, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments. (Ord. 18098 § 2, 2015: Ord. 17929 § 2, 2014: Ord. 17884 § 2, 2014: Ord. 17755 § 1, 2014: Ord. 17693 § 1, 2013: Ord. 17654 § 1, 2013: Ord. 16960 § 9, 2010: Ord. 16808 § 1, 2010: Ord. 16308 § 4, 2008: Ord. 16202 § 4, 2008: Ord. 14561 § 1, 2002: Ord. 14199 § 13, 2001: Ord. 13666 § 2, 1999: Ord. 12441 § 1, 1996: Ord. 12394 § 8, 1996: Ord. 12075 § 3, 1995).

Reviser's notes:

***Language not included but not struck through in Ordinance 17929, Section 4, and Ordinance 18098, Section 2. See K.C.C. 1.24.075.**

****Language added but not underlined in Ordinance 17929, Section 4. See K.C.C. 1.24.075.**

2.16.035 Department of executive services. The county administrative officer shall be the director of the department of executive services. The department shall

include the records and licensing services division, the finance and business operations division, the human resources management division, the facilities management division, the administrative office of risk management, the administrative office of emergency management, the administrative office of the business resource center and the administrative office of civil rights. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.

A. The duties of the records and licensing services division shall include the following:

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

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

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

4. Processing all real estate tax affidavits; and

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

B. The duties of the finance and business operations division shall include the following:

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

2. Performing the functions of the county treasurer;

3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;

4. Processing transit revenue;

5. Receiving and investing all county and political subjurisdiction moneys;

6. Managing the issuance and payment of the county's debt instruments;

7. Managing the accounting systems and procedures;

8. Managing the fixed assets system and procedures;

9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;

10. Administering the accounts payable and accounts receivable functions;

11. Collecting fines and monetary penalties imposed by district courts;

12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;

13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;

14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;

15. Administering contracts for goods and services that are provided to more than one department;

16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;

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

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

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

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

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

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

23. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes. The disadvantaged business enterprise liaison officer shall have direct, independent access to the executive on disadvantaged business enterprise program matters consistent with 49 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison officer shall report to the director of the finance and business operations division.

C. The duties of the human resources management division shall include the following:

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs;

2. Developing proposed and administering adopted policies and procedures for:

a. employment, including recruitment, examination and selection;

b. classification and compensation; and

c. salary administration;

3. Developing proposed and administering adopted human resources policy;

4. Providing technical and human resources information services support;

5. Developing and managing insured and noninsured benefits programs, including proposing policy recommendations, negotiating benefits plan designs with unions, preparing legally mandated communications materials and providing employee assistance and other work and family programs;

6. Developing and administering diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution training;

7. Developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;

8. Administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51 RCW;

9. Advising the executive and council on overall county employee policies;

10. Providing labor relations training for county agencies, the executive, the council and others, in collaboration with the office of labor relations;

11. Overseeing the county's unemployment compensation program; and

12. Collecting and reporting to the office of management and budget on a quarterly basis information on the numbers of filled and vacant full-time equivalent and term-limited temporary positions and the number of emergency employees for each appropriation unit.

D. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;

2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the departments of natural resources and parks and transportation;

3. Operating security programs for county facilities except as otherwise determined by the council;

4. Administering all county facility parking programs except for public transportation facility parking;

5. Administering the supported employment program;

6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;

7. Maintaining a current inventory of all county-owned or leased real property;

8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;

9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;

10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;

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

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

a. administering professional services and construction contracts;

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

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

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

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

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

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

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

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

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

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

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

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

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

E. The duties of the administrative office of risk management shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 2.21.

F. The duties of the administrative office of emergency management shall include the following:

1. Planning for and providing effective direction, control and coordinated response to emergencies;

2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56; and

3. Managing the E911 emergency telephone program.

G. The duties of the administrative office of civil rights shall include the following:

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

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

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

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

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

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

H. The duties of the administrative office of the business resource center shall include the following:

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

2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;

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

4 . The implementation and maintenance of the human resources systems of record for all human resources data for county employment purposes. (Ord. 17929 § 5, 2014: Ord. 17350 § 5, 2012: Ord. 17221 § 1, 2011: Ord. 16975 § 1, 2010: Ord. 16960 § 10, 2010: Ord. 16808 § 2, 2010: Ord. 15971 § 34, 2007: Ord. 15559 § 3, 2006: Ord. 14561 § 2, 2002: Ord. 14199 § 11, 2001).

2.16.045 Department of natural resources and parks – duties – divisions.

A. The department of natural resources and parks is responsible to manage and be fiscally accountable for the wastewater treatment division, water and land resources division, solid waste division and parks and recreation division. The department shall administer and implement the requirements of the federal Clean Water Act, federal Endangered Species Act and other federal and state laws and regulations related to those requirements. The department shall perform the metropolitan water pollution abatement function referred to in this section as "the water quality program," as set forth in chapter 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable to that function, although financial planning for and administration of the water quality program shall be conducted consistent with financial policies approved by the council. The department shall coordinate the county's National Pollutant Discharge

Elimination System municipal stormwater permit program. The department shall provide the support to the county's participation in the regional water supply planning process including the development of reclaimed water and the review of local utility district plans for conformance with county plans and policies and shall participate in the process of preparing coordinated water system plans to ensure conformance with county plans and policies. The department shall provide for the active and passive recreational needs of the region, consistent with the mission of the parks and recreation division described in subsection E.1. of this section. The department shall designate as natural resource lands those county-owned lands that serve important natural resource functions, including, but not limited to, benefiting and protecting natural drainage systems, drainage basins, flood control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat and other natural resource purposes. The department shall act to ensure integration of environmental programs across utility and resource functions and to balance stewardship with economic development issues. To ensure integration and balanced stewardship through the director's office the department shall oversee strategic planning using staff resources budgeted in the department's divisions. Strategic planning may include, but not be limited to: integration of land and water resource protection; coordination of ground water, water reuse and water supply plan approval; development of new funding approaches for resource protection; establishment of new partnerships with businesses, community organizations and citizens; and better coordination of sewerage and flood control facilities to prevent water quality degradation. The director's office shall manage the county's historic preservation program including landmark designation, protection and enhancement to support tourism development, downtown revitalization and environmental and cultural sustainability.

B.1. The duties of the wastewater treatment division shall include the following:

a. administering the functions and programs related to the operation, maintenance, construction, repair, replacement and improvement of the metropolitan sewerage system and its financing;

b. administering the county's sewage disposal agreements with cities and special districts;

c. providing planning for the water quality capital program;

d. providing design, engineering and construction management services related to the water quality capital programs including new facilities development and maintenance of the existing infrastructure;

e. providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control; and

f. regulating industrial discharges into the metropolitan sewerage system.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan water pollution abatement system under chapter 35.58 RCW, including, but not limited to, human resources, accounting, budgeting, finance, engineering, fleet administration, maintenance, laboratory, monitoring, inspection and planning, as it determines appropriate.

C. The duties of the water and land resources division shall include the following:

1. Proposing or updating, or both, and implementing adopted policies, plans and programs relating to water and land resources, open space and other natural resources that protect fisheries, natural resources, water quality and ground water and that solve and prevent drainage problems;

2. Responding to major river floods and addressing drainage problems in unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water Management Program, in K.C.C. chapter 20.12, the King County Flood Hazard Reduction Plan Policies and other policies established by the council;

3. Within available resources, maintaining major river channels, and surface and storm drainage systems and lands to minimize flood hazards and protect fisheries resources, drainage systems and lands, and water quality;

4. Providing coordination and technical assistance within the county and other governments to assist in setting and implementing priorities for water and land resources, including sample collection, laboratory services, monitoring, analysis and other activities to protect, enhance and evaluate the quality of land, habitat and water resources in the county;

5. Planning the surface water management capital program, providing design, engineering and construction management services related to the surface water management capital program including new facilities development and maintenance of the existing infrastructure and providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control;

6. Preparing standards for storm water management facilities that are constructed as part of land development;

7. Providing technical assistance and education to businesses and the general public to encourage environmental stewardship;

8. Implementing the county park, open space, trails, agriculture, forestry, and other natural resources acquisition programs, including planning, site selection, financing, acquisition, project budget management and purchasing fee and less than fee interests;

9. Monitoring and protecting the county's development rights interests related to agricultural lands;

10. Consulting in the preparation of management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and consulting with the parks and recreation division the appropriate means to execute such management plans;

11. The office of rural and resource lands shall be a distinct functional unit of the division reporting directly to the water and land resources division manager. The office shall plan, manage and be responsible for administering the county's rural and resource lands programs including, but not limited to, agriculture, farmlands preservation, current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat, rural economic development, and encouraging environmental stewardship;

12. Planning, prioritizing, seeking funding for, designing and implementing restoration projects on natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval in coordination with the parks and recreation division; and

13. Administering and operating the mitigation reserves program's in-lieu fee program.

D. The duties of the solid waste division shall include the following:

1. Managing and operating the county's comprehensive solid waste program on a self-supporting basis;

2. Administering the county's solid waste interlocal agreements with cities and towns;

3. Diverting as much material as possible from disposal in a manner that reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy;

4. Managing and being accountable for all transfer station operations and landfills, as well as the transportation of waste between county facilities;

5. Procuring and maintaining all capital and operating equipment specific to the solid waste function;

6. Providing planning, design, engineering and construction management services related to the solid waste capital program including new facilities development and maintenance of existing infrastructure;

7. Providing support services such as project management, environmental review, permit acquisitions, scheduling and project control; and

8. Actively pursuing all revenue sources in an effort to maintain the lowest possible rate structure for the benefit of county residents.

E. The duties of the parks and recreation division shall include the following:

1. Carrying out the county's parks and recreation division mission, which is to provide regional trails, regional passive parks, regional resource and ecological lands and regional active recreation facilities, rural parks and local unincorporated area parks within the urban growth boundary until annexed, by employing entrepreneurial strategies that raise revenues to support park operations and facilitating agreements with other jurisdictions and entities to provide for recreational services and other activities;

2. Proposing and implementing adopted policies, plans and programs related to the provision of regional and rural parks and recreation facilities and programs and natural resource lands in King County and local parks in the unincorporated portion of King County within the urban growth boundary until those areas are annexed;

3. Within available resources, managing, operating and maintaining or facilitating the management, operation and maintenance of the county parks and recreation facilities;

4. Within available resources, maintaining, restoring or facilitating the maintenance of regional resource and ecological lands in consultation with the water and land resources division;

5. Monitoring and protecting the county's real property and development rights interests acquired through the conservation futures and other open space and natural resource programs, with the exception of development rights on agricultural lands, ensuring to the greatest extent practicable that subsequent county land use policies remain compatible with the acquired interests;

6. Preparing and implementing in consultation with the water and land resources division the management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and determining appropriate means to execute those management plans;

7. Administering, operating and maintaining those lands designated as natural resource lands, using any work forces as appropriate;

8. Developing and maintaining an agency business plan under K.C.C. 2.10.064 and developing and monitoring a capital project plan as defined in K.C.C. chapter 4A.100;

9. Within available resources, developing and facilitating agreements for the development of specific active park and recreation facilities;

10. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition, development and operations;

11. Developing, managing, or facilitating agreements for the provision of recreational programs;

12. Facilitating programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches; and

13. Developing and administering for the wastewater treatment division use agreements under K.C.C. 4.56.150.E.1.d., rental or lease agreements under K.C.C.

4.56.150.F., permits under K.C.C. 7.12.040 or special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education and Community Center. The applicable provisions for use of the Brightwater Environmental Education and Community Center facility are contained in K.C.C. chapter 28.84. (Ord. 17929 § 6, 2014: Ord. 17586 § 1, 2013: Ord. 17254 § 3, 2012: Ord. 17221 § 2, 2011: Ord. 17142 § 4, 2011: Ord. 16960 § 11, 2010: Ord. 16369 § 3, 2009: Ord. 15967 § 1, 2008: Ord. 14776 § 3, 2003: Ord. 14509 § 2, 2002: Ord. 14199 § 14, 2001: Ord. 12441 § 3, 1996: Ord. 11955 § 9, 1995).

2.16.055 Department of permitting and environmental review - duties - divisions.

A. The department of permitting and environmental review is responsible for:

1. Ensuring consistent and efficient administration of environmental, building and land use codes and regulations for commercial and residential projects by means of permit review and approval, construction inspections and public information;

2. Managing the development and implementation of unincorporated subarea plans in coordination with the regional planning function in K.C.C. 2.16.025 and in accordance with the King County Comprehensive Plan and state Growth Management Act requirements;

3. Participating on the interbranch regional planning team as specified in K.C.C. 2.16.025;

4. Administering the state Environmental Policy Act and acting as lead agency, including making the threshold determinations, determining the amount of environmental impact and reasonable mitigation measures and coordinating with other departments and divisions in the preparation of county environmental documents or in response to environmental documents from other agencies;

5. Effective processing and timely review of land development proposals, including zoning variance and reclassification, master drainage plans, variances from the surface water design manual and the King County road standards, critical area, subdivision, right-of-way use, urban planned development, clearing and grading, shoreline, special use and conditional use applications;

6. Pursuing and resolving code violations, including preparing for administrative or legal actions, evaluating the department's success in obtaining compliance with King County rules and regulations and designing measures to improve compliance;

7. Regulating the operation, maintenance and conduct of county-licensed businesses, except taxicab and for-hire drivers and vehicles; and

8. Developing and implementing an inspection program to identify fire hazards and require conformance with K.C.C. Title 17, reviewing building plans and applications for compliance with K.C.C. Title 17 and conducting inspections, including inspections of new construction, for compliance with K.C.C. Title 17.

B.1. The director of the department shall be the:

a. county planning director;

b. zoning adjuster;

c. responsible official for purposes of administering the state Environmental Policy Act;

d. county building official; and

e. county fire marshal.

2. The director may delegate the functions in subsection B.1. of this section to qualified subordinates. (Ord. 17420 § 1, 2012: Ord. 15921 § 1, 2007; Ord. 15319 § 1, 2005: Ord. 14561 § 3, 2002: Ord. 14199 § 15, 2001: Ord. 12940 § 1, 1997: Ord. 12441 § 5, 1996: Ord. 12051 § 1, 1996: Ord. 11955 § 5, 1995).

2.16.060 Department of public safety - duties - division.

A. The department of public safety, as identified in the Section 350.20.40 King County Charter, and managed by the King County sheriff, may also be known and cited in the King County Code and in other usage as the office of the sheriff. Employees managed by the King County sheriff may be referred to in the King County Code or otherwise, as King County police, King County officer, or deputy sheriff.

B. The department of public safety is responsible to keep and preserve the public peace and safety including the discharge of all duties of the office of sheriff under State law, except those duties relating to jails and inmates which are performed by other departments of county government. The functions of the department include:

1. Oversee a crime prevention program, investigate crimes against persons and property and arrest alleged offenders.

2. Execute the processes and orders of the courts of justice and all other mandated functions required by law.

3. In coordination with the office of emergency management, plan and coordinate resources for the public safety and welfare in the event of a major emergency or disaster.

4. Provide service and administrative functions which support but do not duplicate other governmental activities, and which have the potential to be fiscally self-supportive.

5. Investigate the origin, cause, circumstances and extent of loss of all fires, in accordance with RCW 43.44.050. Fire investigations shall be conducted under the direction of the fire investigation supervisor, who shall also be considered an assistant fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson investigation unit include, but are not limited to: investigation and determination of the origin and cause of fires; preparation of detailed informational, investigative and statistical reports; conducting criminal follow-up investigations, including detection, apprehension and prosecution of arson suspects; providing expert testimony in court for criminal and civil cases; maintenance of records of fires; preparation and submission of annual reports to the county sheriff and other entities as required by chapters 43.44 and 48.50 RCW.

C. The sheriff, to carry out the duties under subsection B. of this section, may establish the functions for the following divisions:

1. Office of the sheriff;
2. Patrol operations division;
3. Support services division;
4. Criminal investigation division;
5. Professional standards division;
6. Sound Transit division, which provides services to the Central Puget Sound Regional Transit Authority; and
7. Metro Transit division, which provides services to the King County department of transportation, transit division. (Ord. 15939 § 1, 2007: Ord. 15921 § 2, 2007 [repealed by Ord. 16977 § 3, 2010]: Ord. 13037 § 1, 1998: Ord. 10808 § 2, 1993: Ord. 7790 § 9, 1986: Ord. 6333 § 2, 1983: Ord. 6066 § 7, 1982: Ord. 1872 § 1, 1973: Ord. 1438 § 3(c), 1972).

2.16.062 Destruction and disposition of confiscated firearms.

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

1. "Antique firearms" means those firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco and firearms.

2. "Machine gun" means any firearm, weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

3. "Rifles and shotguns" means any firearm with a barrel length of twelve inches or longer, but shall not include machine guns.

4. "Surplus firearms" means any firearm previously purchased, or converted to official use in accordance with RCW 63.40.010 by King County for use by the department of public safety or department of adult detention that are no longer serviceable or will become surplus as a result of those departments upgrading to newer weapons for duty service.

5. For purposes of this section only, "Handguns of potential value" means any handgun:

a. accepted as a duty weapon, or any type, make, model, and calibers normally used by law enforcement, that is, caliber .380 or larger;

b. manufactured after 1945 which has a current version in production after 1975, and would have a “new” retail replacement cost in excess of two hundred dollars each;

c. conditioned to operate legally and safely;

d. graded as “Good” or better according to National Rifle Association grading scales;

e. valued at one hundred fifty dollars or more retail; and

f. manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, and Detonics.

6. Handguns manufactured by Charter Arms, Harrington and Richardson, Rohm/RG, Rossi, Taurus, Iver Johnson, High Standard and other similar lower value weapons, handguns considered as "assault" type handguns such as the Ingram/Cobray/RPB models M-10 or M-11, Intratec Tech 9, Wilkinson "Linda" or "Diane" and other similar rapid fire semi-automatic handguns normally manufactured and intended to use magazines with capacities in excess of 20 rounds, or handguns manufactured by another but sold under “house” names by department stores and/or discount stores, and/or all handguns caliber .25ACP or smaller with barrels less than 4” in length, and, which are not classified as curios, relics, or collectors arms per the list maintained by the United States treasury department, bureau of alcohol, tobacco and firearms, do not have potential value.

B. Inventory, destruction and disposition. Within thirty days of May 7, 1993, the sheriff shall have prepared an inventory of every firearm that has been judicially forfeited, that has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020 or 63.40.010, or that is no longer needed for evidence. The inventory shall be updated annually and include a report on the destruction and disposal of firearms included in the inventory. The sheriff shall destroy every firearm in the inventory, according to the plan in subsection C. of this section as approved by the council, except that:

1. The sheriff may retain legally forfeited firearms solely for agency use;

2. The sheriff may trade, auction, or arrange for the auction of rifles and shotguns.

3. Antique firearms are exempt from destruction and shall be disposed of by auction or trade to commercial sellers; and

4. Surplus weapons and weapons of potential value may be offered as trade-in to law enforcement equipment dealers for the sole purpose of acquiring new handguns for duty use by commissioned members of the department of public safety or department of adult detention. If not offered as trade-in, they shall be destroyed.

C. Report required. The sheriff shall submit a report to the council within thirty days on the inventory of firearms under subsection B. of this section, which shall include a plan for the destruction or disposal of all firearms in the inventory. (Ord. 17897 § 1, 2014: Ord. 11167 § 1, 1993: Ord. 10767 § 1-5, 1993).

2.16.0755 Department of information technology – chief information officer - duties.

A. The department of information technology, which is also known as KCIT, is responsible to manage and be fiscally accountable for the information technology operating resources and budget within the executive branch with the exception of the business resource center. The department of information technology shall provide support to the business resource center as agreed by the department of information technology and the department of executive services. The department shall be comprised of the information technology operations and business solutions division and the information technology customer service division.

B.1. The department of information technology shall be directed by a chief information officer. The chief information officer shall be appointed by the executive and confirmed by the council. The chief information officer shall report to the county executive and advise all branches of county government on technology issues. The chief information officer shall provide vision and coordination in technology management and investment across the county. The chief information officer shall meet regularly with business managers for the assessor, council, prosecutor, superior court, district court, elections and sheriff to advise on technology implications of policy decisions. The chief information officer shall advise all county elected officials, departments and divisions on technology planning and project implementation.

2. The duties of the chief information officer also shall include the following:

a. overseeing the information technology strategic planning office and production of a county information technology strategic plan and updates to the plan;

b. overseeing the central information technology office of project oversight and monitoring of approved technology projects;

c. recommending business and technical information technology projects for funding as part of the county's strategic planning process;

d. recommending technical standards for the purchase, implementation and operation of computer hardware, software and networks as part of the county's strategic planning process;

e. recommending countywide policies and standards for privacy, security and protection of data integrity in technology infrastructure, electronic commerce and technology vendor relationships as part of the county's strategic planning process;

f. recommending strategic information technology service delivery models to be implemented by county departments;

g. identifying and establishing short-range, mid-range and long-range objectives for information technology investments in the county;

h. establishing a standard methodology for information technology project management, including requirements for project initiation and review, parameters for agency contracts with information technology vendors, and reporting requirements to facilitate monitoring of project implementation;

i. establishing criteria for determining which information technology projects will be monitored centrally;

j. monitoring project implementation when projects meet the established criteria;

k. releasing the funding for each phase of those projects subject to central oversight based on successful reporting and completion of milestones;

l. recommending budgetary changes in the funding of information technology projects to the executive and council, as appropriate;

m. directing the suspension or general shutdown of projects having difficulties in resolving issues related to scope, schedule or budget;

n. conducting post-implementation information technology project review;

o. managing the internal service fund and capital project fund of the department of information technology;

p. providing annual performance review to the executive and council;

q. managing the information and telecommunications services office;

r. planning, oversight and management of information technology functions within the executive branch, including the following:

(1) approving the department information technology service delivery plan in conjunction with the executive branch department directors;

(2) ensuring that executive branch department information technology service delivery needs are met according to the agreed-upon information technology service delivery plan for the department;

(3) hiring or designating, or both, the department information technology service delivery manager in consultation with the department director to manage the day-to-day information technology operations within each executive branch department; and

(4) ensuring that executive department information technology needs are aligned with the countywide three year strategic technology plan and the annual technology business plan;

s. producing an information technology strategic plan with annual updates for council approval. The strategic technology plan shall be transmitted to council no later than June 30 of the reporting period, with annual updates provided by April 30. The plan should include:

(1) a section that includes:

(a) text describing, for individual planning issue areas, the current environment, strengths, weaknesses, opportunities and challenges;

(b) a list of recommended objectives, with description; and

(c) the approach to achieve the desired outcomes for each strategic objective;

(2) the accomplishments towards meeting objectives from previous approved strategic plans, when objectives have not been met and a discussion of the obstacles towards meeting those objectives; and

(3) appendices supporting the recommendations with empirical data;

t. supporting the work of countywide planning committees that coordinate business and technical needs for information technology investments; and

u. producing an annual proposed technology business plan. The annual proposed technology business plan shall be transmitted to the council at the time of transmittal of the executive's proposed budget. The annual technology business plan shall include:

(1) a summary of each technology project seeking funding in the proposed budget.

(2) for each project seeking funding in the budget, the following information shall be reported:

(a) the total budget request for the proposed project;

(b) the total of past appropriations;

(c) an estimate of any future budget requests to complete the project;

(d) a cash flow plan identifying the dates when funds proposed in the budget are anticipated to be encumbered or expended;

(e) the expected useful life of the technology; and

(f) preliminary outcome measures to assess whether the project is successful upon completion;

(3) for all existing projects seeking funding in the proposed budget, a status report on whether the project's major milestones identified at the time of the first and subsequent budget appropriations have been achieved; and

(4) A list of all projects with active appropriation authority, including projects not seeking funding in the proposed budget and the unexpended appropriation for each project.

C. To support the chief information officer in carrying out the duties of the office, all county departments shall develop and maintain information technology plans that align to the countywide strategic technology plan and meet their departments' business goals and objectives and shall procure information technology with due diligence demonstrated to meet policies and standards established through the technology governance. (Ord. 17654 § 2, 2013: Ord. 17142 § 5, 2011: Ord. 15559 § 4, 2006: Ord. 14561 § 4, 2002: Ord. 14199 § 16, 2001: Ord. 14005 § 3, 2000).

2.16.0756 Department of information technology – chief information officer – convening of information technology security steering committee. Within three months of his or her confirmation by the council, the chief information officer shall convene an information technology security steering committee to consider and make recommendations regarding issues of privacy and security relating to the use of technology. (Ord. 14005 § 5, 2000).

2.16.0758 Department of information technology – information technology office of project oversight. The department of information technology shall include a central information technology office of project oversight. The office of project oversight shall report directly to the chief information officer. The office of project oversight shall:

A. Develop criteria for determining which information technology projects should be subject to central monitoring by the office of project oversight;

B. Develop a process for information technology project initiation, including submittal of a business case analysis;

C. Develop requirements for the components of the business case, such as, but not limited to, the linkage to program mission or business plan or cost-benefit analysis;

D. Set parameters for acceptable conditions and terms of information technology vendor contracts with county agencies;

E. Establish project implementation reporting requirements to facilitate central monitoring of projects;

F. Review the information technology project initiation request, including business case analysis, to ensure that materials contain all required components, have substance and are backed by documentation;

G. Monitor projects during implementation relying on documentation that has been approved by the project's steering committee or other governing body;

H. Approve the disbursement of funding for projects that meet the criteria for project management as established in K.C.C. 2.16.0758.A;

I. Recommend budgetary changes to the executive and council as appropriate during each phase of project implementation;

J. Directing the suspension or general shutdown of project having difficulties in resolving issues related to scope, schedule or budget; and

K. Conduct project postimplementation reviews, documenting strengths and weaknesses of the implementation process and the delivery, or lack thereof, of either

cost savings or increased functionality, or both. (Ord. 17142 § 7, 2011: Ord. 15559 § 6, 2006: Ord. 14005 § 6, 2000).

2.16.075805 Department of information technology – information and telecommunications services office. The department of information technology shall include the following duties:

A. Designing, developing, operating, maintaining and enhancing computer information systems for the county and other contracting agencies

B. Managing the cable communications provisions in K.C.C. chapter 6.27A;

C. Negotiating and administering cable television and telecommunication franchises under K.C.C. chapter 6.27;

D. Providing telephone system design, installation, maintenance and repair;

E. Providing internal communications and public information services including setting standards for and preparing informational publications, except to the extent to which the council decides, as part of the annual appropriation ordinance, to fund selected departmental level internal communications and public information services in certain departments or divisions; and

F. Administering the emergency radio communication system under K.C.C. chapter 2.58, but not including the radio communication and data system operated and maintained by the department of transportation. (Ord. 17142 § 8, 2011: Ord. 15559 § 7, 2006).

2.16.07581 Definitions - K.C.C. 2.16.07581, 2.16.07582, 2.16.07583, 2.16.07584 and 2.16.07585. The definitions in this section apply throughout K.C.C. 2.16.07581 2.16.07582, 2.16.07583, 2.16.07584 and 2.16.07585, unless the context clearly requires otherwise.

A. "Integration" means technical components and business philosophies that bring together diverse applications from inside and outside the organization, to streamline and integrate business processes within an organization and with outside partners.

B. "Interoperability" means the ability of two or more hardware devices or two or more software routines to work together.

C. "Long-term" means a planning horizon of over three years out.

D. "Mid-term" means a planning horizon of two to three years.

E. "Short-term" means a planning horizon of one to two years.

F. "Strategic" means likely to be more than three years out; necessary for achieving the planned effect desired.

G. "Information technology strategic plan" means a report that provides a vision and coordination of technology management and investment across the county pursuant to K.C.C. 2.16.0757.A*.

H. "Technology business plan" means an annual plan for the next year's technology operations and proposed projects; intended to align with individual agency's business plans and budget requests and the countywide standards and policies and direction as set forth in the strategic information technology plan. (Ord. 17488 § 2, 2012: Ord. 14155 § 1, 2001).

***Reviser's note: K.C.C. 2.16.0757 was repealed by Ordinance 17654, Section 3.**

2.16.07582 Strategic advisory council.

A. The strategic advisory council is hereby created. The council shall act in an advisory capacity to the King County executive in developing long-term strategic objectives and planning and implementing for information technology deployment

countywide. The members shall be the King County executive, two representatives of the King County council's choosing, the King County sheriff, the King County prosecuting attorney, the King County assessor, the King County chief information officer, the presiding judge of the King County superior court, the presiding judge of the King County district courts, up to eight external advisor from the private sector to be selected by the chair and the chief information officer, each to serve a two-year term, and up to two external advisors from the public sector to be selected by the chair and the chief information officer, each to serve a two-year term.

B. The strategic advisory council shall:

1. Develop and recommend strategic objectives for information technology deployment countywide;

2. Review information technology proposals for their alignment with adopted strategic objectives;

3. Review and endorse the information technology strategic plan and all updates to it; and

4. Review policy-related transmittals to the county council that are proposed by the King County executive for large countywide information technology projects, such as the business cases.

C. The King County executive shall serve as the chair of the strategic advisory council.

D. Formal votes shall be taken and recorded on all recommendations and endorsements.

E. Members of the strategic advisory council shall serve without compensation. (Ord. 15559 § 8, 2006: Ord. 14155 § 2, 2001).

2.16.07583 Business management council.

A. The business management council is hereby created. The council shall act in an advisory capacity to the county's chief information officer in carrying out duties related to developing short-term, mid-term and strategic objectives for information technology countywide, in recommending information technology proposals for funding and in developing standards, policies and guidelines for implementation. The members shall be the King County chief information officer and agency deputy directors or business managers designated by each agency's director, familiar with that agency's business and operations and having authority to commit resources and speak with the authority of the department when participating in business management council meetings.

B. The business management council shall:

1. Review information technology proposals made by individual members, groups of members or ad hoc committees;

2. Assess short-term, mid-term strategic value and risk of information technology proposals;

3. Assess alignment of information technology proposals with agency business plans, agency technology plans and adopted strategic objectives;

4. Recommend information technology proposals for funding and for inclusion in the technology business plan and the information technology strategic plan;

5. Review and provide recommendations for implementing information technology standards, policies and guidelines;

6. Review and provide recommendations for finalizing the technology business plan; and

7. Review operations management issues as needed.

C. The King County chief information officer shall serve as the chair of the business management council and shall designate a vice-chair as needed.

D. The chief information officer may convene such additional ad hoc committees as are determined to be necessary for the business management council to focus on specific topics or to address the needs of a logical group of agencies. These committees shall review topics and report findings to the chief information officer and the business management council.

E. Formal votes shall be taken and recorded on all recommendations and endorsements. Meeting minutes shall formally record issues and concerns raised by members for consideration by the chief information officer.

F. Members of the business management council shall serve without compensation. (Ord. 17488 § 3, 2012: Ord. 15559 § 9, 2006: Ord. 14155 § 3, 2001).

2.16.07584 Technology management board.

A. The technology management board is hereby created. The board shall act in an advisory capacity to the county's chief information officer on technical issues including policies and standards for information security, applications, infrastructure and data management. The members shall be: the King County chief information officer and agency information technology directors or managers designated by each agency's director and familiar with that agency's technology needs and operations.

B. The technology management board shall:

1. Review the strategic objectives recommended by the strategic advisory council and assess issues related to the ability of the technology infrastructure to support them;

2. Review the business objectives and information technology proposals recommended by the business management council and assess issues related to compliance with the county's technology standards and policies and the impact to the technology infrastructure required to support them;

3. Develop or review information technology program proposals that support the strategic and business objectives of the county;

4. Develop or review technology program proposals that promote the efficient operation and management of technology infrastructure, applications and data;

5. Recommend technology program proposals for funding and for inclusion in the technology business plan and the information technology strategic plan;

6. Review and provide recommendations for finalizing the King County technology business plan; and

7. Develop or review and recommend standards, policies and guidelines for infrastructure, applications deployment, data management and privacy and security.

C. The King County chief information officer shall serve as the chair of the technology management board and shall designate a vice-chair as needed.

D. The chief information officer may convene such ad hoc committees as are determined to be necessary for the technology management board to focus on specific topics or issues. These committees shall review topics and report back findings to the chief information officer and the technology management board.

E. Meeting minutes shall formally record issues and concerns raised by members for consideration by the chief information officer.

F. Members of the technology management board shall serve without compensation. (Ord. 17488 § 4, 2012: Ord. 15559 § 10, 2006: Ord. 14155 § 4, 2001).

2.16.07585 Project review board.

A. The project review board is hereby created. The board shall act in an advisory capacity to the county’s chief information officer in implementing the project management guidelines developed by the central information technology project management office as described in K.C.C. 2.16.0758 A. through E. As appropriate, the

board also may assume the project oversight role assigned to the project management office under K.C.C. 2.16.0758 F. through K. The members shall be: the chief information officer, the assistant county executive operations I, the director of the office of performance, strategy and budget and the director of the department of executive services.

B. The King County chief information officer shall serve as the chair of the project review board.

C. Ad hoc project review teams may be convened as determined to be necessary by the project review board to focus on specific projects. Each ad hoc project review team will include the project's sponsoring agency director. These teams shall report back findings to the board.

D. Formal votes shall be taken and recorded on all recommendations and meeting minutes shall formally record issues and concerns raised for consideration by the chief information officer. (Ord. 16960 § 12, 2010: Ord. 15559 § 11, 2006: Ord. 14561 § 5, 2002: Ord. 14155 § 5, 2001).

2.16.097 Civil fines and civil penalties – write offs.

A. Receivable civil fines, civil penalties and abatement costs assessed pursuant to Title 23 may be written off by the director of the department of permitting and environmental review, with the concurrence of the county administrative officer, under the following circumstances:

1. When the costs of the effort to collect the civil fine or penalty exceeds the recoupable fines and penalties, or

2. When the civil fine, penalty or abatement cost is determined to be uncollectable in the foreseeable future.

B. The director shall document the circumstances under which a decision was made to write off a civil fine, penalty or abatement cost. (Ord. 17420 § 2, 2012: Ord. 14199 § 17, 2001: Ord. 13263 § 42, 1998).

2.16.100 Career service exemptions.

A. Exemptions from the requirements of the career service personnel system shall be consistent with the provisions of Sections 550, 350.10 and 350.20 of the King County Charter. Key subordinate units, as determined by the county council, and departmental divisions shall be considered to be executive departments. Divisions of administrative offices shall be considered to be administrative offices for the purpose of determining the applicability of the charter provisions.

B. The county administrative officer, directors, chief officers and supervisors of departments, administrative offices, divisions, key subordinate units and other units of county government as required by law shall be exempt from the requirements and provisions of the career service personnel system.

C.1. The following are determined by the council to be key subordinate units due to the nature of the programs involved and their public policy implications and appointments to these positions shall be subject to confirmation by the council:

a. the chief information officer of the administrative office of information resource management;

b. the deputy director of the department of elections;

c. the manager of the records and licensing services division;

d. the director of the transit division; and

e. the director of the road services division.

2. When an ordinance is enacted designating a position as a key subordinate unit, no person then serving in the position shall continue to serve for more than ninety

days after such enactment, unless reappointed by the executive and confirmed by the council.

D. If an administrative assistant or a confidential secretary, or both, for each director, chief officer of an administrative office and supervisor of a key subordinate unit are authorized, those positions are exempt from the requirements and provisions of the career service personnel system. (Ord. 18001 § 1, 2015: Ord. 17994 § 2, 2015: Ord. 17678 § 7, 2013: Ord. 17189 § 1, 2011: Ord. 15971 § 35, 2007: Ord. 14570 § 2, 2003: Ord. 14516 § 4, 2002: Ord. 14199 § 18, 2001: Ord. 14036 § 2, 2001: Ord. 11955 § 12, 1995).

2.16.110 Appointment and confirmation of exempt officials.

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 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 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 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 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 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. (Ord. 17678 § 8, 2013: Ord. 17189 § 2, 2011: Ord. 14199 § 19, 2001: Ord. 13668 § 4, 1999: Ord. 11955 § 13, 1995).

2.16.120 Department of adult and juvenile detention – duties – divisions.*

A.1. The department of adult and juvenile detention is responsible to manage and be fiscally accountable for the Seattle division, the Kent division, the juvenile division, the community corrections division and the administrative services division, each of which shall have equal standing within the department. Through the Seattle division and the Kent division, the department shall operate the King County adult correctional facility and the security operation of the work and education release unit in Seattle and the Regional Justice Center adult correctional facility in Kent. Through the juvenile division, the department shall operate the county's juvenile detention facility. Through the community corrections division the department shall administer programs that provide alternatives to confinement in the adult correctional facilities, as well as services and support functions directed toward reduction of the adult correctional facilities' populations. Through the administrative services division, the department shall administer personnel operation, budget and fiscal operations and other central support services for the department. In addition, the administrative services division shall be responsible for the administration and monitoring of jail health expenditures and services through a jail health levels of service agreement and contract with its health services contractor. The division shall monitor the provision of health care services and is responsible for ensuring that minimum inmate health care needs are met and monitoring the cost-containment provisions for both operational and health care related costs.

2. The judges of the superior court have final authority for approval of all screening criteria for admission to the juvenile detention facility and alternatives to confinement in the juvenile detention facility. The department shall implement such criteria approved by the superior court related to the juvenile detention facility. The department shall implement the criteria approved by the superior and district courts

related to adult detention facilities and alternatives to confinement, subject to the eligibility conditions in subsections E. and F. of this section. The department may also accept, from the prosecuting attorney's prefiling diversion program, persons arrested for the following misdemeanor offenses for placement on work crews: possession of less than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

B. The duties of the Seattle division and the Kent division shall include the following:

1. House adult persons who are any combination of arrested for, charged for or held on investigation of a criminal offense;

2. House adult persons during trial, and before sentencing after conviction;

3. House adult persons serving sentences not exceeding one year;

4. Maintain records and process and identify property of persons confined or committed to correctional facilities operated by the division;

5. Perform functions related to residential and building security, including supervision of persons confined or committed to correctional facilities operated by the division;

6. Transport confined or committed adult persons to and from court and provide secure escort of those persons outside the facilities;

7. Provide nutritional meals daily to confined or committed adult persons, including preparation of special meals in response to medical and religious requirements;

8. Provide health care to confined or committed adult persons in conjunction with the Seattle-King County department of public health, including medical, dental and psychiatric care;

9. Provide social services to and for confined or committed adult persons, including, but not limited to, the following: classifying those persons; evaluating mentally ill or developmentally disabled confined or committed persons, including referral to available community programs; reviewing those persons with psychiatric problems; reviewing other special population groups; providing general population group management; and providing outside agency access to those persons including special visitation, library, recreational and educational services; and

10. Ensure compliance with laws and regulations applicable to the management and operation of the correctional facilities.

C. The principle function of the juvenile division is to operate the county's juvenile detention facility in a safe, secure and humane manner as prescribed by state law and court rules. The juvenile division shall administer alternatives to secure detention as approved by the court, a school program, a health program and other related programs. The juvenile division shall be operated in a manner that will give reasonable access to the defense bar, juvenile probation counselors and social service providers and educators, consistent with appropriate security measures and public safety.

D. The duties of the administrative services division shall include administering personnel operations, budget and fiscal operations and other central support services involving all divisions in the department to ensure consistency and efficiency of operations. The department's director of the administrative services division shall oversee these operations and services, and the operations and services shall conform to county policies and procedures and to department guidelines and practices.

E. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a violent offense or sex offense and has one or more convictions of a violent offense or

sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged offense.

F. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a domestic violence felony offense and has one or more convictions of a domestic violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of the charged offense. (Ord. 17456 § 1, 2012: Ord. 17148 § 1, 2011: Ord. 14561 § 8, 2002: Ord. 13668 § 5, 1999: Ord. 12432 § 2, 1996).

***See K.C.C. chapter 3.13A for training in the department of adult detention and K.C.C. Title 5 for the regional justice center.**

2.16.122 Community corrections division.

A. The community corrections division is established as a subordinate administrative office under Section 350.10 of the King County Charter. The division manager shall be subject to Section 340 of the King County Charter, requiring that the appointed division manager be subject to council confirmation. The department shall provide administration, analytic and other support to the division.

B. The duties of the community corrections division shall include:

1. Based on screening criteria approved by the superior and district courts and eligibility conditions in subsections C. and D. of this section, implementation of alternatives to adult detention, including, but not limited to, electronic home detention, work and education release, day and evening reporting and work crews;

2. Assessment of the needs of adult persons placed in alternatives to detention;

3. Contracting with private nonprofit community agencies to provide services for relicensing offenders; and

4. Accepting, from the prosecuting attorney's prefiling diversion program, persons arrested for the following misdemeanor offenses for placement on work crews, provided that the division considers such placement to be appropriate in light of the capacity of the work crew program and admission criteria developed by the division in conjunction with the prosecuting attorney's office: possession of less than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

C. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a violent offense or sex offense and has one or more convictions of a violent offense or sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged offense.

D. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a domestic violence felony offense and has one or more convictions of a domestic violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of the charged offense. (Ord. 17456 § 2, 2012: Ord. 17148 § 2, 2011: Ord. 14561 § 9, 2002).

2.16.130 Department of community and human services.

A. The department of community and human services is responsible to manage and be fiscally accountable for the community services division, the behavioral health and recovery division and the developmental disabilities division.

B. The duties of the community services division shall include the following*:

1. Working in partnership with communities and other funders to develop, support and provide human services which emphasize prevention, early intervention, and community education, and which strengthen individuals, families and communities in King County;

2. Managing programs which increase family self-sufficiency, enhance youth resiliency, reduce community violence and strengthen communities. The division shall also manage programs which address housing and community development needs, and help implement improvements identified in subarea and neighborhood plans for low and moderate income communities and population. Such programs are to include, but not be limited to, providing employment and training for youth and adults and providing assistance to indigent veterans and their families as authorized by chapters 41.02 and 73.08 RCW. This division shall administer the county's federal housing and community development funds and other housing and community development programs;

3. Developing housing and community development policies and programs to implement the growth management policies throughout King County to provide affordable housing to low and moderate income residents; and

4. Duties regarding the women's advisory board specified in K.C.C. 2.30.040.

C. The duties of the behavioral health and recovery division shall, subject to available resources and to its exercise of discretionary prioritization, include the following:

1. Managing and operating a comprehensive continuum of behavioral health services including prevention, mental health, substance use disorder and cooccurring disorder treatment services for children, youth and adults who meet eligibility criteria;

2. Managing and operating a twenty-four-hour crisis response system, including civil commitment as a last resort;

3. Selecting appropriate agencies for the provision of mental health services developing, implementing and monitoring the provision and outcomes of contracted services;

4. Being responsible for resource management of a comprehensive mental health system including provision of staff support to appropriate advisory boards, and serving as liaison to federal, state, and other governments and relevant organizations in carrying out planning and allocation processes;

5. Facilitating the continuing availability of appropriate treatment services for eligible individuals with a diagnosis of a mental illness substance use or cooccurring disorder disorder; and

6. Developing and maintaining a continuum of appropriate treatment services for eligible individuals.

D. The duties of the developmental disabilities division shall include the following:

1. Managing and operating a system of services for persons with developmental disabilities in accordance with relevant state statutes and county policies and to provide staff support to the King County board for developmental disabilities; and

2. Negotiating, implementing and monitoring contracts with community agencies for the provision of developmental disabilities services. (Ord. 18171 § 1, 2015: Ord. 17588 § 2, 2013: Ord. 17189 § 3, 2011: Ord. 13666 § 1, 1999: Ord. 13498 § 1, 1999: Ord. 13326 § 1, 1998: Ord. 11955 § 6, 1995).

***Reviser's note: See also K.C.C. 2.30.040, for the women's advisory board - community services division's duties and responsibilities.**

2.16.135 Department of elections.

A. The department of elections, as identified in Section 350.20.50 of the King County Charter, shall be managed by the county director of elections who shall perform the duties specified by general law.

B. The department of elections is responsible for:

1. Coordinating and recording the registration of voters in the county;

2. Conducting all special and general elections held in the county;

3. Creating and printing the King County voter's pamphlet [voters' pamphlet];

4. Maintaining and being the official repository of political boundary maps, geographic information systems data and of the King County copies of campaign financial disclosure forms; and

5. Administering other public and nonpublic elections, as required by state law and county code and administrative rules.

C. The director may delegate powers and duties in performing the functions in subsection B. of this section to a deputy director.

D. The deputy director of the department of elections must be a certified elections administrator and continue to meet all certification requirements of the Washington state Office of the Secretary of State. (Ord. 17994 § 1, 2015).

2.16.136 Department of elections – voting materials preparation – reports on languages used in county-translation of voting materials – outreach to language communities – costs.

A.1. For all elections administered by the department of elections, the director of elections shall prepare voting materials, to the extent not already provided by the office of the Washington state Secretary of State, in languages determined through the process described in subsection B. of this section, in addition to those languages required by Section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a. The director of elections shall make the voting materials available to any resident of King County upon request of that person, and in addition shall make the voter registration materials required by this section broadly available, including to King County offices required to make them available under section 3 of this ordinance. The director of elections shall record the numbers of ballot and voter pamphlet requests in each language other than English, and include this information in the report required in subsection C. of this section.

2. For the purposes of this section, "voting materials" include, but are not limited to:

a. voter registration notices, voter registration forms and voter registration instructions, to the extent not already provided by the office of the Washington state Secretary of State;

b. ballots and ballot instructions; and

c. local voters' pamphlets, in conformity with K.C.C. chapter 1.10 and chapter 29A.32 RCW.

B. In 2016 and at least every five years thereafter, the director of elections shall review data on limited-English-proficient populations in King County and shall determine, in consultation with community leaders of limited-English-proficient populations and the office of performance, strategy and budget, each single language that has ten thousand or more limited-English-proficient King County residents. The director of elections shall make this determination by referring to the best available data from the United States Census Bureau or other source the director considers relevant and reliable. The director of elections shall file a report of this determination, including a list of all languages that meet the threshold of ten thousand or more limited-English-proficient residents, and the supporting analysis by January 30, 2017, and at least every five years after the first report is filed. The director of elections shall file the report in the form of a paper original

and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy director and the director of elections.

C.1. Beginning for the first general election after the director files a report required by subsection B. of this section, the director shall provide translated voting materials, in addition to the languages required under section 203 of the Voting Rights Act of 1965, P.L. 94-73, 42 U.S.C. 1973aa-1a, in all languages determined by the director under subsection B. of this section, unless within forty-five days of the filing of the determination report, an ordinance is enacted that adopts a different list. If a different list is enacted by ordinance, the director shall provide materials in all languages included in that list.

2. Until forty-five days have elapsed from the filing of the first report required by subsection B. of this section, the director of elections shall prepare and make available to the public at the same time as voting materials in English at least Spanish and Korean language voting materials.

D. The director of elections shall also ensure the provision of targeted outreach to all language communities identified under subsections B. and C. of this section to promote awareness of and requests for translated voting materials. The outreach may include, but not be limited to, engagement of community leaders from and outreach to community organizations serving limited-English-proficient populations, minority language media purchases, such as advertising, attendance and materials distribution at large limited-English-proficient community events, and recruitment of bilingual election workers. The director of elections shall maintain and make available to the public at least one hundred twenty days before each primary and general election a list of the languages other than English in which the department will provide translated material and assistance, and the specific form of that assistance.

E. The cost of providing the materials and services described in subsections A., C. and D. of this section shall be considered a cost of elections, of which a pro rata share shall be recovered from constituent jurisdictions and the state. (Ord. 18086 § 2, 2015).

2.16.137 County offices to provide voter information to public – determination of offices and languages involved.

A. All King County offices open to the public shall, to all customers or applicants for services:

1. Offer voter registration notices, voter registration forms, and voter registration instructions, in all languages made available by the office of the Washington secretary of state and by the department of elections under K.C.C. 2.16.136; and

2. Provide the same degree of assistance to all customers and applicants without regard to the customer or applicant's choice of whether or not the customer or applicant accepts or declines voter registration materials.

B. The executive, in consultation with the director of elections, as soon as possible and in no event later than for the general election of 2016 and for every election thereafter, shall determine the specific county offices required to offer the materials described in subsection A. of this section and shall establish procedures to provide the materials required under subsection A. of this section in appropriate languages, as made available by the office of the Washington state Secretary of State and by the department of elections under K.C.C. 2.16.136, to individuals that they serve. (Ord. 18086 § 3, 2015).

2.16.140 Department of transportation – duties – divisions.

A. The department of transportation is responsible to manage and be fiscally accountable for the road services division, transit division, fleet administration division, airport division and marine division. The department shall perform the metropolitan public transportation function as authorized in chapter 35.58 RCW, K.C.C. Title 28 and other applicable laws, regulations and ordinances; provided, that financial planning for and administration of the public transportation function shall be conducted consistent with financial policies as may be adopted by the council. The department shall administer the county roads function as authorized in applicable sections of Titles 36 and 47 RCW and other laws, regulations and ordinances as may apply. The department shall administer the passenger ferry service function as authorized in chapter 36.54 RCW, K.C.C. chapter 2.120 and other applicable laws, regulations and ordinances. The department's functions include, but are not limited to, the activities set forth in subsections B. through F. of this section for each division, administration of grants and the coordination of transportation planning activities with other county agencies and outside entities to integrate transportation planning and land use planning.

B. The road services division is responsible to design, construct, maintain and operate a comprehensive system of roadways and other transportation facilities and services to support a variety of transportation modes for the safe and efficient movement of people and goods and delivery of services. The duties of the division shall include the following:

1. Designing, constructing and maintaining county roads, bridges and associated drainage facilities;

2. Designing, installing and maintaining county traffic signs, markings and signals;

3. Designing, installing and maintaining bicycle and pedestrian facilities;

4. Managing intergovernmental contracts or agreements for services related to road maintenance and construction and to other transportation programs supporting the transportation plan;

5. Inspecting utilities during construction and upon completion for compliance with standards and specifications; assuring that public facilities disturbed due to construction are restored;

6. Performing detailed project development of roads capital improvement projects that are consistent with the transportation element of the county's Comprehensive Plan, and coordinating such programming with other county departments and divisions assigned responsibilities for Comprehensive Plan implementation;

7. Incorporating into the roads capital improvement program those projects identified in the transportation needs report, community plans, related functional plans and elsewhere consistent with the county's Comprehensive Plan;

8. Preparing, maintaining and administering the county road standards;

9. Preparing and administering multi-year roads maintenance and capital construction plans and periodic updates;

10. Administering the transportation concurrency and mitigation payment programs; and

11.a. Performing the duties of the office of the county road engineer, which is hereby established as an administrative office of the road services division. The office of the county road engineer shall be an office of record, supervised by the county road engineer hired in accordance with RCW 36.80.010 and reporting to the division director of the road services division. The office of the county road engineer shall be located within the corporate limits of the county seat.

b. The county road engineer shall carry out all duties assigned to the county road engineer as prescribed by state statute, except as modified by the county executive as authorized in subsection B.11.c. of this section.

c. The county executive may assign professional engineering duties of the county road engineer to someone other than the county road engineer, except as otherwise assigned by King County Code, and only if the individual assigned those duties shall be qualified as required under RCW 36.80.020. The executive shall provide to the county council and the Washington State County Road Administration Board, in writing, those specific professional engineering duties not assigned to the county road engineer, the name and position of each person responsible for carrying out those assigned duties, the specific reporting and working relationships with the county road engineer and the duration for which those duties have been assigned.

C.1. The transit division is responsible for the operation and maintenance of a comprehensive system of public transportation services in King County. The duties of the division shall include the following:

a. providing all necessary customer services including telephone and other customer information and support systems; managing sales and distribution of fare media, research, market strategies and marketing functions;

b. implementing programs, policies and strategies for the public transit in King County; developing and scheduling new products and service and managing contract services;

c. developing and implementing transportation programs under the Americans with Disabilities Act of 1990 (ADA) including preparing policy recommendations and service models and contracting for the delivery of service;

d. delivering and managing transit service in the county including service quality and service communication functions;

e. managing and maintaining the transit system infrastructure, including trolley power distribution and overhead systems, bases, customer facilities, and the radio communication and data system;

f. maintaining transit rolling stock including all revenue vehicle fleets and those vehicles required to support the operation of the transit system, except such vehicles as may be included in the motor pool; managing a central stores function, unit repair facilities and all purchasing activities relative to the procurement of the revenue vehicle fleet;

g. managing the design, engineering and construction management functions related to the transit capital program including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions;

h. managing rideshare operations functions including vanpool, carpool, and regional ride matching programs; and

i. preparing and administering public transportation service and supporting capital facility plans and periodic updates.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan public transportation system under chapter 35.58 RCW, including, but not limited to, human resources, accounting, budgeting, finance, engineering, fleet administration, maintenance, laboratory, monitoring, inspection and planning, as it determines appropriate.

D. The duties of the fleet administration division shall include the following:

1. Acquiring, maintaining and managing the motor pool and equipment revolving fund for fleet vehicles and equipment including, but not limited to, vehicles for the department of natural resources and parks, facilities management division, and

transportation nonrevenue vehicles. Transportation department vehicles determined by the director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;

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

3. Establishing terms and charges for the sale of any material or supplies which have been purchased, maintained or manufactured with money from the equipment revolving fund;

4. Managing training programs, stores function and vehicle repair facilities;

5. Administering the county alternative fuel program and take-home assignment of county vehicles policy; and

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

E. The airport division is responsible for managing the maintenance and operations of the King County international airport. The duties of the division shall include the following:

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

2. Managing and maintaining the airport system infrastructure;

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

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

F. The marine division is responsible for the administration, maintenance and operation of passenger ferry service in King County. The duties of the division shall include the following:

1. Managing, acquiring, constructing and maintaining King County's marine transportation system infrastructure;

2. Managing, or securing services from other divisions, departments or entities, to perform the design, engineering and construction management functions related to the passenger ferry capital program including vessel procurement, new facilities development and maintenance of existing infrastructure;

3. Providing general administration of the passenger ferry service, such as project management, grants management, procurement, labor negotiations, environmental review, permit and real property acquisitions and managing contract services; and

4. Planning, implementing, administering and operating passenger ferry service in King County that is integrated with and subject to the methodology of the King County Metro Service Guidelines, used to design and modify transit services. (Ord. 18413 § 1, 2016: Ord. 17935 § 4, 2014: Ord. 15972 § 1, 2007: Ord. 15049 § 1, 2004: Ord. 14199 § 20, 2001: Ord. 13997 § 1, 2000: Ord. 12441 § 4, 1996: Ord. 11955 § 11, 1995).

2.16.175 Juvenile court services – detention facilities – administration by the county executive.

A. The responsibility for the administration of detention services, together with building maintenance, are transferred to the county executive from the King County superior court, subject to subsection B of this section.

B. The administration of detention services shall revert to the judges of the superior court if a majority of the judges find that any one or more of the following

conditions are not being complied with and that the interests of juveniles or the community require reversion, except that, before such a vote, the superior court and the executive shall first meet and attempt to resolve any concerns:

1. The services that are being transferred to the executive shall be maintained at a level consistent with and providing for the needs of juveniles, over whom the superior court has jurisdiction, and of the needs of the community in relation to those juveniles;

2. The detention facility and all detention services for juveniles shall be operated separately from the adult detention facility so that there is no contact, physically or programmatically, between juvenile offenders and adult inmates;

3. The manager of the youth detention facility shall be at least at the level of a division manager within the newly created department of juvenile and adult detention. Upon a vacancy, the executive shall replace the manager of the youth detention facility through a competitive search process that includes participation from the superior court;

4. The staff of adult detention and juvenile detention shall be separate and distinct. Staff of the adult detention facility shall not be assigned to the juvenile detention facility without having received adequate training to qualify as a juvenile detention officer. The superior court shall participate in the development of the training curriculum that is provided to juvenile detention officer.

C. The county executive, sheriff, prosecuting attorney, presiding judges of the superior court and district court, chair of the law and justice committee of the county council, the director of the department of adult detention, the director of community and human services and the director of judicial administration constitute the members of the criminal justice council. The criminal justice council shall act as adviser to the superior court in the oversight of the juvenile detention facility. The criminal justice council shall establish a subcommittee to assist with the oversight. The criminal justice council subcommittee charged with assisting in the oversight shall provide opportunity for participation by citizens and the public defender agencies providing services to juveniles. During the summer of 2001, the criminal justice council shall conduct an evaluation to review the performance of the juvenile detention division and to make recommendations to the superior court on whether juvenile detention should remain in the department of adult and juvenile detention and whether probation related services should remain under the court's supervision. (Ord. 13668 § 3, 1999).

2.16.190 Liability. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from any act or omission in connection with the implementation or enforcement of this chapter on the part of the county by its officers, employees or agents. (Ord. 11955 § 14, 1995).

2.16.210 Department of assessments – duties – divisions. The department of assessments is administered by the county assessor, who performs duties specified by general law. The primary purpose of the department is to establish the value of property in King County subject to ad valorem taxation.

The department is responsible to manage and be fiscally accountable for the following divisions:

A. RESIDENTIAL APPRAISAL DIVISION. The functions of the residential appraisal division include:

1. Cyclic appraisal of all real property in King County, including incorporated areas, for property tax purposes.

2. Field inspection and valuation of all real property, new construction and subdivisions.

3. Defense of valuations before the King County board of equalization, Washington State Board of Tax Appeals, and in courts of law.

B. PROGRAM PLANNING DIVISION. The functions of the program planning division include:

1. Planning and coordination of computer system requirements for the department, including liaison with the computer and communication services division of the department of information and administrative services of executive administration.

2. Statistical analysis and management information reporting to support valuation of property.

C. ADMINISTRATIVE SERVICES DIVISION. The functions of the administrative services division include:

1. Managing the department's public information unit to provide access to computer information regarding assessments, property characteristics, property history, and tax bill information.

2. Managing property and office rentals for the department.

3. Administrative functions of the department including personnel, budget, payroll, and resources needed by department appraisers to discharge their responsibilities.

4. Coordinating all training for department employees.

D. ACCOUNTING DIVISION. The functions of the accounting division include:

1. Setting levy rates, levy codes, and tax district boundaries, certification of the tax roll for collection to the treasury division of the office of financial management, exemptions and refunds, entering information in the computer master files and setting up new real property parcels such as plats and condominiums in assessment files.

2. Managing changes in real property and entering them on assessor maps and maintaining map overlays showing taxing districts, levy codes, zoning, appraisal areas, and wetland boundaries.

3. Providing work materials to the appraisal divisions and entering data from the residential and commercial appraisal divisions into the property based system computer files, maintaining residential and commercial property folios, and processing building permits.

E. COMMERCIAL DIVISION. The functions of the commercial division include:

1. Valuation of business related depreciable assets, such as machinery and equipment, in King County.

2. Valuation of leased business equipment in King County.

3. Valuation of mobile homes in King County.

4. Valuation of all commercial real property in King County.

F. CHIEF APPRAISER DIVISION. The functions of the chief appraiser division shall be to provide policy guidance on the interpretation and implementation of the uniform standards of professional appraisal practice.

G. DIVISION MANAGER STATUS. Each division manager shall be in an exempt status. Should personnel presently filling a position as division manager have career service status, the position will become exempt when a vacancy occurs. (Ord. 12475 § 1, 1996: Ord. 12075 § 4, 1996).

2.16.215 Assessor - advertising agreements authorized - restrictions - use of venue.

A. The assessor may negotiate and enter into agreements for advertising on the assessor's website for the purpose of providing financial support for assessor programs. The advertising shall be restricted to commercial speech.

B. Advertisers and sponsors shall abide by the nondiscrimination requirements of K.C.C. Title 12. Furthermore, an advertising agreement may not result in advertisement of tobacco products in violation of K.C.C. chapter 12.51.

C. The assessor may impose additional subject-matter restrictions on advertising consistent with applicable law.

D. Revenue generated from advertising entered into under this section shall be applied solely to assessment services. (Ord. 17927 § 2, 2014).

2.16.250 Continuation of authorizations and duties, and changes to names of departments, divisions, offices, and director and manager positions in the King County Code. From time to time, the council establishes, abolishes, combines or divides administrative offices, executive departments, and divisions. The King County Code is not always timely updated to reflect these changes in organization. Except as specifically provided in the ordinances effecting such organizational changes to departments offices and divisions, the authorizations and duties assigned to the previous departments, offices and divisions, and associated officials, shall continue to be exercised and performed by appropriate departments and offices, and the associated officials, in the current executive branch organization. (Ord. 14199 § 21, 2001: Ord. 12341 § 1, 1996).

2.16.260 High-value data set publication.

A. For the purposes of this section:

1. "High-value data set" means a collection of data that is related to one of the core services of the county, improves public knowledge of the agency and its operations, increases government accountability and responsiveness or creates economic opportunity. For purposes of this legislation, documents, emails and calendars are generally not considered high value data sets.

2. "Open format" means a format that is published and available without requiring a specific manufacturer's software or hardware to access or use.

B.1. King County shall strive within existing budgeted resources to publish on-line in an open format existing, high-value sets data maintained by the county that are appropriate for unrestricted public access.

2. In selecting high value data sets for on-line publication, the executive shall seek input from the public, including those seeking to develop applications using county data.

C.1. The executive shall make all data sets selected for publication available on a single web site designed to allow easy access, downloading and manipulation of the data.

2. Data sets shall be updated and new data sets added to the web site as resources allow.

3. The web site shall include:

a. information about each data set, including information on who to contact if there are questions about the data sets;

b. terms of use statement for the users of the data; and

c. a means for the public to give feedback on and assessment of the quality of the data and provide input about which data to prioritize for publication on the web site.

D. High value data set[s] available on the web site shall not include the names of individuals or any other personal identifying data as defined in K.C.C. 2.14.010 or any information that is exempt from disclosure under the Public Records Act, chapter 42.56 RCW. (Ord. 16838 § 1, 2010).

2.18 DIRECTOR OF ELECTIONS

Sections:

2.18.010 Qualifications.
2.18.020 Qualifications - continuance for term - failure causes vacancy.
2.18.030 Exception - holding another office while filing and running as candidate.
2.18.040 Exception - director filing and running for another office.
2.18.050 Filing form.
2.18.100 Reports to council.

2.18.010 Qualifications.

A. The person shall not hold an office in a political party while serving as the director of elections;

B. For one year immediately before filing to run for, being appointed to or holding the office, the person shall not be or have been employed by, or performed compensated services for or hold a financial interest in, a nongovernmental entity that designs, manufactures or sells elections tabulation or voter registration equipment or software. For the purposes of this subsection, "financial interest" means an interest that exceeds one-tenth of one percent of the outstanding securities of the nongovernmental entity; or if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest in the nongovernmental entity exceeds five percent of the net worth of the person and the person's immediate family, as defined in K.C.C. 3.04.017.H. Nothing in this subsection is intended to prevent a person from holding the office who has been employed by, performed services for or holds a financial interest in a nongovernmental entity that sells, designs or manufactures equipment or software that has broad commercial application beyond the field of elections tabulation or voter registration; and

C. No later than thirty months after having been elected or appointed to the office of elections director, the director shall have earned the certification of elections administrator from the Washington state Office of the Secretary of State, and shall meet all continuing education requirements of the Secretary of State. (Ord. 16302 § 2, 2008).

2.18.020 Qualifications - continuance for term - failure causes vacancy. The director of elections shall continue to fulfill the qualifications established in this chapter for the term of office. The failure to continue to fulfill any qualification of this chapter causes a vacancy in the office, which shall be filled in accordance with Section 680.10 of the King County Charter. (Ord. 16302 § 6, 2008).

2.18.030 Exception - holding another office while filing and running as candidate. This chapter does not prevent an elected official from holding another public office while filing and running as a candidate for King County director of elections. (Ord. 16302 § 3, 2008).

2.18.040 Exception - director filing and running for another office. This chapter does not prevent the director of elections from filing and running for another public office while still serving as the director of elections. (Ord. 16302 § 4, 2008).

2.18.050 Filing form. For the initial election of a director of elections, the manager of the elections division shall establish a candidate filing form for the office of director of elections whereby candidates filing for office swear or affirm that they comply with all the qualifications for the office as established by state law, the King County

Charter and the King County Code. The filing form shall contain the specific requirements of this chapter. Following the initial election, the elected director of elections shall establish the filing form in conformance with applicable King County Charter and King County Code provisions. (Ord. 16302 § 5, 2008).

2.18.100 Reports to council.

A. The director of elections shall, each year, provide to the county council a report that contains information on elections. The report shall include:

1. Detailed costs of conducting and administering special, primary and general elections in the county. The format for this information shall be the same as the department of elections uses to tabulate costs for which it invoices jurisdictions for the costs of running and administering elections. The time series for the cost of elections shall be the most-recent ten years of data ending with a general election;

2. Voter turnout data for the most-recent ten years for all special, primary and general elections. The turnout data shall include the number of voters credited with voting as well as the percentage of active registered voters who were credited with voting;

3. Accuracy data as measured by ballot reconciliation figures including, but not limited to, those required by Washington state law to be reported to the Secretary of State. The time series for the accuracy data shall begin with the general election of 2005 and continue until there is a decade of data. When there is more than ten years of accuracy data, only the most-recent ten years shall be reported;

4. Information about voters' pamphlets, including the overall costs and costs to participating jurisdictions, level of local participation, impacts on election turnout, reception of the pamphlet by voters and participants and any other information necessary to an analysis of the program by the council; and

5. Information about developing trends in the elections department, which incorporates ongoing reforms and continuous improvement programs.

B. The director of elections shall transmit to the council the report required by subsection A. of this section by March 31 of each year, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor. (Ord. 18167 § 20, 2015: Ord. 17210 § 1, 2011).

2.20 COUNTY AUDITOR

Sections:

2.20.005 Audit office established.
2.20.010 Appointment.
2.20.015 Auditor selection process.
2.20.020 Qualifications.
2.20.030 Term of office.
2.20.035 Types of audits.
2.20.037 Law enforcement audits.
2.20.039 Transit audits.
2.20.040 Scope of authority.
2.20.042 Audit standards and quality assurance.
2.20.045 Audit work program.
2.20.050 Reporting of formal audits.
2.20.055 Performance measurement and reporting.
2.20.070 Violation enjoinment.
2.20.080 Staff.

2.20.005 Audit office established. There is hereby established within the legislative branch, pursuant to Section 250 of the King County charter, the county audit office. The organization and administration of the audit office shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect an independent and objective judgment by the auditor. The office shall be generally responsible for assisting the county council in its oversight function through the conduct of performance and financial audits and special studies of county agencies under the directorship of the county auditor. The office shall be provided a discrete budget and staffing allowance. (Ord. 15241 § 1, 2005: Ord. 8264 § 1, 1987).

2.20.010 Appointment. The King County auditor shall be appointed by a majority of the council following a selection and screening process as herein described. (Ord. 8264 § 2, 1987: Ord. 394 § 1, 1970).

2.20.015 Auditor selection process.

A. The selection process shall include at a minimum the following:

1. Review and update of the auditor's job classification description, if necessary;
2. Advertise the availability of the position;
3. Establishment of an ad hoc auditor screening committee responsible for the screening and preliminary interviewing of candidates; and
4. Final interview and selection of appointee by the council.

B. The auditor screening committee shall be composed of five members appointed by the council and selected as follows:

1. Two members from a private sector accounting firm or a nonprofit organization with experience in performance auditing or program evaluation, and may include certified public accountants with a financial auditing background;
2. Two members from government agencies with experience in performance auditing or program evaluation;
3. One member who is a non-elected, nonpartisan member of the legislative branch; and
4. At least two out of the five members of the screening committee shall have management and supervisory experience, at least two out of the five members shall have governmental performance auditing experience and one shall have governmental financial management experience.

C. The screening committee shall screen, interview and score applicants for the auditor position, making a slate of the top ranking candidates for the council's consideration. At the council's discretion, the committee may also be formed to make recommendations to the council on any decision to reappoint the auditor. (Ord. 15241 § 2, 2005: Ord. 8264 § 3, 1987).

2.20.020 Qualifications. The auditor selected shall be a person able to analyze problems of performance, program operations, financial management and administration, internal controls and public policy and shall not be actively involved in partisan affairs. (Ord. 15241 § 3, 2005: Ord. 394 § 2, 1970).

2.20.030 Term of office. The auditor shall serve a term of four years, or for a specified period less than four years which shall be set by the majority of the council at the time of appointment, unless removed for cause at any time by vote of two-thirds majority of the council, and shall be reconsidered for reappointment at the end of the term of office. (Ord. 3455 § 1, 1977: Ord. 394 § 3, 1970).

2.20.039 Transit audits.

A. The county auditor shall establish an ongoing transit audit function, in order to conduct performance and financial audits consistent with government audit standards and as described in K.C.C. 2.20.035, of the county's transit services program within the department of transportation and commonly referred to as the Metro transit system.

B.1. In addition to or as part of the regular audits required in subsection A. of this section, the auditor shall conduct a review and assessment of the Metro transit system performance, system allocation and financial reports for:

a. compliance with transit policies, including but not limited to the Strategic Plan for Public Transportation 2011-2021, the King County Metro Service Guidelines and Public Transportation Fund Management policies, or their successor adopted documents; and

b. comparison to peer transit agencies.

2. For any assessment performed under this subsection, the auditor shall file the assessment in the form of a paper original and electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council's chief of staff and policy staff director and the lead staff for the government accountability and oversight and transportation, economy and environment committees or their successors. The auditor shall post a copy of the assessment on the Internet within five days of transmitting it to the council.

C. The auditor shall identify the elements of subsections A. and B. of this section to be performed in the audit work program described in K.C.C. 2.20.045.

D. By July 1 of each even-numbered year, the auditor shall file a report summarizing the results of work completed in the last twenty-four months in relation to subsections A. and B. of this section, and report on whether and what actions the county took responsive to findings in transit audits and assessments completed in the previous three years. The auditor shall file the report in the form of an original and electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council's chief of staff and policy staff director and the lead staff for the government accountability and oversight and transportation, economy and environment committees or their successors. The auditor shall post a copy of the report on the Internet within five days of transmitting it to the council.

E. To accomplish the purposes of this section, the auditor shall utilize qualified personnel with expertise in public transportation and as necessary, retain independent consulting services with appropriate expertise.

F. Following filing of the second biennial report, the council shall, in consultation with the auditor, assess the benefits and costs of the transit audit function for the purpose of evaluating whether to retain it in its current form, modify it or repeal it. (Ord. 17936 § 1, 2014).

2.20.035 Types of audits. The auditor, as a minimum, shall be responsible for performing the following types of audits:

A. Performance audits, which are an independent assessment of the performance of an agency or program based on objective criteria including best practices. It may evaluate an agency's or program's efficiency, effectiveness, economy, management controls or compliance with legislative intent and agency or program objectives;

B. Financial audits, which may include determining whether financial information is properly presented, internal controls for financial data are adequate, assets are safeguarded and financial compliance requirements are met; and

C. Special studies, which may encompass oversight, monitoring, cost-benefit analyses or other reviews with a unique scope, and may also include evaluation of program efficiency or effectiveness. (Ord. 15241 § 4, 2005: Ord. 8264 § 4, 1987).

2.20.037 Law enforcement audits.

A. The county auditor shall establish a permanent ongoing law enforcement audit process.

B. The auditor shall acquire an outside law enforcement expert to conduct an initial audit of the sheriff's office internal investigation operations and practices and subsequently thereafter provide for periodic review of the sheriff's office. These reviews should include at a minimum an annual written report to the council.

C. The auditor shall assess and review reports and recommendations from the office of law enforcement oversight that provide council-directed oversight of the sheriff's office internal investigation unit. The auditor shall also review the effectiveness of the office of law enforcement oversight and make recommendations for reform when necessary.

D. The sheriff's office shall send any audits and reports produced under the sheriff's authority on investigation and complaint operations and performance to the auditor's office. The reports shall be transmitted in a timely manner. The auditor shall review and consider the findings and recommendations of, and the sheriff's responses to, these reports when planning the auditor's annual work program for the review of the council and shall conduct audits of internal investigation and complaint resolution operations as mandated in the auditor's annual work program. The auditor's independent authority to audit the sheriff's office shall not be replaced or otherwise affected by the creation of any audit or similar function within the sheriff's office.

E. To accomplish the purposes of this section, the auditor shall either hire qualified personnel with expertise in law enforcement oversight or contract for independent consulting services with appropriate expertise, or both. (Ord. 16511 § 9, 2009: Ord. 15611 § 10, 2006).

2.20.040 Scope of authority.

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

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

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

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

1. To determine if legislative laws, policies and regulations are being faithfully, efficiently and effectively implemented by county officials;

2. To determine whether county agencies or programs are achieving their desired results;

3. To review both the management and accounting control systems to determine whether the systems are adequate and effective in accomplishing their objectives;

4. To hold accountable county officials in their use of public funds and other resources at their disposal;

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

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

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

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

9. To encourage due diligence by county officials. (Ord. 15241 § 5, 2005: Ord. 1565 § 1, 1973).

2.20.042 Audit standards and quality assurance.

A. Performance audits and financial audits performed under this chapter shall follow applicable generally accepted government auditing standards as promulgated by the United States Government Accountability Office and other applicable professional standards. Follow-up studies and special studies performed under this chapter shall follow the general standards section of those standards, with the type and extent of the internal quality review to be based on what is most appropriate for the project. All other types of studies performed under this chapter shall employ those audit standards and policies and procedures considered to be necessary and relevant to the type of study being conducted, in order to ensure professional objectivity, thoroughness and quality.

B. The auditor's office shall undergo an external quality control peer review every three years as prescribed in the government auditing standards. (Ord. 15241 § 6, 2005).

2.20.045 Audit work program.

A. The council shall review and approve annually by motion a work program prepared by the auditor for the auditor’s office. The work program shall include the various types of performance and other audits and any recommended special studies to be conducted and managed by the auditor. It shall also include any objective, independent analytical oversight work directed by the council that would fall outside of the regular definition of an audit or special study.

B. The council may move to amend the approved annual work plan to meet special circumstances as they may arise. However, no council-initiated change to the work plan shall be made that adversely affects an audit or study in progress without the recommendation of the auditor.

C. If the auditor determines that there is serious concern regarding fraud, abuse or illegality, or that the scope of an audit or study in progress should be expanded as the result of any findings, the auditor may initiate spontaneously and conduct, or expand the scope of, an audit beyond that approved in the work program. The auditor shall notify the council of the change. (Ord. 15241 § 7, 2005: Ord. 8264 § 5, 1987).

2.20.050 Reporting of formal audits.

A. Results of completed audits shall be communicated by the auditor in a written report, which may include either a formal written audit report or a management letter.

B. The report shall identify operational, managerial, financial, performance and policy matters that need to be addressed by county officials and management.

C. The auditor shall provide a draft of the audit for technical review of factual content by the director or other official who has authority over the department, agency or program under review.

D. With technical changes incorporated, the auditor shall transmit a proposed final report to the agency. The elected official presiding over the agency shall provide a formal written response to the auditor within fourteen calendar days after receipt of the proposed final audit report. The written response shall indicate:

1. Concurrence, partial concurrence or nonconcurrence with audit recommendations, including any explanation of why full concurrence may not be feasible; and

2. Actions that will be taken to implement the recommendations and to correct deficiencies cited. The agency shall also establish a timeline for implementing the audit recommendations or alternate corrective actions.

E. The final audit report shall include the formal agency response. The auditor may add comments to the final audit report based on the nature of the agency response. If an agency response is not transmitted to the auditor, the auditor shall note this and the reason, if known. The auditor's office shall present the final report to the council or a designated council committee within thirty calendar days of completing the final report. If a presentation is not scheduled within that thirty-day period, the auditor's office, at the auditor's discretion, shall publish the final audit report.

F. The council shall designate a committee to receive and review all audits and special studies. That committee shall also be charged with providing on-going oversight for the performance of the office including the development of the work program.

G. After the release of the audit to the council, the auditor shall post a copy of the audit on the Internet. (Ord. 17161 § 1, 2011: Ord. 15971 § 36, 2007: Ord. 15241 § 8, 2005: Ord. 8264 § 6, 1987: Ord. 1193 § 1, 1972: Ord. 682, 1971: Ord. 394 § 5, 1970).

2.20.055 Performance measurement and reporting. The county auditor may provide oversight, including technical assistance, to county departments, agencies and programs in the development and reporting of strategic plans, business plans, performance measures and other performance improvement efforts as directed by the council. (Ord. 15241 § 9, 2005).

2.20.070 Violation enjoinment. Notwithstanding the existence or use of any other remedy, the county auditor may seek regular or equitable relief to enjoin any acts or practices and abate any conditions which constitute or will constitute a violation of this code or other regulations herein adopted. (Ord. 1565 § 3, 1973).

2.20.080 Staff. The auditor, with consultation of the council, may employ staff assistants, clerical personnel or use of services of public accounting firms or consultants as may be necessary for conduct of the auditor’s office. (Ord. 15241 § 11, 2005: Ord. 1565 § 4, 1973).

2.21 CLAIMS AGAINST COUNTY

Sections:

2.21.010 Purpose.
2.21.020 Definitions.
2.21.030 Risk management division - duties of risk manager.
2.21.040 Risk management committee.
2.21.050 Legal representation and indemnification - civil division duties - costs and expenses.

2.21.060 Duties of county departments, agencies, officers, employees and agents.
2.21.070 Procedure for handling claims.
2.21.080 Procedure for handling lawsuits.
2.21.090 Defense of county officers, employees, agents and their marital communities.
2.21.100 Recovery of losses.

***For statutory provisions regarding claims against counties, see chapter 36.45 RCW.**

2.21.010 Purpose. The purpose of this chapter is to establish risk management policies for the county and to define procedures for the executive and the prosecuting attorney regarding the processing and disposition of claims and claims lawsuits against the county. (Ord. 17408 § 3, 2012: Ord. 3581 § 1, 1978. Formerly K.C.C. 4.12.010).

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

A. "Chief civil deputy" means the chief deputy of the civil division, office of the prosecuting attorney or the chief civil deputy's designee;

B. "Civil division" means the civil division of the office of the King County prosecuting attorney;

C. "Claims" means any claim that names the county, its officer, employee or agents, while acting 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 as a cause or causes of injury or damage and that alleges a tort cause of action and asks for money damages;

D. "Committee" means the risk management committee established by K.C.C. 2.21.040;

E. "Enterprise risk management" means a countywide approach to risk management that proactively identifies and addresses potential risks across all operations. It is designed to ensure that organizational leadership integrates consideration of risk into the county's culture and processes, including but not limited to business and strategic planning and performance measurement;

F. "Lawsuit" means any lawsuit that names as a defendant the county, its officers, employees or agents, while acting in good faith within the scope of their official duties, that alleges a tort cause of action and that asks for money damages;

G. "Risk management" means a coordinated and continuous management process to identify potential loss exposures, to apply reasonable and effective risk controls and to insure that the financial integrity of the county is not impaired after a loss; and

H. "Safety manager" means the manager of the safety and claims management division of the department of executive services. (Ord. 17883 § 1, 2014: Ord. 17408 § 4, 2012: Ord. 8428 § 1, 1988: Ord. 3581 § 2, 1978. Formerly K.C.C. 4.12.020).

2.21.030 Risk management division - duties of risk manager.

A. The risk management division is established in K.C.C. chapter 2.16. The manager of the risk management division shall be the risk manager, who shall report directly to the director of the department of executive services.

B.1. The risk manager shall be responsible for administration of the risk management program.

2. The risk manager shall coordinate with the civil division on contractual matters giving rise to potential liability on the part of the county. The risk manager shall seek the advice of the civil division as to appropriate language regarding insurance, indemnification, releases and hold harmless clauses. Thereafter, the risk manager shall advise department directors and division managers concerning these matters as part of a coordinated process before finalization of county contracts.

3. The risk manager shall be the chairperson of the committee and shall advise the committee concerning insurance, risk management policies, broker selection and other appropriate matters.

4. With the approval of the committee, the risk manager shall select appropriate insurance brokers by use of a competitive procurement process for the marketing of insurance and related services.

5. The risk manager shall be responsible for the purchasing and administration of all insurance policies, funded self-insurance programs and related services as are consistent with good risk management policy and the needs of the county. In purchasing insurance policies, the risk manager shall obtain the approval of the committee.

6. The risk manager shall advise all county departments and other county agencies regarding risk management and reduction of risk and exposure to loss, including programs and precautions for safety to reduce hazards to the public that may exist in county facilities and operations, and utilizing enterprise risk management in order to integrate risk management processes countywide and proactively identify, analyze, respond to and monitor risks and opportunities for risk-reduction. The risk manager shall cooperate with the safety manager in areas in which, in the opinion of the risk manager, the safety of employees and of the public requires coordinated programs. The risk manager shall also be responsible for answering all insurance or funded self-insurance coverage questions. The risk manager shall be responsible for the evaluation of current and future county or departmental insurance coverage programs and have the authority to make recommendations where such an action is in the best interests of the county.

7. The risk manager shall have the power, subject to budget authorization, to contract for such outside assistance and perform such other acts as are necessary to carry out the risk manager's responsibilities in an expeditious manner.

8. The risk manager is responsible for establishing reserve requirements for all claims and lawsuits and recommending financing plans and budget actions to assure that adequate resources are available to meet risk management financing requirements.

9. The risk manager is responsible for risk identification, control and reduction, including authority to make recommendations to all county departments and agencies regarding the safety of the public using county facilities or services.

C.1. The risk manager shall have the power to employ the services of claims specialists or other persons who are necessary to process claims in an equitable and expeditious manner.

2. The risk manager shall cooperate with the civil division in coordinating information pertinent to claims and lawsuits against the county.

3. The risk manager shall dispose of claims as authorized in K.C.C. 2.21.070.E.

4. The risk manager shall maintain complete histories of all claims and claims litigation, insured or funded self-insurance, loss histories and investigations of claims. The risk manager shall be responsible to ensure that complete files are maintained of all claims asserted against the county and all incidents reported to the risk management division sufficient to document at least a five-year claims history.

D.1. The risk manager shall report quarterly to the council on claims that have been closed with an indemnity payment in the amount of one hundred thousand dollars or more. The report shall identify the claimant; describe the claim; identify the amount of the indemnity payment; identify if the payment was a result of a settlement, a judgment or a

payment to an insurance company or other party; and include any other information the risk manager believes would be helpful to the council in understanding the nature of the claim. The report shall take the form of a letter with an attached table that provides the information required in this section. The quarterly report is due thirty days after the end of each calendar quarter of the year.

2. The risk manager on or before March 31 of each year shall report to the council on the performance of the risk management program, including but not limited to the number of claim filings, amount of claim payments, insurance coverage and self-insured retention. The annual report shall also include enterprise risk management results for the previous year and plans for the current year, including, but not limited to, enterprise risk management goals, priorities, agency actions and measurable results.

E. The reports required by this section shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy of the report to all councilmembers. (Ord. 17883 § 2, 2014: Ord. 17408 § 6, 2012: Ord. 16913 § 1, 2010: Ord. 11984 § 3, 1995. Formerly K.C.C. 4.12.030).

2.21.040 Risk management committee.

A. There is created a risk management committee to be composed of the risk manager, the safety manager; the chief civil deputy and the director of the office of performance, strategy and budget. The risk manager shall chair the committee. The safety manager shall be a nonvoting member of the committee and shall inform and advise the committee on safety matters and coordinate employee safety programs with the risk identification and control functions of the committee.

B. The risk management committee shall:

1. Make recommendations to the council and executive regarding risk management policy and shall cause the policy to be established and kept current;

2. Approve the selection of insurance brokers chosen as a result of a competitive procurement process;

3. Advise the risk manager on matters concerning the purchase of insurance policies and advise on the design of insurance and funded self-insurance programs;

4. Advise the risk manager concerning matters of risk management policy; and

5. Approve the purchase of all insurance policies. (Ord. 17408 § 8, 2012: Ord. 16960 § 22, 2010: Ord. 14561 § 21, 2002: Ord. 12076 § 38, 1995. Formerly K.C.C. 4.12.040).

2.21.050 Legal representation and indemnification - civil division duties - costs and expenses.

A. This section is consistent with and implements RCW 36.27.020, which makes the prosecuting attorney the legal advisor of the county.

B.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 officer, employee or agent 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's, employee's or agent's service to or employment with the county.

2. The civil division shall provide legal advice to the risk manager regarding the disposition of all claims against the county.

3. The civil division shall keep the risk manager advised of the current status and progress of all claims litigation.

4. The civil division shall direct any recommendations for settlement of claims or lawsuits to the authority designated by K.C.C. 4.21.030 and 4.21.080 as having final settlement authority. In recommending settlement of claims or lawsuits, the civil division shall consult, in conjunction with the risk management office, with the department or other county agency most involved with the litigation or named as a party to the lawsuit.

5. In reviewing contract language involving indemnification, releases, hold harmless clauses or insurance matters, the civil division shall provide advice to the risk manager.

6. The prosecuting attorney may contract with outside counsel for legal services where appropriate.

7. The chief civil deputy of the civil division shall resolve any questions relating to:

a. whether a county official, employee or agent 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;

b. whether, for purposes of the issues raised by a particular claim or lawsuit, a person is in fact a county official, employee or agent; or

c. whether or not a county officer, employee or agent performed or acted as required to have the benefit of county legal representation and indemnification.

C. Any reasonable costs and expenses incurred in the provision of legal representation and indemnification for criminal law allegations, driving infractions and professional licensing matters shall be paid from the funds appropriated to the particular county department or agency employing or retaining the affected county officer, employee or agent. Any reasonable costs and expenses incurred in the provision of legal representation and indemnification for tort claims and lawsuits shall be paid from available insurance or funded self-insurance program. (Ord. 17408 § 10, 2012: Ord. 8428 § 5, 1988: Ord. 3581 § 6, 1978. Formerly K.C.C. 4.12.050).

2.21.060 Duties of county departments, agencies, officers, employees and agents.

A. All county departments or agencies and the officers, employees and agents of those departments and agencies shall cooperate fully and in good faith with the risk manager and the civil division in the investigation and defense of claims and lawsuits. When deemed necessary by the chief civil deputy or deputy prosecutor assigned to the case, the assistance may include, but not be limited to, the providing of testimony and exhibits for use in litigation. Any request for information by the office of risk management shall be considered a request by the civil division.

B. Except as specifically directed by the risk manager or the civil division, a county department or agency, or a county official or speaking agent, or an employee or agent represented by the civil division or by outside counsel at the county's expense should not:

1. Negotiate or otherwise affect the settlement of a claim or lawsuit against the county; or

2. Make an admission of liability involving a claim or lawsuit against the county.

C. Except as specifically directed by the risk manager or the civil division, a county department or agency, or a county official or speaking agent, or an employee or agent represented by the civil division or by outside legal counsel at the county's expense should not:

1. Discuss with persons who are not county employees incidents that could reasonably lead to claims or lawsuits against the county; or

2. Discuss with persons who are not county employees incidents that are the subject of pending claims or lawsuits.

D. In the event of an accident, incident or occurrence causing bodily injury or property damage involving county vehicles, property or personnel acting within the scope

of their employment, the knowledgeable county officers, employees and agents shall provide notice to the office of risk management as soon as practicable. The notice shall include all reasonably obtainable information with respect to the time, place and circumstances of the accident, incident or occurrence and the names and addresses of all knowledgeable county personnel, injured or affected parties and available witnesses. (Ord. 17408 § 12, 2012: Ord. 8428 § 6, 1988: Ord. 3581 § 7, 1978. Formerly K.C.C. 4.12.060).

2.21.070 Procedure for handling claims.

A.1. All claims against the county for damages arising out of tortious conduct shall be presented to and filed with the clerk of the council on a claim form provided by the county or the state.

2. All such claims shall be verified by oath or affidavit and shall:

a. describe the conduct and circumstances that brought about the injury or damage;

b. describe the injury or damage;

c. state the time and place the injury or damage occurred;

d. state the names of all persons involved, if known; and

e. contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately before the time the claim arose.

3. If the claimant is incapacitated from verifying, presenting and filing the claim, if the claimant is a minor or if the claimant is a nonresident of the state, the claim may be verified, presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. With respect to the content of such claims, this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

B An action shall not be commenced against the county for damages arising out of tortious conduct until a claim has first been presented to and filed with the clerk of the council.

C. This section shall not affect the applicable period of limitations within which an action must be commenced, but the period shall begin and shall continue to run as if no claim were required.

D. The clerk of the council shall immediately transmit the original of the claim to the risk manager and notify the civil division of the transmittal.

E.1. For all claims of one hundred thousand dollars or less, the risk manager shall have the final payment authority and shall make final disposition by either granting or denying the claim;

2. For all claims over ten thousand dollars, the risk manager shall seek the advice of the civil division before final disposition.

3. For all claims above one hundred thousand dollars, the county executive shall make final disposition after receiving advice from the civil division and the risk manager. (Ord. 17408 § 14, 2012: Ord. 8428 § 7, 1988: Ord. 3581 § 8, 1978. Formerly K.C.C. 4.12.070).

2.21.080 Procedure for handling lawsuits.

A. Service of a summons and complaint shall be as provided in K.C.C. 2.04.010. Any county official or employee who is served with a summons and complaint in a lawsuit against the county or against any of its officials, employees or agents alleged to be acting in their official capacities shall immediately deliver the summons and complaint to the clerk of the council.

B. The clerk of the council, upon accepting service of the summons and complaint shall immediately deliver the summons and complaint to the civil division. The civil division

shall docket the lawsuit and send a copy of the summons and complaint to the office of risk management.

C. The prosecuting attorney shall defend, or provide for the defense of, all lawsuits against the county or any of its officials, employees or agents, acting 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, as long as the individuals discharge their obligations in K.C.C. 2.21.060.

D. Final authority for settlement of self-insured lawsuits shall be as follows:

1. The risk manager, acting with the advice of the civil division, may authorize settlements of one hundred thousand dollars or less; and

2. The executive, acting with the advice of the civil division and the risk manager, may authorize settlements of more than one hundred thousand dollars. (Ord. 17408 § 16, 2012: Ord. 8428 § 8, 1988: Ord. 3581 § 9, 1978. Formerly K.C.C. 4.12.080).

2.21.090 Defense of county officers, employees, agents and their marital communities.

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, 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. (Ord. 17408 § 18, 2012: Ord. 8428 § 9, 1988: Ord. 3581 § 10, 1978. Formerly K.C.C. 4.12.090).

2.21.100 Recovery of losses.

A. The risk manager and the civil division shall be responsible for bringing all actions, including claims and lawsuits, for recovery of losses to the county arising out of

the acts of others. The losses may include property damages or losses that impact on the county as a result of personal injuries to county officers or employees. In addition, the civil division may join the county as a party with any third party in a lawsuit involving recovery of loss to the county.

B. Any moneys recovered, excluding costs of recovery, by the risk manager or civil division on account of losses to the county shall be paid to the budget unit or department that has expended funds or materials as a result of the loss. Any moneys recovered in excess of those so expended shall be transferred to the insurance fund. (Ord. 17408 § 20, 2012: Ord. 3581 § 11, 1978. Formerly K.C.C. 4.12.100).

2.22 DEPARTMENT OF COMMUNITY AND HUMAN SERVICES

Sections:

2.22.100 Opiate substitution treatment.

2.22.100 Opiate substitution treatment.

A. As used in this section, the following terms have the meanings set forth in this subsection.

1. "Certified opiate substitution treatment program" means an outpatient clinic certified for opiate substitution treatment by state and federal agencies and is located in King County.

2. "Client" means an individual accepted for opiate substitution treatment by a certified opiate substitution treatment program.

3. "Council" means the King County council as defined by the King County Charter.

4. "Department" means the King County department of community and human services.

5. "Director" means the director of the King County department of community and human services.

6. "Executive" means the King County executive as defined by the King County Charter.

7. "Opiate substitution treatment" means dispensing an opiate substitution drug approved by the Federal Drug Administration for the treatment of opiate addiction and providing a comprehensive range of medical and rehabilitative services.

B. Under the authority of RCW 70.96A.410, there shall be nine certified opiate substitution treatment programs licensed by King County to offer opiate substitution treatment; provided, that treatment programs so certified as of March 12, 1986, shall be licensed. Licensed certified opiate substitution treatment programs shall not have a caseload in excess of state requirements.

C. Pursuant to K.C.C. chapter 2.98, RCW 70.96A.410 and applicable state rules, the director shall prepare and implement:

1. Procedures to annually license certified opiate substitution treatment programs as county opiate substitution treatment programs. The procedures shall require current state certification, compliance with state treatment rules, completion of all license application requirements established by the director and payment of the annual license fee. If an existing county licensed program loses its state certification, is found to be out of compliance with the treatment rules adopted by the state, fails to fulfill county licensing requirements or is no longer operating when its license expires, or if additional treatment capacity is found to be needed, then the director shall issue a new license or licenses but in no case more than a total of nine licenses to a certified program or programs meeting all county licensing requirements and that are already licensed, if determined able by the department to serve additional clients and if the

sites used by the providers are consistent with local zoning codes and public process. However, if the county determines to provide opiate substitution treatment itself, these annual licensing procedures do not apply, and no licenses shall be issued to certified programs that are not operated by the county or the department. Also, the licenses shall expire twelve months from the date of issuance unless renewed. The director shall conduct a study of the feasibility of the county operating an opiate substitution treatment program; and

2. Procedures to monitor and enforce the provisions of this section, RCW 70.96A.410 and 70.96A.420 and applicable state rules.

D. The director shall provide the annual report to the council. The report shall include the status of all county licensed opiate substitution treatment programs. The director shall consult with each treatment program license on or after March 1, 2000 regarding other promising means of treating addicts. The director shall provide a written report to the executive and each member of the council prior to September 1, 2000 on other possible alternative treatments. If the director feels that any of these alternative approaches have promise, then the director's report shall include suggestions on any steps needed to achieve more widespread use of alternative approaches.

E. The executive shall propose for council adoption an annual fee to be charged to each licensed certified opiate substitution treatment program to meet costs of carrying out the provisions of this section. The annual fee shall not be prorated or rebated for any reason.

F. Should any section, 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 section. (Ord. 13704 § 1 and 2, 2000: Ord. 12525 § 2, 1996: Ord. 11184 § 1, 1993: Ord. 7999, 1987: Ord. 7738 §§ 1-8, 1986: Ord. 5261 § 2, 1980: Ord. 2238 § 1, 1975).

2.28 MEMBERSHIP ON BOARDS, COMMISSIONS AND COMMITTEES

Sections:

2.28.001 Applicability.
2.28.0015 Nomination and appointment - procedures, considerations.
2.28.002 Appointment and confirmation.
2.28.003 Powers of appointees.
2.28.004 Vacancy.
2.28.005 Qualifications.
2.28.006 Per diem.
2.28.010 Terms of members of boards, commissions and committees.
2.28.020 Annual executive report required.
2.28.030 Annual gathering and reception for county board and commission members.
2.28.050 Public records training.

2.28.001 Applicability. All members of county boards and commissions shall be appointed, hold office, be confirmed or rejected according to the provisions of this chapter; provided, however, that this chapter shall not affect boards and commissions to the extent that they are expressly dealt with under state law, county charter or ordinance in a manner different than that set forth herein. (Ord. 11319 § 1, 1994).

2.28.0015 Nomination and appointment - procedures, considerations.

A. Each councilmember must provide the executive with a nomination to represent the councilmember's council district. If the executive does not appoint the person

nominated by the councilmember, the executive shall request that the councilmember nominate another person.

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

C. When appointing and confirming members to boards, commissions and committees it shall be the goal to have geographical diversity and balance. The women's advisory board created under K.C.C. 2.30.010, the conservation futures citizen oversight committee established under K.C.C. 2.36.070, the Harborview medical center board of trustees established under K.C.C. 2.42.030 and the civil rights commission created under K.C.C. 3.10.010, should not have more than two members from a single council district. This subsection does not apply to a board, commission or committee until the board, commission or committee attains the council district and at-large membership as specified in Ordinance 15548, Section 7. (Ord. 15548 § 1, 2006).

2.28.002 Appointment and confirmation. The executive shall appoint members of boards and commissions by executing a letter of appointment when a vacancy exists. The letter shall be filed with the clerk of the council and the board of ethics. The executive shall transmit with the letter of appointment a draft motion confirming the appointment together with such supporting and background information regarding the appointee as the executive deems would assist the council in considering confirmation. The letter shall specify the position to which the member is being appointed and the length of the term being filled. Confirmation or rejection shall be by council motion. (Ord. 11319 § 2, 1994).

2.28.003 Powers of appointees.

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 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 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 successor is appointed and either is confirmed or is authorized to exercise official power under the provisions of paragraph 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. (Ord. 11319 § 3, 1994).

2.28.004 Vacancy.

A. Grounds for vacancy. A position shall be deemed vacant upon the occurrence of any of the events specified in RCW 42.12.010 or the following events:

1. Withdrawal by an appointee who has not yet been confirmed;
2. Failure to continue to meet qualifications for appointment during the term of office.
3. Voluntary resignation prior to the expiration of an appointed term.

B. Notice of vacancy. Any board or commission receiving notice of events constituting a vacancy shall immediately give written notice of such vacancy to the executive and the clerk of the council.

C. Effect of vacancy. Until a successor is appointed and either confirmed or is authorized to exercise official power under the provisions of section 2.28.003 B., the board or commission shall be deemed temporarily reduced in number for all official purposes except as otherwise provided by law; provided, however, that no board or commission shall be temporarily reduced hereby to less than two members.

D. Appointment to fill vacancy, an unexpired term. A person appointed to fill an unexpired term shall be appointed to serve only to the completion of the original term of office. (Ord. 11319 § 4, 1994).

2.28.005 Qualifications. The council by ordinance may specify qualifications for appointment to any or all boards and commissions; provided, however that such qualifications shall not reduce or eliminate qualifications otherwise required by law. (Ord. 11319 § 5, 1994).

2.28.006 Per diem. The council by ordinance may provide for per diem compensation for members of specific boards and commissions. (Ord. 11319 § 6, 1994).

2.28.010 Terms of members of boards, commissions and committees. Whenever the county council creates or recreates boards, commissions and committees, original terms of members will be as follows except where otherwise stated in this code:

A. Boards, commissions or committees of three to nine members: one-third to one-year terms, one-third to two-year terms, one-third to full terms as defined by this code;

B. Boards, commissions or committees with terms of two years or less: one-half for half of a full term, one-half for a full term;

C. Boards, commissions or committees of more than nine members: one-fourth for one year, one-fourth for two years, one-fourth for three years or the full term if the full term is three years, and one-fourth for full terms. (Ord. 138 § 1, 1969).

2.28.020 Annual executive report required. The executive shall prepare an annual status report to the council regarding boards and commissions. Such report shall contain, at a minimum, an inventory of boards and commissions; a description of activities; a list of members; a list showing the terms of office, including the terms to expire during the following year; and the department or agency providing staff support, including a contact address and phone number. (Ord. 11319 § 7, 1994).

2.28.030 Annual gathering and reception for county board and commission members.

A. The chair of the King County council may annually convene a gathering and reception between King County's elected officials and county board and commission members. The intent of convening the gathering and reception shall be to:

1. Increase communication between King County elected officials and county board and commission members;

2. Provide for informal discussion between King County elected officials, county board and commission members and staff; and

3. Foster a spirit of cooperation in serving the public.

B. Costs of meals or refreshments for King County elected officials, county board and commission members and staff attending the meeting and reception are hereby

authorized, subject to availability of funds in the council's budget and to the dollar limits specified in K.C.C. 3.24.080. (Ord. 15314 § 1, 2005).

2.28.050 Public records training. The public records officer of each agency staffing a county board, commission or committee shall provide training, in consultation with the office of the prosecuting attorney, either in person or by video for existing members of county boards, commissions and committees by May 1, 2011, and thereafter to all new members of county boards, commissions and committees at the commencement of service regarding their public records legal responsibilities and obligations under chapters 40.14 and 42.56 RCW. All members of boards, commissions and committees shall certify in writing, on a form provided by the executive and approved by the office of the prosecuting attorney, their acknowledgment of their completion of training and their commitment to comply with these laws. To facilitate the greatest degree of compliance with these laws, the executive shall provide all members of county boards, commissions and committees with county-managed email accounts for use by members in the performance of their duties on behalf of the county. (Ord. 16997 § 1, 2010).

2.29 NATURAL RESOURCES BOARDS, COMMISSIONS AND COMMITTEES

Sections:

2.29.010 Executive review and report on boards, commissions and committees advising the department of natural resources.

2.29.010 Executive review and report on boards, commissions and committees advising the department of natural resources. The executive shall review the scope, purposes and structure of each of the boards, commissions and committees established by ordinance to provide advice on water resources programs to the department of natural resources. Taking into account the benefits of having residents and local government elected and appointed officials provide advice on matters related to water resources programs and, as appropriate, in consultation with the members of existing boards, commissions and committees, the executive shall prepare a report on such boards, commissions and committees, and shall develop recommendations related thereto that will service the best interests of the residents of the county. The executive shall submit the report to the council by December 31, 1997. (Ord. 12671 § 2, 1997).

2.30 WOMEN'S ADVISORY BOARD

Sections:

2.30.010 Created.
2.30.040 Advisory board — Community services division's duties and responsibilities.
2.30.060 Advisory board — Composition.
2.30.080 Advisory board — Organization – membership – meetings.

2.30.010 Created. A women's advisory board is created to act in an advisory capacity to the executive and council, making recommendations to ensure that the needs, rights and well-being of women are taken into account in the development and implementation of legislation, policies, programs and funding in King County. The duties of the women's advisory board are:

A. To assess the needs of women in King County and make recommendations regarding how best to meet their unmet needs;

B. To review county programs serving women, including their budgets, and recommend ways that these programs can be more responsive to the needs of women and more effective in meeting women's needs;

C. To work with community members and service agencies, to identify, develop, and promote programs that will improve the status and well-being of women;

D. To act as a proponent within county government to improve the status of women;

E. To make recommendations to the county council and to the county executive on legislation, policies, programs and funding necessary to carry out the purposes of this chapter;

F. To inform and educate the public regarding the status of women and policies and programs that may affect the status and well-being of women.

G. To work with other county boards and commissions, including the children and family commission, to further the purposes of the women's advisory board.

H. To submit an annual report during the first quarter of each year to the executive and council which summarizes the board's accomplishments, identifies recommendations from the past year's work and includes the board's work program for the coming year. (Ord. 13039 § 1, 1998: Ord. 4964 § 1, 1980: Ord. 3631 § 1, 1978).

2.30.040 Advisory board — Community services division's duties and responsibilities. The community services division shall be accountable for carrying out the following duties and responsibilities:

A. To provide staff support for the King County women's advisory board; to include appointing a staff liaison to the board who shall respond to the chair of the board, assisting in the preparation of agendas, securing information and statistics as requested or required for board projects, keeping members informed about meetings and tasks, communicating with the executive and council about appointments of members as needed and working with the board to assure the intent of this chapter is fulfilled.

B. To prepare the proposed annual budget for women's board to include review by the women's advisory board. (Ord. 13039 § 3, 1998: Ord. 6066 § 22, 1982: Ord. 4964 § 2, 1980: Ord. 3631 § 5, 1978).

2.30.060 Advisory board — Composition.

A. The King County women's advisory board shall be composed of fifteen members, one nominated from each council district by the council and six [at-large members]*, of whom four shall be nominated by the council and two shall be nominated by the executive. All nominations shall represent the diversity of women in King County, including diversity in age, area of residence, profession and race or ethnicity, and shall not include employees or board members of agencies receiving funding from the women's program. Nominees shall be appointed by the county executive and confirmed by the county council by motion.

B. Board members representing council districts [and]* those at-large positions nominated by the council shall be appointed in the manner set forth in K.C.C. 2.28.0015.

C.1. Once constituted, the women's advisory board shall establish terms of appointment by lot. Four members shall serve one year, four members shall serve two years and three members shall serve three years.

2. After the initial terms have expired, all appointments shall be for three years. (Ord. 15548 § 2, 2006: Ord. 13039 § 5, 1998: Ord. 11782 § 1, 1995: Ord. 7326, 1985: Ord. 4964 § 3, 1980: Ord. 3631 § 7, 1978).

***Reviser's note: Language not underlined in Ordinance 15548. See K.C.C. 1.24.075.**

2.30.080 Advisory board — Organization – membership – meetings. The King County women's advisory board shall organize, elect appropriate officers, and shall adopt rules and administrative procedures for its own operation. Such rules shall include a definition of conflict of interest issues coming before the board, and appropriate voting restrictions. The women's advisory board shall set a regular meeting schedule and all meetings shall be open to the public. Records of the proceedings shall be maintained.

A simple majority of members eligible to vote shall constitute a quorum for the purpose of conducting business. Any member of the women's advisory board who, without having been excused by the board chairperson, fails to attend three regularly scheduled consecutive meetings of the women's advisory board shall be removed and the position declared vacant by the appointing authority. Any vacancies occurring in the membership of the advisory board shall be filled for the remainder of the unexpired term in the same manner as the original appointments. (Ord. 13039 § 7, 1998: Ord. 4964 § 5, 1980: Ord. 3631 § 9, 1978).

2.32 ADMINISTRATIVE AND ADVISORY BOARDS

Sections:

2.32.020 Board for developmental disabilities.
2.32.030 Disability board.
2.32.120 Board of corrections.
2.32.130 Urban arterial advisory board.
2.32.220 Washington state boundary review board for King County – requests for review filed by council or executive.

CROSS REFERENCES:
Personnel board, see K.C.C. chapter 3.08.
Bid board and competitive bidding procedures, see K.C.C. chapter 2.93.
Youth coordinating board, see K.C.C chapter 2.40.
Board of ethics, see K.C.C. chapter 3.04.
Joint air pollution control advisory board, see K.C.C. chapter 8.08.

2.32.020 Board for developmental disabilities.

A. CREATED. There is created a board for developmental disabilities to be known by that title, and hereinafter referred to as the board.

B. MEMBERSHIP – APPOINTMENT. The board shall be composed of fifteen members who shall be appointed by the county executive and confirmed by the county council to three-year terms, or until their successor is appointed and qualified.

Membership of the board shall be representative of, but not limited to, the public, private or voluntary agencies, local government units which participate in a program for individuals with a developmental disability, and private citizens knowledgeable or interested in services to the developmentally disabled in the community.

C. COMPENSATION. Members of the board shall not be compensated for the performance of their duties as members of the board.

D. DUTIES. The board shall perform all duties and services and have all powers established by RCW 71.20 as now or hereafter amended.

E. MEETING WITH ADVISORY BOARD. The community mental health advisory board and the board for developmental disabilities may meet jointly or separately as required in the conduct of their programs, and when convened jointly, may use the designation "King County mental health developmental disabilities advisory board." (Ord. 11684 § 8, 1995: Ord. 2837 § 1, 1976: Ord. 142 §§ 1 – 5, 1969).

2.32.030 Disability board.*

A. BOARD ESTABLISHED. The King County disability board for the Washington Law Enforcement Officers' and Fire Fighters' Retirement System is hereby established pursuant to the authority of RCW 41.26.110(b).

B. MEMBERSHIP. The board shall be composed of five members to be chosen as follows: One member of the King County council appointed by the King County council; one member of a city or town within the county, excluding those cities and towns with established disability boards, chosen by the majority of the mayors of such cities and towns from the respective legislative bodies of such cities and towns; one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board; one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board; and one member of the public-at-large who resides within the area of jurisdiction of the county disability board, appointed by the other four appointed members heretofore designated in this section. All members appointed shall serve for two year terms.

C. DUTIES. The board shall perform all functions, exercise all powers, and make all such determinations as specified in RCW 41.26.

D. JURISDICTION. The board shall have jurisdiction over all members of the Washington Law Enforcement Officers' and Fire Fighters' Retirement System employed by the county of King, the fire districts in the unincorporated areas of King County and the cities and towns without established disability boards.

E. COMPENSATION. The members of the board shall serve without compensation, but the members shall be reimbursed for all travel expenses incidental to such services as to the amount authorized by law. (Ord. 321 §§ 1 – 5, 1970).

***For statutory provisions regarding the Washington Law Enforcement Officers' and Fire Fighters' Retirement System, see chapter 41.26 RCW; for establishment of disability boards, see RCW 41.26.110.**

2.32.120 Board of corrections.

A. There is established a board of corrections, hereinafter, referred to as the board, consisting of fourteen members. The members shall consist of the following: the chairman of the King County magistrate's association, the presiding judge of the Seattle Municipal Court the presiding judge of the King County Superior Court, the chairman of the juvenile court management committee, the director of King County department of public safety, the King County public defender, the King County prosecuting attorney, the mayor of the city of Seattle, the president of the King County Suburban Mayors' Association, the chief of the Seattle Police Department, the dean of the University of Washington School of Law, the dean of the University of Washington School of Social Work, and the director of the King County health department. In addition, the King County executive shall appoint one member who has been incarcerated in a King County detention facility within three years prior to the appointment. The director of the department of adult detention shall serve as a nonvoting ex officio member.

B. The board shall serve as an advisory body to the manager of the department of adult detention to review and make recommendations at least annually for the department of adult detention on its policies, operations and matters of budget.

C. The advisory board shall meet at least once during each calendar quarter of each year. (Ord. 17678 § 9, 2013: Ord. 6066 § 21, 1982: Ord. 5373 § 1, 1981: Ord. 2935 § 3, 1976: Ord. 1872 § 3, 1973).

2.32.130 Urban arterial advisory board.

A. BOARD CREATED. There is hereby created a King County urban arterial advisory board hereafter to be known as the King County arterial council, and hereinafter referred to as the advisory council.

B. MEMBERSHIP – TERMS. The advisory council will consist of five members; the director of the department of transportation, who will serve as chairman; two members to be elected officials of incorporated cities or towns of King County other than the city of Seattle; and two members to be licensed engineers practicing as city engineers or directors of public works of incorporated cities or towns of King County, other than the city of Seattle.

The four members of the advisory council other than the director of the department of transportation shall serve terms of three years.

C. MEMBERS TO BE RESIDENTS. Members of the advisory council shall be residents of King County throughout their term and shall serve without compensation.

D. DUTIES. The advisory council will be responsible for recommending allocation of proceeds of the forward thrust bonds for cities other than Seattle, as issued pursuant to voter adoption of King County Bond Resolution 34569 at the special election held February 13, 1968, and as authorized by ordinance of the King County council.

The advisory council shall, subject to contractual commitments entered into prior to the date of the ordinance codified in this section, recommend and promulgate rules and procedures to insure proper design procedures as they relate to alignment and geometry, adequate specifications for construction, rules for purchase of right-of-way, and other rules deemed advisable to the conduct of developing an integrated arterial system for the residents of King County.

All rules and procedures established by the advisory council shall be made public as currently and hereafter amended.

E. RULES OF PROCEDURE. The manager of the road services division shall serve as executive secretary of the advisory council and will be responsible for all records.

The manager of the road services division will prepare and forward an agenda for all members prior to each meeting and will prepare and distribute the minutes of each meeting and include a summary of information concerning discussions of the meeting and a review of previous advisory council actions pertinent to discussion subjects.

The advisory council may elect additional officers and shall adopt such administrative procedures as are required to accomplish the purposes of this act.

The members of the advisory council shall constitute a quorum and a majority of such quorum may secure approval of a transaction of the advisory council.

F. FUNDING. For purposes of providing funds to pay the cost of staff services to the advisory council in execution of its duties, the arterial council operating fund was originally created by County Commissioner Resolution 35555 on June 24, 1968. The fund was created from current expense funds to be reimbursed from appropriate capital improvement funds for actual project cost incurred on behalf of the capital improvement projects. The arterial council operating fund is hereby continued without change.

Withdrawal from the operating fund to pay the cost of the staff services shall be made on the basis of actual costs. (Ord. 12075 § 6, 1995).

2.32.220 Washington state boundary review board for King County – requests for review filed by council or executive. 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 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; or

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; or

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; or

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. (Ord. 8389, 1988).

2.34 BOARD OF APPEALS AND EQUALIZATION

Sections:

2.34.010 Establishment.
2.34.020 Composition.
2.34.030 Powers.
2.34.040 Administrative support.
2.34.050 Compensation.
2.34.060 Conflict of interest.
2.34.100 Petition for change in assessed valuation

2.34.010 Establishment.*

A. There is established a King County board of appeals as provided in Article 7 of the King County Charter. Additionally, the functions of the county council in its capacity as a board of equalization are hereby vested in the board of appeals which shall be formally designated as the King County board of appeals and equalization.

B. The chair of the board is responsible to the council for the efficient management and administration of the board and its resources. (Ord. 18195 § 1, 2015: Ord. 6444 § 1, 1983).

***For statutory provisions regarding county boards of equalization, see RCW 84.48.010 through 84.48.046.**

2.34.020 Composition.

A. The board shall be composed of seven members appointed by the county executive and subject to confirmation by a majority of the county council.

B. The term of office shall be four years, and shall be staggered as follows: two terms shall commence each year except that every fourth year only one term shall commence. Board members shall fill the term to which appointed or that portion remaining of an unexpired term. A member whose term has expired shall continue to serve until a successor has been appointed. Terms shall commence on July 1.

C. Removal of a member of the board, except upon expiration of the member's appointed term, shall be only as provided for in Section 710 of the King County Charter.

D. The members of the board shall meet and choose a chair annually to serve from July 15 through July 14 of the following year.

E. A majority of the board shall constitute a quorum in matters of equalization and in matters of appeal from executive orders and regulations. (Ord. 18195 § 2, 2015: Ord. 13410 § 1, 1999: Ord. 10275, 1992: Ord. 6444 § 2, 1983).

2.34.030 Powers.

A. The board may administer oaths and affirmations and shall hear and decide all appeals from any valuation in property by the department of assessments, examine other matters related to assessment of the property of the county as provided by general law and hear appeals from any other orders by an executive department or administrative office as provided by ordinance.

B. In conformity with RCW 84.48.010 through 84.48.046 relating to the equalization of assessments and in addition to those powers relating to valuation provided for in Section 720 of the King County Charter, the board shall hear and decide all appeals as are provided by statute, including the following appeals:

1. Appeals of exemption denials related to public corporations under RCW 35.21.755;

2. Appeals for a change in appraised value if the Department of Revenue establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b) based on an appraisal done by the county assessor at the request of the Department of Revenue;

3. Appeals of decisions or disputes related to historic property under RCW 84.26.130;

4. Any forest land determination under chapter 84.33 RCW;

5. Current use determ3inations under chapter 84.34 RCW;

6. Appeals related to senior citizen exemption denials under RCW 84.36.385;

7. Appeals related to cessation of exempt use under RCW 84.36.812;

8. Determinations related to property tax deferrals under RCW 84.38.040;

9. Determinations related to omitted property or value under RCW 84.40.085;

10. Valuation appeals of taxpayers under RCW 84.48.010;

11. Appeals from a decision of the assessor relative to a claim for either real or personal property tax exemption, under RCW 84.48.010; and

12. Destroyed property appeals under RCW 84.70.010. (Ord. 18230 § 72, 2016: Ord. 18195 § 3, 2015: Ord. 13507 § 1, 1999: Ord. 13410 § 2, 1999: Ord. 6444 § 3, 1983).

2.34.040 Administrative support.

A. The board shall appoint a clerk of the board as provided by state law. The clerk, or the clerk's designee, shall attend all sessions of the board and shall keep the official record thereof. The clerk is also responsible for managing the administrative staff support of the board. The county assessor, the director of any executive agency whose orders and regulations are subject to appeal before the board and any member of those agencies' staffs may not serve as the clerk.

B. With the approval of the board and within budgetary constraints, the clerk may appoint assistants the board deems necessary for aiding the board in carrying out its functions. The clerk and the assistants shall, in accordance with state law, serve at the pleasure of the board and are exempt from career service. As exempt county employees, the clerk and the assistants shall comply with the same work-related regulations as to exempt employees of the legislative branch of county government.

C. The board may, subject to budgetary constraints, hire on a per diem basis one or more hearing examiners who shall be selected for their knowledge of the values of property in the county and shall subscribe to the same oath as board members.

D. The board shall submit each year to the county council for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by appointive officials. (Ord. 18195 § 5, 2015: Ord. 13410 § 3, 1999: Ord. 6444 § 4, 1983).

2.34.050 Compensation.

A. If scheduled to work for three or more hours a day, a board member or hearing examiner shall receive a per diem allowance of three hundred dollars. If scheduled to work for less than three hours a day, a board member or hearing examiner shall receive a per diem allowance of two hundred dollars. In the event a board member or hearing examiner is scheduled to work for less than three hours a day but actually works for three or more hours that day, the board member or hearing examiner shall receive a per diem allowance of three hundred dollars.

B. Members of the board shall pay parking fees as provided for in K.C.C. chapter 3.32 at the rate set for monthly employee and county vehicles. (Ord. 18195 § 6, 2015: Ord. 15322 § 1, 2005: Ord. 14182 § 1, 2001: Ord. 13400 §§ 1 and 2, 1999: Ord. 12136 § 1, 1996: Ord. 8834, 1989: Ord. 7160, 1985: Ord. 6444 § 5, 1983).

2.34.060 Conflict of interest. Members of the board and all employees assigned to the board shall be governed by the employee code of ethics as provided in K.C.C. Title 3. All persons deemed to have a conflict of interest and wishing to appeal to the board on matters of equalization shall be governed by the appeals procedure provided in the code of ethics. (Ord. 18195 § 7, 2015: Ord. 13410 § 4, 1999: Ord. 6444 § 6, 1983).

2.34.100 Petition for change in assessed valuation. The owner or person responsible for payment of taxes on any property may petition the King County board of equalization* for a change in the assessed valuation placed upon such property by the county assessor. The petition must be filed with the board on or before July 1 of the year of the assessment or within sixty days after the date an assessment or value change notice has been mailed, whichever is later. (Ord. 18195 § 85, 2015: Ord. 12504 § 1, 1996).

***Reviser's note: The board of appeals and equalization was created in Ordinance 6444 in 1983.**

2.35 KING COUNTY BOARD OF HEALTH

Sections:

2.35.011 Created.
2.35.021 Membership.
2.35.031 Administration.
2.35.041 Meetings.
2.35.051 Budgetary authority.
2.35.061 Travel expenses.

2.35.011 Created. There is hereby created the King County board of health, as authorized by RCW 70.05.035. (Ord. 14989 § 1, 2004).

2.35.021 Membership.

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 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. (Ord. 16350 § 1, 2008: 16031 § 1, 2008: Ord. 14989 § 3, 2004).

2.35.031 Administration. In accordance with chapters 70.05 and 70.08 RCW, the local board of health shall designate the administrative officer of the board. (Ord. 14989 § 4, 2004).

2.35.041 Meetings. The time of regular meetings of the King County board of health shall be established by the rules of the board. (Ord. 14989 § 5, 2004).

2.35.051 Budgetary authority. Nothing in this chapter shall be construed to reduce or limit the budgetary authority or responsibility of the metropolitan King County council. Any program initiatives undertaken pursuant to this measure which require funding support utilizing county budget resources shall be subject to the budgetary process established by the county council. The city of Seattle will, in accordance with an interlocal agreement between the county and the city, exercise policy and expenditure control over its financial contribution to the health department. (Ord. 16031 § 2, 2008: Ord. 14989 § 6, 2004).

2.35.061 Travel expenses. Members of the board of health may be reimbursed for mileage and parking expenses between the member's workplace or residence and the location of the board of health meeting. Members may also be reimbursed for expenses, in accordance with the policies established for county employees in K.C.C. chapter 3.24, when traveling on official board of health business. (Ord. 16031 § 3, 2008: Ord. 14989 § 7, 2004).

2.35A DEPARTMENT OF PUBLIC HEALTH

Sections:

2.35A.010 General duties – name – divisions – combined city-county Health department.
2.35A.020 Regional Services.
2.35A.030 Emergency medical services division.
2.35A.040 Environmental health division.
2.35A.050 Prevention division.
2.35A.060 Community health services division.
2.35A.070 Jail health services division.
2.35A.080 Administrative services division.
2.35A.090 Medical examiner functions.
2.35A.100 Burial, cremation or other disposition - report to and authorization by medical examiner - fee - waiver for certain cremations - expenditure.
2.35A.110 King County children and family commission - established.
2.35A.120 King County children and family commission - duties.
2.35A.130 King County children and family commission – Human Services (Review and) Recommendations Report.
2.35A.140 King County children and family commission – organization - meetings - quorum.
2.35A.150 King County children and family commission - staffing.
2.35A.200 Gifts, bequest or donations in support of department purposes – solicitation and acceptance allowed – use – report.

2.35A.010 General duties – name – divisions – combined city-county health department.

A.1. The department of public health, which is also known as public health - Seattle & King County, is responsible to manage and be fiscally accountable for providing a functionally integrated set of services and programs that are fully responsive to urban, suburban city and unincorporated communities. The department shall include: regional services; an emergency medical services division; an environmental health division; a prevention division; a community health services division; a jail health services division; and an administrative services division. The department shall also provide administrative support to the children and family commission.

2. As of January 1, 1981, the city of Seattle and the county established a combined city-county health department under chapters 70.05 and 70.08 RCW and certain city ordinances and county ordinances. The director of the department shall be jointly appointed by the mayor of the city and the county executive, subject to confirmation by the city and county councils, and may be removed by the county executive, after consultation with the mayor, upon filing a statement of the reasons therefor with the city and county councils as authorized by RCW 70.08.040. The director shall be responsible for the management of the department.

3. The department shall achieve and sustain healthy people and healthy communities throughout King County by providing public health services that promote health, prevent disease and reduce health inequities, including, but not limited to: providing needed or mandated prevention or intervention services to address individual and community health concerns; assessing and monitoring the health status of communities; preventing disease, injury, disability and premature death; promoting healthy living conditions and healthy behaviors; and controlling and reducing the exposure of individuals and communities to environmental or personal hazards. The department shall assess the health of King County residents and communities facilitate planning to develop responses to issue which affected the public's health and evaluate the effectiveness of programs and initiatives which address these issues. (Ord. 17733 §

3, 2014: Ord. 16322 § 1, 2008: 14561 § 6, 2002: Ord. 13326 § 2, 1998: Ord. 12529 § 2, 1996. Formerly K.C.C. 2.16.080).

2.35A.020 Regional services. The duties of the department's regional services shall include the following:

A.1. Convening and leading programs to improve health access and quality;

2. Forming partnerships with organizations and health care providers to increase the number of healthy years lived by people in the county and to eliminate health inequities through policy and systems change, access to affordable, appropriate and quality health care services; and

3. Increasing efficiency and effectiveness of public health services;

B. Planning and developing local and regional capacity for responding to public health emergencies and providing for the direction and mobilization of health and medical resources, information and personnel during emergencies and disasters in the county;

C. Providing the functions of assessment, epidemiology and program evaluation; and

D. Developing and disseminating information, tools and strategies that support the public health functions described in this chapter. (Ord. 17733 § 4, 2014).

2.35A.030 Emergency medical services division. The duties of the emergency medical services division shall include the following:

A. Tracking and analyzing service and program needs of the emergency medical services system in the county, and planning and implementing emergency medical programs, services and delivery systems based on uniform data and standard emergency medical incident reporting;

B. Providing medical direction and setting standards for emergency medical services and medical dispatch training and implementing emergency medical service personnel training programs, including, but not limited to, public education, communication and response capabilities and transportation of the sick and injured;

C. Administering contracts for disbursement of Medic One emergency medical services tax levy funds for basic and advanced life support services and providing King County Medic One advanced life support services;

D. Coordinating all aspects of emergency medical services in the county with local, state and federal governments and other counties, municipalities and special districts for the purpose of improving the quality of emergency medical services and disaster response in King County; and

E. Analyzing and coordinating the emergency medical services components of disaster response capabilities of the department. (Ord. 17733 § 5, 2014).

2.35A.040 Environmental health division. The duties of the environmental health division shall include the following:

A. Inspecting and monitoring regulated facilities to ensure compliance with public health codes, rules and regulations;

B. Investigating complaints or problems, such as disease outbreaks, sewage spills or toxic spills, identified by the public, the media or public officials;

C. Advising and educating the public on prevention and control of health risks associated with environmental hazards;

D. Enforcing public health codes, rules and regulations within the jurisdictions of the division;

E. Fulfilling zoonotic disease control responsibilities in accordance with WAC 246-100-191 and 246-101-405; and

F. Preventing and controlling the transmission of zoonotic diseases from animals by inspecting and responding to complaints about regulated facilities and promoting the health, safety and well-being of animals in such facilities. (Ord. 17733 § 6, 2014).

2.35A.050 Prevention division. The duties of the prevention division shall include the following:

A. Reducing the public's exposure to communicable diseases through surveillance and outbreak investigation and disease prevention and control measures;

B. Lowering the occurrence of chronic diseases, injury and violence in the community through strategies that reduce the frequency of risk factors for these conditions;

C. Promoting and providing public education and research in the development of prevention models;

D. Performing specific public health services including vital statistics and laboratory functions; and

E. Performing medical examiner and statutory coroner duties as described in K.C.C. 2.24.110, as recodified by this ordinance. (Ord. 17733 § 7, 2014).

2.35A.060 Community health services division. The duties of the community health services division shall include the following:

A. Focusing the department's clinical leadership, health services and expertise and strengthening quality systems and effective care partnerships with government, business and community-based organizations;

B. Increasing access to affordable health care by those in need and improving the community health care system;

C. Developing and monitoring performance standards for service quality, clinical professional practice and standards of excellence for programs and groups served by the health department and other health care providers;

D. Providing leadership and coordination with health care providers, government agencies, businesses and community groups in the provision of health services to at-risk or under-served populations in the county;

E. In coordination with health care providers and others, developing, implementing and monitoring a systematic, comprehensive system of health service delivery in the county that improves health outcomes by connecting community-based intervention and strategies with the health care of individuals including clinical and preventive services provided by the department based on community assessment and financial sustainability measures; and

F. Developing responsive service delivery and access mechanisms to meet the changing health care needs of at-risk populations in King County. (Ord. 17733 § 8, 2014).

2.35A.070 Jail health services division. The duty of the jail health services division is to provide health care services to detainees of the King County adult detention facilities, including medical, dental, psychiatric care and related services in conjunction with the department of adult and juvenile detention. (Ord. 17733 § 9, 2014).

2.35A.080 Administrative services division. The duties of the administrative services division shall include the following:

A. Providing administrative and technical support to the department;

B. Overseeing the administrative systems and activities of the department; and

C. Providing general support within the department as authorized elsewhere in this chapter. (Ord. 17733 § 10, 2014).

2.35A.090 Medical examiner functions.

A. The duties and functions of medical examiner shall be performed by the prevention division of the department of health. The medical examiner shall be responsible for the administration and staffing of all programs relating to the performance of autopsies and investigations of death as authorized by the statutes of the state of Washington, except as provided by this section. The chief medical examiner, who shall be a pathologist certified in forensic pathology, shall be appointed by the director of the department. Employees performing duties and functions of or related to the medical examiner, with the exception of specifically identified exempt positions, shall be members of the King County career service.

B. The chief medical examiner shall assume jurisdiction over human remains, perform autopsies and perform such other functions as are authorized by chapter 68.50 RCW and such other statutes of the state of Washington as are applicable, except for the holding of inquests, which function is vested in the county executive. The chief medical examiner has the authorities granted under K.C.C. 2.35A.100.

C. The chief medical examiner shall institute procedures and policies to ensure investigation into the deaths of persons so specified in chapter 68.50 RCW and to ensure the public health, except for the holding of inquests, which function is vested in the county executive.

D. The notice of the existence and location of a dead body required to be given by state law shall be given to the medical examiner. The medical examiner shall be responsible for control and disposition of personal property of deceased persons under the jurisdiction of the medical examiner, which shall be transferred to the next of kin or other legal representatives of the deceased. If the transfer cannot be made because there is no known next of kin or legal representative, or the next of kin or legal representative is not available to accomplish the transfer within thirty days after the medical examiner assumes jurisdiction over the body of the deceased, the personal property shall be deposited with the King County comptroller, or transferred to an attorney pursuant to the institution of probate action.

E.1. The chief medical examiner may issue subpoenas to compel the production of medical and dental records, and other documents as are necessary for the full investigation of any case under the jurisdiction of the medical examiner from any person, organization or other entity in possession of the records or documents.

2. Subpoenas issued by the chief medical examiner shall be enforceable through the superior court.

3. In case of refusal or failure to obey a subpoena issued under this subsection E, the chief medical examiner may seek the aid of the prosecuting attorney to apply to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena.

4. Punishment for contempt for refusal or failure to comply with a subpoena issued under this subsection E. shall be as provided by chapter 36.24 RCW and other applicable laws and court rules. (Ord. 17733 § 12, 2014: Ord. 12525 § 3, 1997: Ord. 2878 § 3, 1976: Ord. 163 § 7, 1969. Formerly K.C.C. 2.24.110).

2.35A.100 Burial, cremation or other disposition - report to and authorization by medical examiner - fee - waiver for certain cremations - expenditure.

A. A person shall not bury, cremate or otherwise dispose of the body of a decedent who died in the county without first reporting the death to the medical examiner's office and receiving an authorization from the medical examiner releasing the body for disposition.

B.1. A person reporting a death to the medical examiner's office of a person whose remains are to be buried, cremated or otherwise disposed shall be charged the fee in K.C.C. 4A.650.150.

2. The medical examiner may waive the fee for a cremation only if the cost of the cremation to be performed was paid before January 1, 2008. The fee shall not be charged if the cost of the cremation is borne by the county.

3. Revenues generated by the body disposition permit fee shall be expended to support the duties and functions of medical examiner performed by the prevention division of the department of health. (Ord. 17733 § 15, 2014: Ord. 17692 § 2, 2013: Ord. 16973 § 2, 2010: Ord. 15952 § 2, 2007. Formerly K.C.C. 2.24.135).

2.35A.110 King County children and family commission - established.

A. There is established the King County children and family commission, to be composed of no more than seventeen voting members, appointed by the King County executive and confirmed by the council. Appointees shall represent the geographic and ethnic diversity of communities in King County. No more than seven members shall reside within any one municipal jurisdiction.

B. The commission shall seek the opinions and ideas of educators, the business community, children, youth and family service providers and agency representatives and other interested parties on issues considered by the commission. These persons shall be invited to participate in commission discussions.

C. The commission members shall be appointed by the county executive, subject to confirmation by the county council. Appointees should include professionals, consumers of county services, youth and individuals of color and limited or non-English speaking individuals who are concerned about children, youth and families.

D. Appropriate county departments which serve the health, recreational, social, economic and criminal justice needs of children, youth and families shall provide staff who shall serve the commission in an advisory capacity.

E. Except for the initial term, all appointments shall be for three-year terms. Commission members may serve two consecutive terms.

F. Any vacancies occurring in the membership of the children and family commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments. (Ord. 17733 § 18, 2014: Ord. 13811 § 1, 2000: Ord. 10217 § 1, 1992: Ord. 8577 § 1, 1988. Formerly K.C.C. 2.50.010).

2.35A.120 King County children and family commission - duties.

A. The King County children and family commission shall act in an advisory capacity to the county executive, the superior court and county council, focusing on recommendations to further define King County's mission, role and goals in the provision of services to children, youth and families. The commission shall:

1. Concentrate on building links between the county's service systems, communities and schools;

2. Provide oversight and review of county programs providing services to children, youth and families; and

3. Promote cooperation among departments, and evaluate the effectiveness of programs and oversee implementation of the King County Framework Policies for Human Services, adopted by Ordinance 13629 and any other policies adopted by the council concerning children, youth and families.*

B. The commission shall establish a standing committee comprised of commission members that should focus on services for at-risk youth including probation related services of the superior court juvenile department, juvenile detention and the services provided to youth by the department of adult and juvenile detention, the department of

community and human services, schools and others as deemed appropriate. This committee, through the commission, shall provide advice and offer recommendations on services for at-risk youth in the community and in the juvenile justice system. (Ord. 17733 § 20, 2014: Ord. 13811 § 2, 2000: Ord. 10217 § 2, 1992: Ord. 8577 § 2, 1988. Formerly K.C.C. 2.50.020).

Reviser's note: "and oversee implementation of the King County Framework Policies for Human Services, adopted by Ordinance 13629 and any other policies adopted by the council concerning children, youth and families" was not included in Ordinance 17733, but was not struck through. See K.C.C. 1.24.075.

2.35A.130 King County children and family commission - Human Services (Review and) Recommendations Report. The commission shall provide citizen oversight for the department of community and human services and other involved county departments in development and implementation of the Human Services Recommendations Report required by Ordinance 15406 and shall communicate its recommendations regarding the report to the executive and council. In accordance with adopted policy and any recommendations adopted as a result of the Human Services (Review and) Recommendations Report the commission shall review the budgets of county agencies serving children, youth and families as part of the annual budget process for the purpose of making appropriate policy and resource allocation recommendations to the executive, the superior court and council. (Ord. 17733 § 22, 2014: Ord. 13811 & 3, 2000: Ord. 10217 § 3, 1992. Formerly K.C.C. 2.50.025).

2.35A.140 King County children and family commission - organization - meetings - quorum. The King County children and family commission shall elect its officers, including a chair, vice-chair and such other officers as it may deem necessary. The officers shall occupy their respective offices for one year. The commission may organize into subcommittees as appropriate. The commission shall adopt rules and administrative procedures for its own operation. The rules shall include a definition of conflict of interest issues coming before the commission and appropriate voting restrictions. The commission shall adopt an annual work plan. The commission shall hold regular public meetings at least quarterly. Records of the proceedings shall be maintained. The commission shall issue an annual report to the public on its activities. A quorum shall constitute a majority of the commission's membership. Any member of the commission who, without having been excused by the chair, fails to attend three regularly scheduled commission meetings, shall be removed and the position declared vacant by the appointing authority. (Ord. 17733 § 24, 2014: Ord. 13811 § 4, 2000: Ord. 10217 § 4, 1992: Ord. 8577 § 3, 19883. Formerly K.C.C. 2.50.030).

2.35A.150 King County children and family commission - staffing. The department of public health shall have lead responsibility, within available resources, for staffing the commission. Staff from the department shall respond to the chair of the commission, assisting in the preparation of agendas, securing information and statistics as requested or required for commission projects, keeping members informed about meetings and tasks, communicating with the executive office about appointments of new members as needed and working with the commission to ensure the intent of this chapter is fulfilled. (Ord. 17733 § 26, 2014: Ord. 14561 § 11, 2002: Ord. 13811 § 5, 2000: Ord. 12075 § 13, 1995. Formerly K.C.C. 2.50.045).

2.35A.200 Gifts, bequest or donations in support of department purposes – solicitation and acceptance allowed – use – report.

A. The executive, the director of the department of executive services, the director of the department of public health, councilmembers and staff who report directly to those officers or officials and who do so at those officers' or officials' direction, may solicit or accept from the general public and business communities and all other persons, gifts, bequests and donations in support of department of public health services.

B. All gifts, bequests or donations of money to the county for department of public health purposes shall be deposited and credited as follows:

1. For emergency medical services purposes, to the emergency medical services fund under K.C.C. 4A.200.268;

2. For environmental health purposes, to the environmental health fund under K.C.C. 4A.200.281;

3. For local hazardous waste management program purposes, to the local hazardous waste fund under K.C.C. 4A.200.400; and

4. For all other department of public health purposes, to a subfund of the public health fund under K.C.C. 4A.200.520.

C. Once the gift, bequest or donation is accepted, the director of the department of public health shall ensure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor.

D. The acceptance and use of a gift, bequest or donation to the county for department of public health purposes shall not create an ongoing obligation on the part of the county or the department to carry out any program or service funded with the gift, bequest or donation after the gift, bequest or donation has been spent.

E. The executive shall transmit as part of each quarterly financial report as required by K.C.C. 4A.100.100 a list of all new donations to the department of public health of two thousand dollars or more, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity. (Ord. 18254 § 1, 2016).

2.36 COMMITTEES

Sections:

2.36.030 Justice court districting committee.
2.36.050 Citizens' committee on independent oversight.
2.36.060 Agricultural district advisory committees.
2.36.070 Conservation futures citizen oversight committee.
2.36.080 Patterson Creek Basin citizen advisory committee.
2.36.090 Investment pool advisory committee.
2.36.100 Central business systems steering committee.

CROSS REFERENCES:

Executive finance committee, see K.C.C. chapter 4.24.
Planning committees, see K.C.C. 20.20.040 through 20.20.130.

2.36.030 Justice court districting committee.*

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;

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. (Ord. 18167 § 22, 2015: Ord. 15971 § 37, 2007: Ord. 12075 § 8, 1995).

***Reviser's note: For the statutory provisions regarding the district court districting committee, see RCW 3.38.010 through 3.38.020.**

2.36.050 Citizens' committee on independent oversight.

A. The executive shall appoint, subject to council confirmation, a citizens' committee on independent oversight to advise the director of the office of law enforcement oversight, which is created under K.C.C. chapter 2.75, on policies, procedures and practices relating to officer misconduct, discipline and other responsibilities of the director of the office of law enforcement oversight.

B. The committee shall include eleven members of the public who represent the geographic, ethnic and economic diversity of the sheriff's service area. The committee shall consist of three members representing cities that contract with the sheriff for law enforcement services, four members shall represent unincorporated King County and four members shall be selected at-large. The committee members shall be appointed for three-year terms, subject to reappointment for additional terms.

C. The committee shall make recommendations to the director regarding:

1. Misconduct and discipline policies, procedures and practices of the sheriff's office;

2. Policies, procedures and practices related to other responsibilities of the director of the office of law enforcement oversight; and

3. Public perceptions of the sheriff, the sheriff's deputies and their roles and functions in the community.

D. The committee shall also serve as a means for the director of the office of law enforcement oversight to communicate with King County's diverse communities. The communication should increase accountability and public understanding of the misconduct and discipline policies, procedures and practices of the sheriff's office and other issues related to the director of the office of law enforcement oversight's responsibilities.

E. The committee shall not review or advise the director of the office of law enforcement oversight on individual complaints, investigations or disciplinary actions.

F. The committee, after consulting with the director of the office of law enforcement oversight, shall adopt bylaws and rules, including meeting times and quorum requirements, and submit a proposed motion for their approval to the council. To take effect, the bylaws and rules must be approved by the council by motion. (Ord. 17812 § 1, 2014: Ord. 17284 § 1, 2012: Ord. 16511 § 8, 2009: Ord. 15611 § 9, 2006).

2.36.060 Agricultural district advisory committees.

A. There are established agricultural district advisory committees for each agricultural district established by ordinance of the council, hereinafter referred to as the district committee.

B. The district committee shall be composed of at least five members who shall be residents of the district. All appointments shall be made by the county executive and confirmed by the county council and at least three appointees shall be selected by the executive from a list of five nominees proposed by the councilperson(s) representing the area encompassed by the district.

C. The district committees shall be responsible for assisting the agriculture program administrator in developing the agricultural protection program set forth in Ordinance 3064.

D. The committees shall commence their functions on February 15, 1977, or as soon thereafter as possible, and this section and Section 2.36.080 shall remain in effect until July 31, 1978. Any continuation of the committees beyond said date shall require subsequent action by the council. (Ord. 6066 § 19, 1982: Ord. 3074 §§ 5, 6, 7, 8 (part), 1977).

2.36.070 Conservation futures citizen oversight committee.

A. The conservation futures citizen oversight committee is hereby established as an advisory body to carry out the duties prescribed for the committee in K.C.C. chapter 26.12.

B. The committee shall include an individual who resides in each King County council district and seven at-large members, of whom four shall be nominated by the council. The committee shall be appointed by the executive and confirmed by the council by motion. The committee shall elect a chair from its members.

C.1. The executive shall solicit nominations from the council, from the city of Seattle and from suburban cities within King County and shall seek representation of a broad spectrum of interests and expertise, including, but not limited to, local conservation and passive recreation, science and ecology, conservation land stewardship, business and education.

2. Committee members for those at-large positions nominated by the county council shall be appointed in the manner set forth in K.C.C. 2.28.0015.

D. Once established, the terms of the members and chair shall be four years and shall be rotated such that eight of the seats become available for appointment every two years. Committee appointments and operations are subject to K.C.C. Title 3, including code of ethics and civil rights provisions. (Ord. 15548 § 3, 2006: Ord. 14714 § 2, 2003).

2.36.080 Patterson Creek Basin citizen advisory committee.

A. There is hereby created a Patterson Creek Basin citizen advisory committee, hereinafter referred to in this section as "the advisory committee."

B. The advisory committee shall be composed of five individuals, including the chair. Advisory committee members shall be appointed by the executive and confirmed by the council, and shall serve staggered terms of three years. Candidate members shall either own property or reside within the Patterson Creek basin, and should represent a diverse range of interests and expertise regarding flooding, water quality and fish habitat within the Patterson Creek basin. Members may serve multiple terms. At least one of the five members should be serving their first term. The chair shall be appointed by the advisory committee members, to serve a term of one year.

C. The advisory committee shall make county decision-makers aware of community concerns and interests, and advise the executive and council on issues related to flooding, water quality, and fish habitat within the Patterson Creek basin.

D. Functions of the advisory committee shall include but not be limited to the

following:

1. Serving in an advisory capacity to the executive and county council and making recommendations for flooding, water quality and fish habitat projects and programs within the Patterson Creek basin;

2. Acting as an informed advocate for resources by continuing to partner with the county to apply for resources that support efforts to reduce flood hazards, improve water quality and protect salmon habitat within the Patterson Creek basin;

3. Making the public aware of incentives programs like the public benefit rating system, and technical assistance such as the King Conservation District's farm planning program and King County's rural stewardship program; and

4. Staying informed and sharing information about development proposals, land-use appeals, and code enforcement actions within the Patterson Creek basin.

E. The manager of the water and land resources division shall designate a staff person to act as a liaison with the advisory, to provide support for administration of the advisory and to facilitate access to information regarding flooding, water quality, and fish habitat projects. (Ord. 15713 § 2, 2007).

2.36.090 Investment pool advisory committee.

A. The investment pool advisory committee is hereby established. The committee shall provide input and advice to the executive finance committee on executive finance committee agenda items that relate to the moneys pooled in accordance with K.C.C. 4.10.090, such as policies, practices and fees.

B. The committee shall be composed of the following members, who represent the entities that participate in the investment pool under K.C.C. 4.10.090:

1. Two members who are elected officials or employees of school districts;

2. One member who is an elected official or employee of a fire district;

3. One member who is an elected official or employee of a water district or sewer district;

4. Two members who are county fund managers;

5. Two at-large members, who are elected officials or employees of entities, that participate in the investment pool other than school districts, water/sewer districts, and fire districts, ;

6. The county treasury manager; and

7. One member who is a private citizen who is an investment professional who has no financial relationship with the county or any of the entities that participate in the investment pool.

C. The county executive shall appoint members of the committee from nominations submitted under the provisions of this section, subject to confirmation by the county council. The school districts, fire districts, water districts and sewer districts that participate in the investment pool shall each nominate the members representing the respective districts through a process of their own choosing. The executive finance committee shall nominate the county fund managers, at-large and private citizen members.

D. Members shall serve two-year terms, except that the initial terms for one representative of the school districts, one county fund manager, one at-large member and the private citizen member shall be one year.

E.1. The committee shall elect its chair and vice-chair.

2. The committee may meet as often as it deems necessary, but shall meet at least semiannually.

F. A member of the advisory committee is expected to regularly attend executive finance committee meetings.

G. Members of the committee who represent districts shall serve without

compensation but may receive compensation for expenses from the districts they represent, in accordance with the districts' policies. The members who are the county fund managers and county treasury manager may be reimbursed for expenses in accordance with the policies of their respective divisions. The at-large members may be reimbursed for expenses by their respective district in accordance with the policies of the entities of which they are elected officials or employees. The council may by separate ordinance provide for the reimbursement of expenses of the private citizen committee member.

H. The council intends to review the committee in the first quarter of 2011 to determine its effectiveness or any changes that should be made to its structure or functions. (Ord. 16280 § 1, 2008).

2.36.100 Central business systems steering committee.

A. The central business systems steering committee is hereby created. The committee's purpose shall be to:

1. Maximize benefits from the accountable business transformation program;
2. Achieve the proper functioning and integration of the countywide systems for human resources, payroll, time and labor, finance and budget; and
3. Provide for communication and accountability.

B. The members of the committee shall be:

1. The deputy county executive or designee;
2. The assistant deputy county executive;
3. The county administrative officer;
4. The director of the office of performance, strategy and budget; and
5. The chief information officer.

C. The committee shall:

1. Make recommendations to the executive;
2. Coordinate work, set priorities and guide how technical and business process issues with the countywide system are addressed to achieve the proper functioning and integration of the countywide policies, business processes and systems for human resources, payroll, time and labor, finance and budget. The committee shall also align and integrate work plans for allocation of resources and budget;
3. Create a structured process for regular end-user engagement, involvement, communication and training;
4. Promote continued business process improvements and business rule standardization, and eliminate obstacles to adopting best practices;
5. Maximize benefits of the integrated enterprise system through business process and system standardization, optimization and transformation, and monitor performance measurement and reporting including benefit realization; and
6. Provide an annual performance report to the council on the benefits achieved and their contributions to the county's service excellence, financial stewardship and quality workforce goals. The annual report should describe how the benefit measurement process was used by the human resources division, office of performance strategy and budget, and finance and business operations division to improve county operations. The annual report should also propose potential corrective actions to achieve benefit targets where needed. The report shall also include exemplary accomplishments countywide and at the agency level in leveraging the new tools to streamline and standardize business processes and improve county operations. The report shall be filed annually on June 1, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers. (Ord. 17699 § 2, 2013).

2.37 WASHINGTON STATE PUBLIC STADIUM AUTHORITY

Sections:

2.37.010 Washington State public stadium authority created.

2.37.010 Washington State public stadium authority created.

A. Pursuant to the provisions of Referendum 48, the Washington State public stadium authority is hereby created within King County with all of the powers and authority granted by state law. The board of directors of the public stadium authority shall consist of seven members, to be appointed by the Governor. The naming of the public stadium authority by Ordinance 12807 shall not be construed as limiting its board of directors from adopting any other name. (Ord. 12807 § 2, 1997).

2.38 WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM FACILITIES DISTRICT

Sections:

2.38.010 Washington State major league baseball stadium facilities district.

2.38.010 Washington State major league baseball stadium facilities district.

A. A public facilities district, which shall be called the Washington State Major League Baseball Stadium Facilities District, with the powers set forth in RCW chapter 36.100, is hereby created within King County, coextensive with the boundaries of King County. The board of directors of the public facilities district shall consist of seven members, four to be appointed by the executive, subject to confirmation by the council, and three to be appointed by the Governor. No executive appointee shall exercise any of the powers of office until confirmed by the council. The first order of business for the district shall be to execute an interlocal agreement with King County guaranteeing that the district shall make as its first priority avoiding any action which might place the current expense fund or bond rating of King County at unreasonable risk.

B. Reports and agreements to implement project. Recognizing that the council will be asked to issue debt in connection with the financing of the baseball stadium, and must therefore remain fully informed of the planning for and determination of potential costs of the project, the council will require that the public facilities district, the major league baseball team, the executive, and the City of Seattle achieve the following objectives:

1. Provide monthly reports to the council on the status of the public facilities district's decision-making with respect to site selection, project design, mitigation requirements, project costs and budget, and financing recommendations. A decision by the public facilities district concerning the preferred site recommendation for the stadium shall be made by August 1, 1996. The executive and the district shall provide the council with a comprehensive report on the status of these items together with the best possible information then available on costs and financing by December 1, 1996.

2. Execute by March 1, 1996, and prior to any lease negotiations or issuance of any contracts for construction work on the stadium, interlocal agreements between:

a. King County, Seattle, and the public facilities district, that are approved by the council, addressing expedited permit processing, environmental review and other necessary design and construction approvals.

b. King County and the public facilities district, approved by the council, that ensures that King County will be consulted in connection with structuring the financing of the stadium project, as required by EHB 2115 [Chapter 1, Laws of Washington 1995,

3rd Spc Sess.], and that the principles set forth in the county's debt issuance policy (K.C.C. 4.28.020) will be satisfied in structuring that financing. The district shall agree that its first priority shall be avoiding any action which might place the current expense fund or bond rating of King County at unreasonable risk.

C. Land assembly and conveyance. It is the intent of King County to assemble such real property as the district determines to be necessary for the baseball stadium, consistent with applicable state law and the project budget. Property which is necessary for this project that was owned by the county as of October 17, 1995, shall be contributed to the district consistent with state law. Property which is necessary for this purpose that the county acquires on or after October 17, 1995, shall be conveyed to the district by interlocal agreement as a cost to the baseball stadium project and, therefore, subject to the project's budget. The district shall promptly reimburse King County for the cost of such property as well the cost of its acquisition. (Ord. 12000 § 6, 7, 9, 1995).

2.39A HOTEL-MOTEL SPECIAL SUPPORT PROGRAM

Sections:

2.39A.010 Hotel-motel special support program

2.39A.010 Hotel-motel special support program. There is hereby created the King County hotel-motel special support program.

A. The hotel-motel special support program shall be administered by the manager of the finance and business operations division under the direction of the executive and in accordance with guidelines and policies established by the council.

B. Through December 31, 2012, thirty percent, of all excess hotel-motel tax revenues collected by the county under RCW 67.28.180(3)(a), as amended, shall be allocated to the hotel/motel special support program and shall be used for the following purposes and in a manner reflecting the following order of priority: stadium capital improvements, acquisition of open space lands, youth sports activities and tourism promotion.

C. For the purposes of this section, "stadium capital improvements" include, but are not limited to, a stadium restaurant facility operated by a private concessionaire under a contract with the county; restroom facilities; artificial turf system; seating facilities; parking facilities; and a scoreboard and information system adjacent to or within a county-owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto.

D. For the purposes of this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional and amateur sports events. Moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the county. Eligible applicants shall only include nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys distributed under this section to promote events in all parts of the county.

E. There shall be written guidelines and procedures for allocating funds under this section. The guidelines shall be written at the direction of the executive and shall be approved by the council. (Ord. 17291 § 61, 2012: Ord. 12076 § 48, 1995. Formerly K.C.C. 4.42.090).

2.40 KING COUNTY AGRICULTURE COMMISSION

Sections:

2.40.010 Establishment.

2.40.020 Definitions.
2.40.030 Membership, terms and ex officio members.
2.40.040 Duties.
2.40.050 Staffing and rules of procedures.
2.40.060 Other matters.

2.40.010 Establishment. There is hereby created a King County agriculture commission hereinafter referred to as the commission. (Ord. 11417 § 4, 1994).

2.40.020 Definitions. The following terms as used in this section have the respective meanings herein set forth.

A. "Agricultural commodity" means any animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including but not limited to, products qualifying and organic food products under chapter 15.86 RCW, as amended, as bees, honey and Christmas trees but not including timber or timber products.

B. "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. (Ord. 11417 § 2, 1994).

2.40.030 Membership, terms and ex officio members.

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

B. The fifteen voting members of the commission shall serve without compensation and represent the diversity of the agricultural economy, various agricultural operations, and the regions of the county. Membership should be representative of producers of agricultural commodities and persons with demonstrated knowledge, experience and interest in agricultural real estate, food and feed processing, wholesale and retail marketing, produce buying, direct marketing, supply, and finance. However, at least eight of the voting commission members shall be producers as defined in K.C.C. 2.40.020.

C. The directors of the departments of natural resources and parks, permitting and environmental review, community and human services, public health, and executive services, and the King County conservation district may serve as additional members in an ex officio capacity. (Ord. 17420 § 4, 2012: Ord. 14498 § 3, 2002: Ord. 12075 § 11, 1995).

2.40.040 Duties. The commission shall advise the council and executive on agricultural policies and programs, including, but not limited to:

A. Existing and proposed legislation and regulations affecting commercial agriculture;

B. Land use issues as they impact agriculture;

C. Ways to maintain, enhance and promote agriculture and agricultural products in the region; and

D. Livestock regulation implementation and monitoring duties set forth in K.C.C. chapter 21A.30. (Ord. 14199 § 23, 2001: Ord. 11417 § 6, 1994).

2.40.050 Staffing and rules of procedures. In recognition of the duties described in K.C.C. 2.40.040, the director of the department of natural resources and parks shall be responsible for the staffing and operation of the commission. The commission shall elect officers and shall adopt such administrative procedures as are

required to accomplish the purposes of this section. (Ord. 14199 § 24, 2001: Ord. 12075 § 12, 1995).

2.40.060 Other matters. For all matters not expressly addressed in Ordinance 11417, K.C.C. 2.28 shall govern. (Ord. 11417 § 8, 1994).

2.41 KING COUNTY RURAL FOREST COMMISSION

Sections:

2.41.010 Establishment.
2.41.020 Purpose.
2.41.030 Membership, terms and nonvoting ex officio members.
2.41.040 Responsibilities.
2.41.050 Staffing and rules of procedures.

2.41.010 Establishment. The King County rural forest commission is hereby established, and shall be referred to as the commission throughout this chapter. (Ord. 12901 § 1, 1997).

2.41.020 Purpose. The purpose of the commission is to advise the executive and council in their efforts to encourage forestry in the rural area. The commission should apply its efforts to making forestry viable in King County's rural area. (Ord. 12901 § 2, 1997).

2.41.030 Membership, terms and nonvoting ex officio members.

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, 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. (Ord. 17420 § 5, 2012: Ord. 16024 § 1, 2008: Ord. 14498 § 4, 2002: Ord. 12901 § 3, 1997).

2.41.040 Responsibilities.

A. The commission shall monitor the progress of and provide direction to the county as it carries out the "Implementation Plan to Preserve Working Forests" adopted by the council on April 14, 1997 (Motion 10189). The commission shall also develop detailed implementation plans for the remaining strategies identified in the report "Farm and Forest: a Strategy for Preserving the Working Landscapes of King County".

B. The commission shall advise the county on proposed policies, programs, actions or legislation affecting rural forests or the practice of forestry, including:

1. Acquisitions of rural forest land or development rights on rural forest land;
2. Management goals for county-owned forest land or county-held forest land conservation easements;
3. Marketing and promotion of local forest products; and
4. Existing or proposed boundaries of rural forest districts and focus areas.

C. The commission shall work with the county to identify additional strategies to conserve rural forest lands and promote the business of forestry in the rural area. (Ord. 12901 § 4, 1997).

2.41.050 Staffing and rules of procedures. The director of the department of natural resources shall be responsible for the staffing and operation of the commission. Prior to undertaking their other responsibilities, the commission shall elect officers and adopt administrative procedures. (Ord. 12901 § 5, 1997).

2.42 HARBORVIEW MEDICAL CENTER

Sections:

2.42.010 Definitions.
2.42.020 Medical center – purpose – priorities.
2.42.030 Board of trustees – established – terms of office.
2.42.040 Board of trustees – appointment and confirmation – qualification – compensation.
2.42.050 County authority.
2.42.060 Board of trustees – powers – duties – responsibilities.
2.42.070 Board of trustees – committees.
2.42.080 Medical center – capital improvement – policy – requirements.
2.42.090 Reporting requirements.
2.42.100 Open meetings – public disclosures.

2.42.010 Definitions. For the purposes of this chapter:

A. "Administrator" means the chief administrative officer of the medical center, appointed under the terms of an approved management contract, who shall be responsible for supervising the daily management of the medical center in accordance with approved plans and policies and, for the purposes of the hospital services agreement, means the Executive Director.

B. “Board” means the Harborview Medical Center board of trustees appointed by the county for the purpose of overseeing the operation and management of the medical center.

C. “Council” means the King County council as described in Article 2 of the King County Charter.

D. “County governing authority” means both the county executive and county council in accordance with their charter assigned responsibilities.

E. “Executive” means the King County executive as described in Article 3 of the King County Charter.

F. "Hospital services agreement" means that approved management contract entitled the 2016 Hospital Services Agreement between King County by and through its Executive and the Harborview Medical Center Board of Trustees and the Regents of the University of Washington for the management of the medical center, the rendering of clinical services to patients of the medical center, and the conducting of teaching and research activities at the medical center by the university.

G. “Long-range capital improvement program plan” or “long-range CIP plan” means a long-range plan that is produced as the first step in the medical center capital improvement process. The long-range CIP plan identifies capital development needs, establishes capital project standards and policies, identifies intended capital funding sources and alternatives, and presents analysis of medical center programs and the physical facilities needed to implement them. It further projects service levels, presents demographics of hospital clientele, makes an inventory and analysis of the effective use of physical facilities and provides specific direction in linking the capital improvement program to operating program needs.

H. “Medical center” means the Harborview Medical Center to include the Norm Maleng Building, the Patricia Bracelin Steel Building, the Ninth and Jefferson Building, the View Park Garage, the Boren Garage, the Engineering Building, the Walter Scott Brown Building, the Child Care Center, the Firehouse Building, the Pioneer Square Clinic and the hospital complex consisting of the Center Tower, the East Hospital, the West Hospital, the East Clinic and the West Clinic.

I. “Project plan” means a plan produced for a specific capital project which analyzes specific project elements, defines project scope, location, size, costs and other needs. It follows master planning and precedes project budgeting and also considers location, types and amounts of space, specific needs served, current and projected service population staffing and operating costs impacts, and alternative proposals for the sources of funding the project.

J. “Superintendent” means the chief executive officer of the medical center, as described in state law, when the medical center is not operated under the terms of an approved management contract.

K. “State law” means chapter 36.62 RCW, as amended, and any other applicable sections of state law.

L. “University” means the University of Washington. (Ord. 18233 § 2, 2016: Ord. 6818 § 2, 1984).

2.42.020 Medical center – purpose – priorities.

A. King County maintains Harborview Medical Center as a county hospital, pursuant to state law, for the primary purpose of providing comprehensive health care to the indigent, sick, injured or infirm of King County, and is dedicated to the control of illness and the promotion and restoration of health within the King County area.

B. Within available resources, the medical center shall provide adequate health care to those groups of patients and programs which are determined to require priority treatment by the county governing authority. Within this determination shall be the

provision that admission of patients to the medical center shall not be dependent upon their ability to pay. (Ord. 18233 § 3, 2016: Ord. 6818 § 3, 1984).

2.42.030 Board of trustees – established – terms of office.

A. There is established a thirteen member board of trustees for the medical center the members of which shall, except for initial terms, be appointed for terms of four years each and until a successor is appointed and qualified.

B. Terms shall commence on the first day of August following appointment. Where a board member continues to serve beyond the expiration date of the term to which appointed, the commencement date for the succeeding member shall be retroactive to the date when the term would have otherwise commenced.

C. No member shall serve more than three successive terms on the board.

D. Filling the unexpired portion of a term shall not count against the three term limit referenced above if the unexpired portion is less than two years in duration.

E. Members of the board may be removed for reasons and in the manner provided by state law.

F. Any vacancy on the board which occurs during an unexpired term of office shall be filled in the same manner as for appointing members to regular terms except that such appointee shall hold office only for the remainder of the term of the trustee replaced unless appointed for succeeding terms.

G. When a vacancy occurs, the president of the board shall provide the executive and the council with a list of the recommended specific skills and knowledge needed to achieve the best balance possible.

H. For the seven additional members to the board authorized pursuant to Chapter 26, Laws of 1984, the initial terms shall be staggered as therein prescribed. The additional members shall be appointed within thirty days of June 7, 1984. However, the term of each of the additional members shall be deemed to commence on August 1, 1984, but shall also include the intervening period between appointment and the first day of August 1984. (Ord. 11965 § 1, 1995: Ord. 6818 § 4, 1984).

2.42.040 Board of trustees - appointment and confirmation - qualification - compensation.

A. The board shall be composed of thirteen members, one nominated from each council district by the county council and four at-large members, who shall be nominated by the county council. Nominees shall be appointed by the executive and confirmed by the council by motion.

B. Board members representing council districts and the four at-large positions nominated by the council shall be appointed in the manner set forth in K.C.C. 2.28.0015.

C. In making appointments to the board, an effort should be made to assure that diverse geographic, social, cultural, ethnic, racial and economic backgrounds and perspectives are considered. Candidates should possess: demonstrated leadership ability, and recognized experience in management or administration, planning, finance, health service delivery, consumer representation or institutional operation; and the ability to work cooperatively with others of diverse backgrounds and philosophies. Additionally, all candidates must be willing to commit to the amount of time necessary to perform trustee duties, serve on board committees and serve as an advocate for the medical center.

D. A person shall not be eligible for appointment as a member of the board who holds or has held, during the two years immediately before appointment, any salaried office or position in any office, department or branch of county government or of any organization with which a contract for the operation and administration of the medical center has been executed. A person shall not be eligible for appointment as a member

of the board who is employed in a managerial capacity by or serves on the board of directors of a competitor of UW Medicine. All candidates are required to disclose any information concerning actions or activities of the candidate or the candidate's immediate family that present a potential conflict of interest. Candidates whose employment, financial interests or other transactions are determined by the appointing officials to be in conflict with the interests of the medical center, are ineligible for board membership.

E. A board member shall not receive any compensation or emolument whatever for services as a board member and shall be governed by the county code of ethics and state law regarding conflict of interest. Board members may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended. (Ord. 18233 § 4, 2016: Ord. 15548 § 4, 2006: Ord. 11701 § 2, 1995: Ord. 6818 § 5, 1984).

2.42.050 County authority. The county governing authority, in accordance with charter assigned responsibilities, and in consultation with the board and other interested groups as appropriate, shall:

A. Set comprehensive public health policy for the county and in conjunction with the board, identify those components of the plan appropriate to the medical center's mission and purpose.

B. Review and approve the mission statement for the medical center and proposed changes thereto proposed by the board.

C. Monitor the performance of the board with regard to the policies contained in this chapter and advise the board of any apparent deficiencies.

D. Review and approve the medical center's long range CIP plan, the annual capital improvement budget and project plans.

E. Review and approve the admissions policy for the medical center.

F. Approve the acceptance of any real property by gift, devise, bequest or otherwise, for the medical center's use.

G. Review and approve any property and liability insurance coverage obtained by the board to protect the interests of the county with regard to medical center property and facilities. (Ord. 6818 § 6, 1984).

2.42.060 Board of trustees – powers – duties – responsibilities.

A. General. The board, as the representative authority of the county, entrusted to oversee the provision of health care services in order to assure that county's priorities are addressed and high quality health care is made available to county residents, shall:

1. Elect from among its members a president and vice president.

2. Adopt bylaws and rules for its own guidance and for the governance of the medical center to include the establishment and operation of the board's committees.

3. Provide for the training of newly appointed members to assure they are properly prepared to assume their responsibilities as prescribed in this chapter and by state law.

4. Have general supervision and care of the medical center and the buildings, equipment and grounds thereof and authority to do that which is necessary for the proper maintenance and operation thereof within the limits of approved budgets and the appropriations authorized.

5. Recommend the admissions policy for the medical center to the county governing authority.

6. Inform the governing authority prior to entering into negotiations related to a medical center management contract, or the amendment of an existing contract, and obtain policy guidance on issues to be included in the negotiations.

7. Assure quality of patient care.

8. Manage the financial affairs of the medical center in a prudent and responsible manner.

9. Review and approve the long range CIP plan and project plans, including service impacts, prior to submission to the county governing authority.

10. Approve, implement and monitor the medical center annual capital budgets in accordance with applicable law, subject to the review and approval requirements of the governing authority specified in state law and elsewhere in this chapter.

11. Approve, implement and monitor the medical center annual operating budget in accordance with applicable law.

12. Review and approve all remodeling and construction projects.

13. Establish overall space use policies and guidelines and maintain control over the use of all physical facilities.

14. Control all designated, restricted, and general operating funds.

15. Accept and expend property by gift, devise, bequest or otherwise for the medical center's use, provided that acceptance or disposal of any interest in real property shall require prior approval by the county governing authority.

16. Participate in the development of county health policies and plan jointly with other public and private institutions in the county to determine how the medical center will meet its share of county public health responsibilities.

17. Advise the county governing authority on any matters related to the operation of the medical center, but at least to include:

a. recommended additions or deletions of priority patient groups or priority services.

b. recommended changes in the admissions policy.

c. recommended changes in the mission statement.

d. recommended changes in public health policy and/or assignment of the medical center's share of public health responsibilities.

e. anticipated deficiencies that may adversely impact on the provision of adequate health care to county residents.

B. Management of the medical center. The board shall either appoint a superintendent subject to approval by the county governing authority; or shall negotiate and monitor a contract for management of the medical center as provided for by state law to include the appointment of a hospital administrator. (Ord. 6818 § 7, 1984).

2.42.070 Board of trustees – committees. The board shall establish such committees as are appropriate to assist in carrying out its functions. As a minimum, the board shall establish standing committees to oversee planning, facilities management and financial management functions, and the handling of patients' grievances. The right to vote in standing committees shall be restricted to board members except where otherwise provided by law. (Ord. 6818 § 8, 1984).

2.42.080 Medical center – capital improvement – policy – requirements.

A. The medical center shall prepare a long-range capital improvement program plan, which shall be approved by the board and by the county governing authority by ordinance. The long-range CIP plan shall identify the medical center's needs for ensuring quality patient care consistent with the medical center's mission statement and county policy describing the medical center's purpose, priority programs, priority patient groups and other requirements in this chapter. The long-range CIP plan shall be updated at least once every five years, or more frequently, if deemed necessary by the board. All changes to the long-range CIP plan shall be treated as amendments to the plan previously approved by ordinance. The county, the board and the university shall

make a good faith effort to adhere to the deadlines detailed in subsections B and C. of this section.

B. The medical center capital project oversight committee, or its successor in function, shall review and advise the board regarding the university's annual six-year CIP budget which shall be forwarded to the board no later [than] February 28 each year.

C. The board shall review the six-year capital improvement plan "CIP" budget, which shall be approved by the board and submitted to the county executive no later than April 15 each year. The medical center CIP budget shall contain the specific capital improvements necessary to meet the needs, policies and priorities identified in the approved long-range CIP plan.

D. The executive shall submit the medical center's six-year CIP budget to the council which should adopt the medical center CIP budget by June 13 each year.

E. All capital improvement projects at the medical center that are funded in whole or in part with the proceeds of county tax revenues, bonds or other debt issued by the county, grants to the county, gifts or donations shall be subject to, planned and administered consistent with this chapter and K.C.C. Title 4A.

F. Notwithstanding any provisions of this chapter or K.C.C. Title 4A to the contrary, all capital improvement projects at the medical center that are funded exclusively with medical center revenues and that are budgeted over the life of the project for an amount not exceeding five million dollars shall be managed, designed, planned, developed and overseen by medical center administration and the university, subject to review and approval by the board. All capital project activities conducted under this subsection shall comply with state law applicable to the university, this subsection and medical center policies and procedures approved by the executive, following consultation with the board and university. Those policies and procedures shall include, but not be limited to, the following:

1. Procedures for the open and competitive solicitation of contracts for capital projects as may be required by state laws applicable to the university;

2. Elements to be included within all CIP project budgets, which shall include, at a minimum:

a. design consultant (architect and engineering services);
b. other consultant fees;
c. construction costs;
d. permit fees;
e. contingency budget; and
f. project management and administration costs.

3. Policies and procedures to provide opportunities for apprenctices, minority and women's businesses, disadvantaged business enterprises and small contractors and suppliers to participate in capital project contracts. These policies and procedures shall include, at a minimum: goals for the use of apprentices, minority and women's businesses or small contractors and suppliers or disadvantaged business enterprises that shall be reasonably achievable and identified in all appropriate solicitations; reporting guidelines; and the identification of medical center staff necessary to implement this subsection F.3.;

4. Procedures for review, evaluation and award of contracts for either construction or architectural and engineering services;

5. Procedures for reporting and control, which shall include, at a minimum:

a. quarterly reports from staff at the medical center to the board on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

b. when requested by the executive, quarterly reports from the board on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

c. immediate notification by staff at the medical center to the board, if a CIP project subject to this subsection exceeds its authorized budget;

d. periodic reports from the board to the executive for transmittal to the council on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

e. annual reports from the board to the executive for transmittal to the council evaluating the participation of apprentices, minority and women's businesses, small contractors and suppliers or disadvantaged business enterprises in CIP projects subject to this subsection.

G. All costs of CIP projects administered by the medical center under subsection F. of this section shall be paid from medical center revenues. So long as management of the medical center is delegated by contract to the University of Washington, exemption of such capital improvement projects from K.C.C. Title 4A shall be effective but only if the university agrees to indemnify the county in accordance with the hospital services agreement.

H. Subsection F. of this section shall remain in effect until the expiration date of the the hospital services agreement, as may be amended.

I.1. From the annual operating revenue of the medical center, the medical center shall fund depreciation reserves to be allocated to the major movable equipment and building repair and replacement funds and transfer the depreciation reserve funding into the respective capital funds. The medical center shall designate a minimum of ten million eight hundred thousand dollars annual depreciation reserve commitment and allocate it as follows:

a. The building repair and replacement fund annual funding amount shall be in accordance with the annual budget submitted to the county, but shall not be less than four million dollars per year; and

b. The balance, or not less than six million eight hundred thousand dollars of the minimum ten million eight hundred thousand dollar annual depreciation reserve commitment shall be allocated for moveable equipment.

2. An annual report shall be provided to the executive and council detailing major moveable equipment, expenditures and revenue sources in the major movable equipment fund.

3. The transfers to the major movable equipment fund and the building repair and replacement fund shall occur no later than thirty days after the end of the medical center's fiscal year.

4. When planned expenditures exceed the funds available in the building repair and replacement fund, the additional funding shall come from an extraordinary funding source other than the county's general fund.

5. The difference, between the six million eight hundred thousand dollars available for moveable equipment and the ten million eight hundred thousand dollars projected moveable equipment need, or four million dollars annually, shall be included as part of an allotment through an extraordinary funding source, not including the county's general fund.

J. King County shall continue to be responsible for major long-range infrastructure capital repairs, replacements and improvements and major additions, using voter approved bonds or other funding mechanisms approved by the county governing authority.

K. There is created a medical center building repair and replacement fund, which shall be a county capital project fund and shall be used to account for the regular segregation of building repair and replacement capital reserves, including investment income. From the building repair and replacement fund shall be drawn payments for the acquisition of fixed equipment, building renovations and improvements as approved by the board.

1. Moneys deposited in the building repair and replacement fund shall be invested solely for the benefit of that fund. The board may make transfers to the fund on a more frequent basis.

2. The moneys deposited in this fund shall be used solely for the renovation and/or improvement of the medical center's buildings and equipment, subject to the capital budgeting provisions of this chapter. (Ord. 18233 § 5, 2016: Ord. 17929 § 7, 2014: Ord. 12900 § 1, 1997: Ord. 11532 § 1, 1994: 10563 § 2, 1992).

***Reviser's note: "fund 502" is apparently a reference to the major movable equipment fund.**

2.42.090 Reporting requirements.

A. As a minimum, the board shall provide the executive and the council with the following reports:

1. An annual financial report and statement for the medical center's preceding fiscal year to be submitted within one hundred twenty days of the end of that fiscal year.

2. A report covering the proceedings of the board including the attendance record of the trustees during the preceding fiscal year shall accompany the financial report.

3. A summary of the medical center annual proposed operating budget including anticipated plans and highlights for the coming year, not later than seventy-five days preceding the medical center's fiscal year.

4. An annual report on medical center programs and services including the quality of patient care, to accompany the operating budget summary.

5. A quarterly report on the extent and type of care provided priority patients, and proposed changes for improvement.

6. An annual fixed assets inventory report for medical center property and equipment.

7. A capital plant and equipment reserve report to accompany the annual operating budget summary.

B. The county governing authority may prescribe the format and content of reports required and set dates for submission to the county, as appropriate, consistent with the requirements of state law and regulations. (Ord. 6818 § 10, 1984).

2.42.100 Open meetings – public disclosure.

A. All meetings of the board shall comply and be consistent with the provisions of the state "Open Public Meetings Act (RCW 42.30).

B. Committee meeting shall be open to the public whenever feasible. The board shall establish guidelines for this practice within its by-laws.

C. By-laws and other rules and regulations by the board shall be consistent with the "Public Disclosure Act (RCW 42.17). (Ord. 6818 § 11, 1984).

2.43 BEHAVIORAL HEALTH SYSTEM

(Formerly MENTAL HEALTH SYSTEM)

Sections:

2.43.005 Definitions.
2.43.008 Goals and principles - duties of behavioral health system.
2.43.015 Recovery and Resiliency-Oriented Behavioral Health Services Plan.
2.43.025 Annual report.

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

A. "Behavioral health" means mental health and a life free of substance use disorders.

B. "Behavioral health system" means those agencies that only provide mental health services, those that only provide substance use disorders treatment, or those agencies that provide both types of services.

C. "Recovery" means a process in which an individual achieves management of the individual's symptoms and regains or develops sufficient skills and autonomy to enable the individual to live, work and participate fully in the community.

D. "Resiliency" means an innate capacity that empowers people across the life span to successfully meet life's challenges with a sense of self-determination, mastery and hope.

E. "Trauma-informed framework" means an approach to engage an individual with a history of trauma that recognizes the presence of trauma symptoms and acknowledges the impact that trauma has had on the individual's life. (Ord. 17553 § 1, 2013: Ord. 15327 § 3, 2005).

2.43.008 Goals and principles - duties of behavioral health system.

A. In order to succeed in promoting resiliency and recovery, the behavioral health service system shall be based on the goals and principles of recovery and resilience within a trauma-informed framework. A trauma-informed, recovery and resiliency focused system offers respect, information, connection and hope.

B. The behavioral health system shall:

1. Reach out to and engage individuals at-risk due to serious, disabling mental illness or substance use disorders, or both;

2. Focus on the whole person, including strengths, capabilities, latent abilities, and aspirations, rather than symptoms and pathologies;

3. Ensure behavioral health is integrated with physical health, including diet, exercise, social activities and coordination and collaboration with primary care providers;

4. Reduce the stigma experienced by people with behavioral health disorders;

5. Develop goals and service plans based on mutual respect for the consumer's aspirations and capabilities and the provider's knowledge, skills and assets;

6. Help individuals with serious mental illness or substance use disorders, or both, to develop personal understanding and control of their symptoms;

7. Assist individuals to pursue activities in the community, rather than the clinical setting, to foster full integration in the community;

8. Help individuals with serious mental illness or substance use disorders, or both, to develop or restore normal life roles and functions, by:

a. focusing on family and the developmental needs of children, including school;

b. establishing and maintaining household, work and peer support systems for adults; and

c. continuing community and social involvement for seniors;

9. Develop and involve natural support, including peer, family and community support;

10. Employ recovering individuals in the service system as peer support specialists and other positions for which they may qualify;

11. Collaborate with other services and systems to improve results and reduce costs by coordinating and integrating services whenever appropriate;

12. Reduce formal system supports as individuals recover and build natural support systems; and

13. Identify and implement best practices, both evidence-based and promising programs for subsection B.1. through 12. of this section. (Ord. 17553 § 2, 2013).

2.43.015 Recovery and Resiliency-Oriented Behavioral Health Services Plan. The Recovery and Resiliency-Oriented Behavioral Health Services Plan 2012-2017 dated June 2012, which is Attachment A to Ordinance 17553*, is adopted as an overall guide and a five-year work program for transforming King County's behavioral health system from one based on community support and maintenance to one based on recovery and resiliency. (Ord. 17553 § 3, 2013: Ord. 15327 § 4, 2005).

***Available in the King County Archives.**

2.43.025 Annual report.

A. The behavioral health and recovery division, or its successor, shall provide to the council an annual written progress report. The report shall describe progress in implementing the recovery model and resiliency model and shall include:

1. The status of strategies, goals, action steps, and timelines for implementing the identified system changes necessary to achieve a fully recovery and resiliency oriented service system;
2. Detailed information on programs and activities; and
3. Outcomes and other appropriate performance measures.

B. The report shall be filed in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy of the report to all councilmembers, all members of the regional policy committee, the council chief of staff and the lead staff for the council's law, justice, health and human services committee, or its successor, and for the regional policy committee, or its successor. (Ord. 18171 § 2, 2015: Ord. 17553 § 4, 2013: Ord. 17553 § 4, 2013: Ord. 15327 § 5, 2005).

2.45 KING COUNTY ACTIVE SPORTS AND YOUTH RECREATION COMMISSION

Sections:

2.45.010 Establishment.
2.45.020 Purpose.
2.45.030 Membership - terms and nonvoting ex officio members.
2.45.040 Responsibilities.
2.45.050 Staffing, rules and procedures.

2.45.010 Establishment. The King County active sports and youth recreation commission is hereby established and shall be referred to as "the commission" throughout this chapter. (Ord. 13720 § 2, 2000).

2.45.020 Purpose. The purpose of the commission is to develop a regional perspective to address the needs of active sports and youth recreation in King County, and to advise the county in its efforts to encourage recreational opportunities throughout King County. The commission should also apply its efforts to understand and coordinate the unique recreational needs of all age groups throughout King County. (Ord. 13720 § 3, 2000).

2.45.030 Membership – terms and nonvoting ex officio members.

A. The commission must consist of nineteen voting members and shall consist of one member nominated by each councilmember and ten at-large members, of whom four

shall be nominated by the council. Nominees shall be appointed by the executive and confirmed by the council by motion.

B. Commission members representing council districts and those at-large positions nominated by the council shall be in the manner set forth in K.C.C. 2.28.0015.

C. In making appointments to the commission, an effort should be made to assure that the following categories of recreation are considered: field sports; court sports; aquatic recreation; hobby groups; specialized recreation for persons with disabilities; and any other sport that requires facilities or fields. Additionally, one or more representatives of local youth groups should be included on the commission membership. Councilmembers may recommend candidates for appointment who are under the age of eighteen. Commission membership shall be monitored by the director of the department of natural resources and parks and the director shall provide councilmembers with recommendations on which recreation categories are not represented on the commission and which categories should receive priority consideration for appointment. The director of the department of natural resources and parks, a representative from a local law enforcement agency and a representative of King County council's growth management and natural resources committee, or its successor, may serve as nonvoting ex officio members of the commission.

D. All appointees should have a working knowledge of parks and recreation, a strong commitment to promote recreation in King County, 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. (Ord. 15548 § 5, 2006: Ord. 14561 § 10, 2002: Ord. 13720 § 4, 2000).

2.45.040 Responsibilities.

A. The commission shall develop recommendations and advise the King County executive and the King County council on:

1. Ways to maintain and enhance interjurisdictional relations;

2. Ways to create ongoing partnerships with local parks and recreation departments, school districts and nonprofit groups to maximize use of recreation facilities;

3. Long-range planning to anticipate demand for programs, facilities and services;

4. Propose possible new properties and facilities to meet regional sports needs, and identify funding sources for the acquisition of those facilities;

5. Growth management policies which enhance recreational programs or facilities; and

6. Making improvements to existing facilities and exploring the use of public-private partnerships for maintenance of these facilities.

B. The commission shall issue a status report to the council by May 1 every two years, beginning May 1, 2001, to provide preliminary information on King County's current state of recreation opportunities available for youth. This biennial "state of youth sports" report shall include information on: the demographics of young people in King County; percentages involved in organized sports leagues including, but not limited to, soccer, baseball, softball and basketball; the proximity and availability of fields and courts for youth for both organized and unorganized activities; and information correlating the availability or lack of recreational activities to involvement in the criminal justice system. (Ord. 13720 § 5, 2000).

2.45.050 Staffing, rules and procedures. The director of the King County department of parks and recreation is responsible for the staffing and operation of the commission. Before undertaking its other responsibilities, the commission shall elect officers and adopt administrative procedures. Any policy recommendations issued by the commission that require council approval shall be jointly referred to the regional policy

committee and the natural resources, parks and open space committee for review and consideration. Proposals shall first be considered by the regional policy committee, followed by the natural resources, parks and open space committee. (Ord. 13720 § 6, 2000).

2.46 PUBLIC ART PROGRAM

Sections:

2.46.010 Establishment of public art program.
2.46.020 Purpose of the public art program.
2.46.030 Definitions.
2.46.050 Artists' involvement in public art program.
2.46.060 Selecting artists.
2.46.090 Authorization to accept donations for public art.
2.46.120 Multicultural art.
2.46.150 County responsibilities for public art projects.
2.46.160 Cultural development authority responsibilities for the development of public art projects.
2.46.170 Contracts - review and approval.
2.46.180 Public art advisory committee.

2.46.010 Establishment of public art program. There is hereby established a public art program that shall ensure that the work, thinking, creative skills and unique perspectives of artists are included in the planning, design and construction of county property, facilities, infrastructure and public spaces. The public art program shall be administered and implemented by the cultural development authority. (Ord. 14482 § 2, 2002: Ord. 12089 § 3, 1995).

2.46.020 Purpose of the public art program. It is the intention of the county to contribute to the cultural and artistic legacy of this region through the public art program. The purposes of the program include the following:

A. Integrate the work and thinking of artists into the planning, design and construction of county facilities, buildings, infrastructure and public spaces;

B. Enhance and enrich the county's physical environment and public spaces;

C. Celebrate the multicultural and diverse character of its communities;

D. Contribute a sense of ownership and pride in public facilities and spaces to county citizens;

E. Mitigate potential adverse impacts of construction;

F. Engage the citizens and communities of the county in creative partnerships with artists; and

G. Support, educate and assist citizens with their community activities in which public art plays a part. (Ord. 14482 § 23, 2002: Ord. 12089 § 4, 1995).

2.46.030 Definitions. Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. "Advisory committee" or "committee" means the public art advisory committee established by the cultural development authority to provide oversight and citizen involvement for the public art program.

B. "Artist selection panel" means a group of individuals, including artists, art and design professionals and nonartist citizen representatives established by the cultural

development authority to select artists to provide works or services in the planning, design and construction of county facilities, buildings, infrastructure and public spaces.

C. "Charter" means the articles of organization of the cultural development authority adopted by the county and all amendments thereto.

D. “Client department” means the county department, division or office responsible for construction or custodial management of a facility or capital improvement project ("CIP") project after construction is complete.

E. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.49.

F. “Public art program” means the program administered and implemented by the cultural development authority that includes the works and thinking of artists in the planning, design, and construction of facilities, buildings, infrastructure and public spaces to enhance the physical environment, mitigate the impacts of county construction projects, and enrich the lives of county residents through increased opportunities to interact with art.

G. “Public space” is any place or property within the county that is open to the general public for its use, is in public view or is generally accessible to the public. (Ord. 17527 § 53, 2013: Ord. 14482 § 24, 2002: Ord. 12089 § 5, 1995).

2.46.050 Artists’ involvement in public art program. It is the intent of the council to involve artists at the earliest appropriate project state. The cultural development authority shall establish the artist selection process and, in collaboration with the client department, define the scope of work on a case-by-case basis. Artists shall be included in a broad range of projects including, but not limited to:

A. Planning. Artists may be selected as planning consultants to assist in the evaluation of options, strategies, limitations and opportunities for art and aesthetic design in capital projects before the scope, quality, schedule and budget are fixed;

B. Collaboration with project design team. Artists may be selected to collaborate with design team members on construction or project work in which the creation, documentation and construction of the project is jointly developed with the county’s project managers, design team and the community with the goal of improving the aesthetics of the entire project;

C. Site-specific artwork. Artists may be selected to design artwork for a specific location; and

D. Individual works of art. Artists may be commissioned to create a work of art, or existing works of art may be purchased. (Ord. 14482 § 25, 2002: Ord. 12089 § 7, 1995).

2.46.060 Selecting artists. The cultural development authority shall select artists to participate in the county’s public art program through one of the following ways:

A. The cultural development authority may solicit applications from artists through an open competition. Through publicly advertised requests for applications process, the authority shall review submittals and may select an artist that meets the authority's requirements; or

B. The cultural development authority may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the authority may select an artist based upon the authority's requirements. (Ord. 14482 § 26, 2002: Ord. 12089 § 8, 1995).

2.46.090 Authorization to accept donations for public art.

A. The county may receive offers of donations of artwork or funds for public art. Potential donors shall be referred to the cultural development authority to discuss the nature of the gift and procedures for review and approval. The cultural development

authority shall review the proposal and recommend consideration or rejection of the offer, and make a site recommendation where applicable.

B. Financial gifts, bequests and donations recommended for acceptance by the cultural development authority shall be subject to approval by council motion consistent with K.C.C. 2.80.010, and, if approved by the council, shall be credited to the public art account within the arts and cultural development fund. Donated funds shall be accounted for individually and administered by the cultural development authority until fully expended in a manner consistent with the donor's restrictions and the council motion that approved the donation. (Ord. 14482 § 27, 2002: Ord. 12089 § 11, 1995).

2.46.120 Multicultural art. King County is committed to participation by multicultural and ethnic artists in public art. Therefore, the cultural development authority shall, within available funding, take necessary actions to:

1. Ensure that juries and commissioned artists reflect the ethnic diversity of the population of King County; and

2. Support and develop projects that create opportunities for multicultural and ethnic artists. (Ord. 14482 § 28, 2002: Ord. 12089 § 14, 1995: Ord. 9134 § 7, 1989. Formerly K.C.C. 4.40.060).

2.46.150 County responsibilities for public art projects.

A. The county is committed to ensuring the success of the public art program, facilitating strong partnerships between county client departments and with the cultural development authority, promoting efficiencies and offering maximum benefit to county citizens. The executive shall ensure county departments and agencies communicate regarding the management of existing and future county artwork and perform their duties related to public art and fully cooperate with the cultural development authority in its performance of its responsibilities. The responsibilities of county departments and agencies shall include, but not be limited to, the following actions and obligations:

1. Client departments procuring artists' services or artworks shall follow the procedures of the public art program developed by the cultural development authority. The authority shall administer all contracts with artists engaged in public art activities and serve as the liaison between the artists and the client department;

2. To facilitate early artist involvement, the client department shall provide the cultural development authority with information on proposed capital improvements during the early planning phases of these projects;

3. Not all projects that generate funding for public art must include an art component. On an annual basis, each client department and the cultural development authority shall review all eligible capital improvement projects and the pooled departmental appropriations for public art to develop a prioritized list of projects that are the most appropriate for inclusion of public art. The following criteria shall be used to evaluate potential projects:

a. the project has high public visibility and accessibility;

b. the project presents unique opportunities for public art;

c. the project presents an opportunity to partner with another agency or leverage the county's resources;

d. the area of a project is underserved by other arts service providers or there is a lack of public art in a particular area;

e. the community affected by the project has expressed a strong desire for public art;

f. there is a legal mandate to include the artwork within a particular project; and

g. the project's construction or siting may be mitigated by the inclusion of public art.

2. The director of the client department shall meet annually with the cultural development authority to prioritize projects, assess possibilities for artist involvement and review the ways that public art can help achieve the department's mission and goals;

3. The cultural development authority and the client department shall collaboratively define the scope of the artist's involvement, the project specific art budget, project development schedule and the architectural and engineering team's responsibilities in working with the art project;

4. The client department must advise the artist selection panel established by the cultural development authority regarding the technical parameters of the project and the department's goals during the selection process.

5. The client department shall ensure that:

a. Requests for qualifications (RFQs) or requests for proposals (RFPs), for consulting services, require coordination with the cultural development authority when the project includes public art; and

b. Consultants' contracts include coordination with the project's artists as part of the scope of service;

6. The client department shall include the cultural development authority as an advisor during the consultant selection process for capital projects that include art;

7. Following incorporation of art into the county's art collection, the county shall provide to the cultural development authority the name of a department employee who works at or near the site of the artwork who is responsible on behalf of the county for the artwork and who may be listed on public art collection records as the client department's contact person with respect to the artwork; and

8. The county shall ensure that its artworks are properly maintained, protected and restored.

B. Annually, the county and the cultural development authority shall negotiate an agreement for management and rotation services, maintenance, protection and restoration of the county's public art collection, including, but not limited to, services needed to comply with contracts for commissioned artwork. The annual appropriation for these services shall be determined in the county's annual budget. (Ord. 14482 § 31, 2002).

2.46.160 Cultural development authority responsibilities for the development of public art projects. The cultural development authority shall:

A. Advise the executive and the council regarding the county's public art program;

B. Develop policies and program guidelines for consideration by the council;

C. Identify projects that can benefit from artists' involvement;

D. Establish an artist selection panel. Consultants, if available, may also serve as nonvoting advisors to the panel;

E. Select and commission artists;

F. Provide design review for public art projects;

G. Serve as the adjudicating body to resolve disputes involving aesthetic judgment relative to the county's public artwork;

H. Provide oversight for the maintenance of public artwork after the work is in place;

I. Designate sites;

J. Determine project-specific budgets for public art;

K. Develop recommendations regarding acceptance of any gifts, bequests or donations of artwork to the county intended for inclusion in the county's public art collection;

L. Review any action requiring deaccessioning, which is removal of artwork from the county's public art collection; and

M. Review any action requiring relocation or proposed alterations of integrated or site specific artworks included in the county's public art collection. (Ord. 14482 § 32, 2002).

2.46.170 Contracts - review and approval. The county and the cultural development authority shall annually review and develop contracts for the purchase of commissioned public artwork. The cultural development authority shall rely on the approved contracts for the procurement of all public artwork A contract may include a scope of work attachment subject to approval by a representative from the county client department. The cultural development authority shall not alter the contract for public artwork without first obtaining permission from the county in writing. (Ord. 14482 § 33, 2002).

2.46.180 Public art advisory committee. The cultural development authority shall establish a public art advisory committee to advise the authority's board regarding policies and public art, as set forth in K.C.C. 2.46.160. Committee members shall be conversant with public art, experienced with community issues and concerns, and sought from a range of professionals including artists, architects, landscape architects, arts administrators, urban planners and designers, community arts activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in the authority's charter. (Ord. 14482 § 34, 2002).

2.48 CULTURAL PROGRAMS

Sections:

2.48.020 Definitions.
2.48.030 Policy.
2.48.045 Responsibilities for cultural programs.
2.48.065 Arts advisory committee.
2.48.075 Heritage advisory committee.
2.46.085 Historic preservation advisory committee.
2.48.101 Cultural education program.
2.48.103 Special projects program.
2.48.105 Cultural facilities program.
2.48.108 Sustained support program for arts
2.48.109 Sustained support program for heritage.
2.48.125 Compliance with antidiscrimination legislation.

2.48.020 Definitions. Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

A. "Charter" means the articles of organization of the cultural development authority adopted by the county and all amendments thereto.

B. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.49.

C. "Cultural education" means the sequential and comprehensive study of the elements of the various arts and heritage forms and how to use them creatively, including instruction in skills, critical assessment, the history of the arts and heritage

forms and aesthetic judgment.

D. "Cultural facilities" means publicly accessible buildings and structures that are used primarily for the performance, exhibition or benefit of arts and heritage activities, including, but not limited to, performing arts, visual arts, heritage and cultural endeavors.

E. "Cultural programs" means the programs for cultural education, cultural facilities, special projects and sustained support.

F. "Cultural resources" means community and regional programs and projects relating to performing, visual, literary and other arts; public and civic art; heritage; museum and archival collections; historic preservation; cultural education; and cultural organizations, institutions and attractions.

G. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama, theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.

H. "Fixed assets" means tangible objects such as machinery or equipment intended to be held for ten years or more that will benefit cultural institutions.

I. "Heritage" means King County's history, ethnic history, indigenous and traditional culture, folklore and historic and archaeological resources and those projects and programs initiated by the authority to preserve King County's heritage and to support community and regional heritage organizations and public agencies in such efforts.

J. "Historic preservation" means the preservation or conservation of the county's historic and archaeological resources and those programs and projects initiated by the authority to foster such preservation or conservation through non-regulatory activities such as interpretation, community education and outreach, cultural tourism and rehabilitation of historic resources.

K. "Hotel-motel tax revenues" means funds designated for cultural purposes as described in RCW 67.28.180 and deposited into the arts and cultural development fund and used for the purposes described in this chapter and K.C.C. chapter 4.42.

L. "Individual artist" means an artist acting individually and independently without affiliation to or with another individual, group or organization. (Ord. 17527 § 60, 2013: Ord. 17461 § 2, 2012: Ord. 14482 § 35, 2002: Ord. 12945 § 1, 1997: Ord. 12089 § 17, 1995: Ord. 11684 § 11, 1995: Ord. 8300 § 2, 1987).

2.48.030 Policy.

A. It is the policy of King County to foster the excellence, vitality and diversity of cultural programs in the county and to make opportunities to experience cultural programs available to all citizens of the county because:

1. King County recognizes that arts and heritage institutions and organizations and professional artists, heritage specialists and historic preservationists, working in partnership with the region's tourism industry, attract visitors and enhance the county's national and international reputation as a cultural center.

2. King County recognizes that the transmission of historical and cultural values and traditions from one generation to the next is essential to the sense of identity of communities, ethnic and cultural groups, and of all citizens of King County.

3. King County recognizes that a healthy and well-balanced future citizenry is dependent upon the promotion of comprehensive cultural education programs for today's youth and that cultural education, in the classroom and in the community, is an integral part of building audiences, appreciation and support for cultural programs.

4. King County recognizes that the loss or destruction of historic structures, sites and artifacts constitutes an irreplaceable loss to the quality of life and character of King County.

5. King County recognizes that its support for the cultural community should be

distributed to major regional, mid-sized, emerging and community-based organizations.

6. King County recognizes that support for the development of cultural activities should be distributed throughout all parts of the county, including urban, suburban, rural and incorporated and unincorporated areas; and

7. King County recognizes that support for the work of individual artists and heritage specialists is important to ensure the continuance of diverse creative expression.

B. To carry out this policy, the cultural development authority is hereby authorized to develop and implement cultural programs in King County.

C. The county is committed to ensuring the success of cultural programs and facilitating strong partnerships between the county, cultural development authority and cultural community. The executive shall ensure county departments and agencies perform their duties related to cultural programs and fully cooperate with the cultural development authority in its performance of its responsibilities. (Ord. 14482 § 36, 2002: Ord. 12945 § 2, 1997: Ord. 8300 § 3, 1987).

2.48.045 Responsibilities for cultural programs. The cultural programs described in this chapter shall be implemented and administered by the cultural development authority. The duties and authorities of the cultural development authority shall include the following:

A. Developing policies, guidelines and eligibility criteria for consideration by the council for cultural programs;

B. Considering and approving project and grant proposals;

C. Reviewing, evaluating and accounting for expenditures of program funds; and

D. Annually reporting program results to the county executive and county council. (Ord. 14482 § 37, 2002).

2.48.065 Arts advisory committee. The cultural development authority shall establish an arts advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with arts practices and programs; experienced with community issues and concerns; and sought from a range of professionals including individual artists, arts administrators, educators and community arts activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in its charter. (Ord. 14482 § 38, 2002).

2.48.075 Heritage advisory committee. The cultural development authority shall establish a heritage advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with heritage practices and programs; experienced with community issues and concerns; and sought from a range of professionals including educators, heritage specialists, historians and community heritage activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in its charter. (Ord. 14482 § 39, 2002).

2.48.085 Historic preservation advisory committee. The cultural development authority shall establish a historic preservation advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with historic preservation practices and programs; experienced with community issues and concerns; and sought from a range of professionals including educators, historic preservationists, historians and community heritage activists as well as business professionals and others. The appointment process and terms of service

shall be established by the cultural development authority as set forth in its charter. (Ord. 14482 § 40, 2002).

2.48.101 Cultural education program.* There is hereby established the King County cultural education program. The program shall consist of one-year grants for projects developed by cultural organizations or projects proposed and developed by the cultural development authority for the purpose of enriching existing and creating new cultural education program. The cultural education program shall be an annual program administered by the cultural development authority, consistent with this chapter and the charter and shall be contingent on available hotel-motel tax revenues. The cultural education program shall be subject to the following:

A. All cultural organizations that meet the criteria contained in this chapter and any applicable guidelines approved by the cultural development authority for the King County cultural education program are eligible to apply for the King County cultural education program grants. School districts and schools shall not receive revenues distributed under this section;

B. Moneys granted to the individual cultural organizations shall be used to enrich existing cultural education programs or to create new ones and in any event shall be expended only for direct costs for cultural education, which may include fees for artists, cultural specialists, experts in cultural education, and performing and visual arts and heritage organizations. Any application for moneys to enrich existing or to create new arts, cultural or heritage programs shall be developed by the applicant or applicants in joint cooperation with a King County public school or school district;

C. Organizations proposing projects for all grades shall be eligible for grant funding under this chapter. However, while funds are minimal, projects proposed for grades K-8, or grades K-9 in schools where grade 9 remains in the middle school configuration, shall receive priority for funding;

D. The cost of administering the King County cultural education program shall be minimal;

E. Applications must describe the intended use of the grant funds. The intended use must be for cultural education projects serving either King County schools or public school districts, or both. Grant applications may address the needs of special student populations, such as at-risk students and students with handicaps or disabilities, and other youth of school age who are not currently in school, such as youth in detention and those who have dropped out of school;

F. There shall be written application guidelines and procedures, which shall include eligibility criteria, scope of program and funding requirements. The guidelines, criteria and application procedures shall be adopted by the cultural development authority. Established criteria shall include commitment and ability to provide student learning in cultural endeavors. The cultural development authority shall establish procedures for evaluation of programs and accountability of funds;

G. Grant awards shall reflect a countywide geographic distribution, and shall include projects serving public schools and public school districts from various affluent and less-affluent communities; and

H. Approval of grants shall be made by the cultural development authority consistent with this chapter and the charter. Grant decisions shall be made on a competitive basis and in accordance with criteria established in accordance with subsection F of this section. Grants made under the King County cultural education program shall recognize that Bellevue is receiving its own hotel-motel tax revenues, and therefore preference shall be given to applications serving other areas of the county. Grants to organizations proposing worthwhile projects in Bellevue public schools are not

precluded. (Ord. 14482 § 41, 2002: Ord. 14440 § 4, 2002: Ord. 11242 § 4, 1994: Ord. 10189 § 4, 1991: Ord. 9279 § 4, 1989. Formerly K.C.C. 4.42.030).

***See K.C.C. 4A.200.140 for the arts and cultural development fund.**

2.48.103 Special projects program.

A. There is hereby established the King County special projects program. This program shall consist of competitive grants or projects proposed and developed by the cultural development authority, for funding innovative arts project, heritage endeavors and collaborative programs that reflect the cultural and geographic diversity of King County and are not funded by other county programs. The special projects program shall be an annual program administered by the cultural development authority and shall be contingent on available hotel-motel tax revenues. Approval of grants shall be made by the cultural development authority consistent with this chapter and the charter. Grants may be made to arts and heritage organizations, individual artists, heritage specialists, community educational organizations and community arts groups and public agencies that reflect the multicultural, ethnic and geographic diversity of King County. Applications must describe the intended use of the grant funds, and applicants may request full cost recovery.

B. There shall be written guidelines and procedures for applying for grants that shall include eligibility criteria, scope of program and funding needs. The guidelines and procedures shall be adopted by the cultural development authority.

C. The funds expended for the King County special projects program shall be used to expand the role of local arts and heritage organizations and individuals as artistic and cultural educational resources that develop King County through arts and historic events and features in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). The purposes of these expenditures shall be to:

1. Produce special projects and programs that highlight the region's cultural resources;

2. Assist in providing and bringing touring programs and exhibits on the regional and national level to King County;

3. Improve cultural opportunities and audience development that promote the cultural diversity and multicultural heritage of the region, with particular emphasis on special populations, multicultural audiences and King County youth;

4. Encourage and provide an exchange of services and technical assistance between larger and smaller organizations, individual artists and heritage professionals;

5. Address the needs of either mid- and smaller-sized organizations or individual artists and heritage professionals, or both;

6. Provide opportunities for independent artists to produce new works; and

7. Develop heritage projects that make a significant contribution to the preservation, conservation or interpretation of the historical and archaeological resources of King County.

D. Eligible applicants shall include, but not be limited to, individual artists, arts and heritage organizations, community arts and cultural groups, community educational organizations and family and youth programs relating to cultural endeavors that reflect the multicultural, ethnic and geographic diversity of King County.

E. The cost of administering the program shall be minimal.

F. The cultural development authority may also develop and sponsor special projects that meet the program purposes described in subsection C of this section. (Ord. 14482 § 66, 2002: Ord. 14440 § 5, 2002: Ord. 11242 § 7, 1994: Ord. 10189 § 9, 1991: Ord. 9279 § 8, 1989. Formerly K.C.C. 4.42.060).

2.48.105 Cultural facilities program. King County recognizes that the cultural

facilities program has helped build a cultural infrastructure in the region with projects including the Bellevue Art Museum, Benaroya Hall, the Olympic Sculpture Garden and many more. Arts organizations such as the Seattle Center Foundation and heritage organizations such as the Museum of History and Industry are in the process of constructing regional cultural facilities and are seeking capital contributions in 2003. The county strongly supports these projects and encourages the cultural development authority of King County to recognize and assist these organizations to meet their financial goals through private and public donors.

A. The cultural facilities program shall be administered by the cultural development authority. Approval of grants shall be made by the cultural development authority consistent with this chapter and the charter.

B. The funds allocated to the cultural facilities program shall be used only for the purchase, design, construction and remodeling of performing arts, visual arts, heritage and cultural facilities and for the purchase of fixed assets that will benefit art, heritage and cultural organizations, but heritage facility funding may also be used for heritage sustained support.

C. Funds may be spent on providing assistance for planning and improvement of cultural facilities, providing for the preservation and restoration of cultural facilities otherwise eligible for funding pursuant to this chapter and providing funds to cultural organizations to comply with Section 504 of the Federal Rehabilitation Act of 1973, as amended.

D. Funds received under this section may be used for payment of principal and interest on bonds issued for cultural capital projects. The manager of the finance and business operations division shall manage the program's debt incurred before and including December 31, 2002, to ensure continued high credit quality, access to credit markets and financial flexibility. The cultural development authority shall be responsible for program debt incurred from and after January 1, 2003.

E. Eligible applicants shall include performing arts, visual arts, heritage and cultural organizations. Eligible applicants must be financially stable and have at least the following:

1. A legally constituted and working board of directors;
2. A record of artistic, heritage or cultural accomplishments;
3. At least a two-year operating history;
4. Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
5. Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
6. Evidence of an independent financial review of the organization. (Ord. 14482 § 42, 2002: Ord. 14440 § 6, 2002: Ord. 14199 § 86, 2001: Ord. 12076 § 49, 1995. Formerly K.C.C. 4.42.100).

2.48.108 Sustained support program for arts.

A. There is hereby established the King County sustained support program for arts. The purpose of this program shall be to provide operating support to arts organizations and local arts agencies with a demonstrated record of providing or facilitating quality arts experiences for residents of and visitors to King County.

B. The sustained support program for arts shall be administered by the cultural development authority. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. Approval of grants shall be made by the cultural development authority consistent with this chapter and the charter. Financial stability and a previous record of artistic accomplishments, and a demonstrated commitment to provide ongoing cultural programs or events for the benefit

of King County residents and visitors shall be considered in the application review process. Grant recommendations shall reflect a countywide geographic distribution, and shall include organizations of all sizes and in all artistic disciplines.

C. Eligible applicants are:

1. Not-for-profit arts organizations based in King County with a minimum of three years presenting or producing arts programs for King County residents. For the purposes of this subsection, "not-for-profit arts organizations" means those legally incorporated nonprofit entities that provide as their primary mission a regular season of arts programs or services, which may include a season or annual program of performances, exhibitions, media presentations, festivals, readings or literary publications;

2. Not-for-profit arts service organizations that provide arts education and training, and professional services such as administrative support, technical assistance or services to a variety of arts professionals or disciplines, including special populations, ethnic communities and underserved communities;

3. Local arts agencies, which are arts councils, arts commissions or similar entities that are nonprofit organizations or official units of municipal government based in a suburban or rural King County community specifically dedicated to providing arts services for its residents that meet the following criteria:

a. Have a minimum three-year history of providing arts services to the community in which it is based;

b. Are primarily dedicated to the provision of planning, financial support, services, programs and development opportunities for community based arts organizations, artists and the public during a major portion of the year; and

c. Are involved on a regular basis activities or programs in more than one arts discipline or arts service area;

4. Organizations that do not have a tax exemption under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)), which may apply under the sponsorship of another organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)). The applying organization shall act as an independent fiscal agent for the sponsoring organization and shall assume responsibilities required by the contract.

D. Eligible applicants must have a record of artistic or cultural accomplishments and must have been in operation for at least three years.

E. The funds expended for the King County sustained support program for arts shall be used to support the role of arts organizations and local arts agencies in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). Funds shall be used to support annual operating expenses, which may include staff, utilities, supplies, fees or services relating to arts programs and services that provide public benefit and are accessible to King County residents and visitors. Funds shall not be used for capital projects or fundraising purposes. (Ord. 14482 § 44, 2002: Ord. 14440 § 7, 2002. Formerly K.C.C. 4.42.108).

2.48.109 Sustained support program for heritage.

A. There is hereby established the King County sustained support program for heritage. The purpose of this program shall be to provide operating support to historical museums and heritage organizations that make exceptional contributions to the preservation, collection, exhibition, interpretation or protection of resources related to the history of the people and places of King County.

B. The sustained support program for heritage shall be administered by the cultural development authority. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. Approval of grants shall be made by the cultural development authority consistent with this chapter and

the charter. Grant recommendations shall reflect a countywide geographic distribution, and shall include organizations of all sizes and in all heritage disciplines. Financial stability and a previous record of accomplishments, and a demonstrated commitment to provide ongoing cultural programs or events for the benefit of King County residents and visitors shall be considered in the application review process.

C. Eligible applicants are:

1. Historical museums or heritage organizations with any combination of ongoing programs, exhibitions, presentations or tours and must be tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)); and

2. Public development authorities.

D. Eligible applicants must operate a heritage facility in King County and have a minimum of two years experience managing collections, presenting exhibits or providing other public services and programs with a focus on King County history and heritage.

E. The funds expended for the King County sustained support program for heritage shall be used to expand the role of local heritage organizations and provide access to cultural programs in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). The purpose of these funds is to offset the expenses and costs of heritage facility operations, including those for staff, utilities, supplies, fees or services that relate to public access to, or public benefits deriving from, programs and services involving the collection, preservation, exhibition, and interpretation of King County history and heritage resources, as well as the education of the public about them. The funds expended for the King County sustained support program for heritage shall not be used for any programs or services that do not: provide public access or public benefit; serve King County residents or visitors; comply with existing federal, state or local legislation; involve heritage facilities in King County; or relate to King County history and heritage. (Ord. 14482 § 45, 2002: Ord. 14440 § 8, 2002. Formerly K.C.C. 4.42.109).

2.48.125 Compliance with antidiscrimination legislation.

A. Arts and heritage organizations receiving funding from King County through the cultural development authority shall comply with federal, state and local laws that require that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 706), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), chapter 49.60 RCW (the Washington state law against discrimination) and K.C.C. chapter 12.22 (prohibiting discrimination in places of public accommodation).

B. Allocations by the cultural development authority to arts and heritage organizations shall be contingent upon the organizations being in compliance with the requirements of federal, state and local laws that require that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities, including, but not limited to, Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 706), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), chapter 49.60 RCW (the Washington state law against discrimination) and K.C.C. chapter 12.22 (prohibiting discrimination in places of public accommodation).

C. Arts organizations receiving funding from King County through the cultural development authority shall comply with state, federal and local legislation requiring nondiscrimination in employment and the provision of services to the public, including, but not limited to: Title VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the Washington state law against discrimination); K.C.C. chapter 12.16 regarding discrimination and affirmative action in employment by contractors, subcontractors and vendors; K.C.C. chapter 12.17 prohibiting discrimination in contracting; K.C.C. chapter 12.18 requiring fair

employment practices; and K.C.C. chapter 12.22 prohibiting discrimination in places of public accommodation.

D. Allocations by the cultural development authority of King County to arts and heritage organizations shall be contingent upon the organizations being in compliance with the requirements of with state, federal and local legislation requiring nondiscrimination in employment and the provision of services to the public, including, but not limited to: Title VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the Washington state law against discrimination); K.C.C. chapter 12.16 regarding discrimination and affirmative action in employment by contractors, subcontractors and vendors; K.C.C. chapter 12.17 prohibiting discrimination in contracting; K.C.C. chapter 12.18 requiring fair employment practices; and K.C.C. chapter 12.22 prohibiting discrimination in places of public accommodation. (Ord. 14482 § 47, 2002: Ord. 9051 §§ 1-2, 1989).

2.49 CULTURAL DEVELOPMENT AUTHORITY OF KING COUNTY

Sections:

2.49.020 Definitions.
2.49.030 Cultural development authority created.
2.49.040 Name.
2.49.050 Powers of authority.
2.49.060 Charter - approval.
2.49.070 Charter - effect of issuance.
2.49.080 Board of directors - established - appointments - duties.
2.49.090 Board of directors - organization.
2.49.100 Board of directors - removal of directors.
2.49.110 Bylaws.
2.49.120 Quorum.
2.49.130 County liability limited.
2.49.140 Insolvency and dissolution.
2.49.150 County executive - authorizations.
2.49.160 Reporting requirements.
2.49.170 Transfer of funds.
2.49.180 Transfer and use of county property, systems and leased office space.
2.49.200 Hotel-motel revenue allocations for cultural programs.

2.49.020 Definitions. Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

A. "Board of directors" or "board" means the governing body vested with the management of the affairs of the cultural development authority.

B. "Director" means a member of the board of the cultural development authority.

C. "Bylaws" means the rules adopted by the county for the regulation or management of the affairs of the cultural development authority and includes all amendments adopted by the board.

D. "Charter" means the articles of organization of the cultural development authority adopted by the county and all amendments thereto.

E. "Cultural bonds" means bonds issued by the county before December 31, 2002, backed by hotel-motel tax revenues to support the construction of cultural facilities.

F. "Cultural development authority" or "authority" means the public authority

created under this chapter.

G. "Cultural resources" means community and regional programs and projects relating to:

1. Performing, visual, literary and other arts;
2. Public and civic art;
3. Heritage;
4. Museum and archival collections;
5. Historic preservation;
6. Cultural education; and
7. Cultural organizations, institutions and attractions.

H. "Heritage" means King County's history, ethnic history, indigenous and traditional culture, folklore and historic and archaeological resources and those projects and programs initiated by the authority to preserve King County's heritage and to support community and regional heritage organizations and public agencies in those efforts.

I. "Historic preservation" means the preservation or conservation of the county's historic and archaeological resources and those programs and projects initiated by the authority to foster such preservation or conservation through nonregulatory activities such as interpretation, community education and outreach, cultural tourism and rehabilitation of historic resources.

J. "Hotel-motel tax revenues" means funds designated for cultural purposes as described in RCW 67.28.180 and deposited into the arts and cultural development fund and used for the purposes described in K.C.C. chapters 2.48 and 4.42.

K. "Resolution" means the form of action taken by the board of the cultural development authority. (Ord. 17527 § 61, 2013: Ord. 14482 § 5, 2002).

2.49.030 Cultural development authority created. A public authority is hereby created, with powers and limitations set forth in its charter and this chapter, exclusively to support, advocate for and preserve the cultural resources of the region in a manner that fosters excellence, vitality and diversity. The authority shall further the goals and objectives of the King County Comprehensive Plan, establish cultural resource policies and operate in a manner that ensures King County citizens and visitors have access to high-quality cultural programs and experiences. (Ord. 14482 § 3, 2002).

2.49.040 Name. The name of the public authority shall be the cultural development authority of King County. (Ord. 14482 § 4, 2002).

2.49.050 Powers of authority. Except as limited by the state constitution and state law, the King County Charter, this chapter or the charter of the cultural development authority, the cultural development authority may exercise all lawful powers necessary or convenient to effect the purposes for which the cultural development authority is organized and to perform authorized corporate functions, as provided in its charter and bylaws. (Ord. 14482 § 6, 2002).

2.49.060 Charter - approval. The charter of the cultural development authority, as set forth in Attachment A* to Ordinance 14482, is hereby approved. The clerk of the council shall, within ten days of October 11, 2002, issue the charter in duplicate originals, each bearing the county seal attested by the clerk of the council. The clerk of the council shall file and record one original charter with the records and licensing services division and provide one original charter to the county executive on behalf of the cultural development authority. The county may amend the charter by ordinance

after providing notice to and an opportunity for the directors to be heard and present testimony. (Ord. 15971 § 38, 2007: Ord. 14482 § 7, 2002).

2.49.070 Charter - effect of issuance. The cultural development authority shall commence its existence effective upon issuance of its charter. Except as against the state or the county in a proceeding to cancel or revoke the charter, delivery of a duplicate original charter shall conclusively establish that the authority has been established in compliance with the procedures of this chapter. (Ord. 14482 § 8, 2002).

2.49.080 Board of directors - established - appointments - duties. A board consisting of fifteen directors and five ex officio members, as provided in the charter, is hereby established to govern the affairs of the cultural development authority. The directors shall be appointed by the county executive and serve their terms as provided in the charter. Appointments shall be subject to confirmation by the county council. All corporate powers of the authority shall be exercised by or under the authority of the board of directors. The business, property and affairs of the authority shall be managed under the direction of the board, except as may be otherwise provided for by law or in the charter. (Ord. 14482 § 9, 2002).

2.49.090 Board of directors - organization. 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 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. (Ord. 14482 § 10, 2002).

2.49.100 Board of directors - removal of directors. If, after a full public hearing, the council for any reason determines that any or all of the directors should be removed from office, the council may by ordinance remove the director or directors. The term of any director removed under this section expires when the removal ordinance takes effect. Vacancies created under this section shall be filled in the manner provided in the charter. (Ord. 14482 § 15, 2002).

***Available in the King County Archives.**

2.49.110 Bylaws. The initial bylaws of the authority, as set forth in Attachment B* to Ordinance 14482, are hereby approved. The board may alter, amend or repeal the bylaws or adopt new bylaws, except as otherwise provided in this chapter. The bylaws shall be consistent with the charter. (Ord. 14482 § 11, 2002).

2.49.120 Quorum. At all meetings of the board of directors, a majority of the directors who are appointed and confirmed shall constitute a quorum. (Ord. 14482 § 12, 2002).

2.49.130 County liability limited. To the maximum extent permitted by law, the cultural development authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the authority shall be

satisfied exclusively from the assets and credit of the authority. No creditor or other person shall have any recourse to the assets, credit or services of the county on account of any debts, obligations, liabilities, acts or omissions of the cultural development authority. (Ord. 14482 § 13, 2002).

2.49.140 Insolvency and dissolution. After notice to the board and a public hearing, the county may determine by ordinance that the cultural development authority is insolvent or may by ordinance dissolve the authority. If the county determines the authority is insolvent or dissolves the authority, the county shall notify the superior court of King County, which shall proceed under RCW 35.21.750. (Ord. 14482 § 14, 2002).

2.49.150 County executive - authorizations.

A. The county executive is granted all power and authority reasonably necessary to perform the duties imposed on the county departments and agencies under this chapter, in K.C.C. chapters 2.46, 2.48, 4.08*, 4.40 and 4.42 and in the charter of the authority.

B. The county executive shall, to the extent permitted by law, assign the county's rights, interests, duties and obligations in contracts, agreements, grants and other written commitments entered into on or before December 31, 2002, for cultural resources programs and projects to the cultural development authority. However, the county shall retain all rights, interests, duties and obligations related to ownership of works of art for the county's public art collection.

C. The county executive shall ensure that moneys in the funds designated by ordinance to be available to the cultural development authority are effectively, efficiently and promptly transferred to the authority. (Ord. 14482 § 16, 2002).

***Reviser's note: K.C.C. chapter 4.08 was recodified as K.C.C. chapter 4A.200 by Ordinance 17527.**

2.49.160 Reporting requirements.

A. By April 15 of each year, the authority shall submit an annual report to the county executive and the county council containing:

1. A statement of assets and liabilities, income and expenditures and changes in its financial position during the previous year;
2. A summary of significant accomplishments;
3. A list of depositories used;
4. A projected operating budget for the current fiscal year;
5. A summary of cultural programs, public art projects and all other projects and activities to be undertaken during the current year; and
6. Other information as may be required in the charter of the authority.

B.1. The authority shall meet with the county council's committee of the whole two times per year, once in the first half of the calendar year to discuss the authority's annual report and once in the second half of the calendar year to discuss the authority's plans and proposed expenditures for the following year.

2. The authority shall meet:

a. at least one time per year with the county executive; and

b. at least one time per year with directors and administrators of county departments and agencies that interface with the authority.

C. The authority shall respond to requests for additional information from the executive or from the council. The council shall make its request by motion. (Ord. 14482 § 17, 2002).

***Available in the King County Archives.**

2.49.170 Transfer of funds.

A. On January 1, 2003, King County shall transfer to the authority balances in the following funds, reserving only sufficient funds to meet current county obligations:

1. All hotel-motel tax revenues designated by the state of Washington and appropriated by the county council for cultural purposes in King County, including, but not limited to, all encumbered and unencumbered hotel-motel tax revenues in the arts and cultural development fund;

2. All current expense fund revenues designated or appropriated for cultural purposes, including, but not limited to:

a. fees for all government-to-government agreements for public art; and

b. the fund balance in the arts and cultural education fund (116);

3. All state and federal funds for cultural purposes, other than those listed in subsection A.1 of this section; and

4. All other funds and fees designated or appropriated for cultural purposes, except for funds that contain bond revenues and excess interest earnings as of December 31, 2002.

B. In addition to the transfer of fund balances on January 1, 2003, described in subsection A of this section, King County shall transfer future fund balances as follows:

1. Hotel-motel tax revenues designated by the state of Washington for cultural purposes in King County shall be transferred to the authority within ten business days of receipt by King County from the state of Washington and appropriated by the county council. By December 1, 2002, the King County office of budget and the office of cultural resources shall develop a schedule of the transfers. Twice each year while cultural bonds remain outstanding, the authority shall transfer back to King County sufficient hotel-motel tax revenues to allow the county to make required payments on the bonds;

2. Current expense amounts appropriated to the arts and cultural development fund, which shall be transferred to the authority not later than January 10 of the year for which those amounts have been appropriated;

3. Public art revenues, which shall be transferred to the authority not later than February 1 of the year for which those revenues have been appropriated;

4. Except for funds listed in subsection B.1 of this section, state and federal funds for cultural purposes, which shall be transferred to the authority within ten business days of receipt by King County of the funds from the federal or state governments; and

5. All other funds and fees appropriated to the arts and cultural development fund and for cultural purposes, which funds and fees shall be transferred to the authority within ten business days of receipt by King County.

C. King County shall not transfer funds and fees designated or appropriated to the King County landmarks commission for land use regulation and archaeological management purposes. (Ord. 17527 § 54, 2013: Ord. 14482 § 18, 2002).

2.49.180 Transfer and use of county property, systems and leased office space.

A. On January 1, 2003, the county shall transfer without charge county personal property used by the office of cultural resources on December 31, 2002, to the cultural development authority. The property shall include, but not be limited to, computers and software, electronic equipment, telephones and office furnishings, equipment, materials and supplies. The office of cultural resources and the office of budget shall complete a property transfer inventory on or before December 1, 2002, and the inventory shall be

used to effect the transfer.

B. The county shall allow access by the cultural development authority to the county's information and telecommunications systems, including, but not limited to, telephone service, voice mail, electronic mail and the county-wide area network, including all databases required by the cultural development authority to effectively carry out its work. The cultural development authority shall make payment for telephone system services upon billing by the county. By December 1, 2002, the King County office of budget and office of cultural resources shall develop a schedule for the payments. King County shall allow the cultural development authority access to the wide area network at no charge.

C. The county shall allow the cultural development authority to use the office space in the Smith Tower used by the office of cultural resources on December 31, 2002, for the remaining period under the county's lease for the space. The county shall determine through its annual budget process whether to pay the lease cost with current expense fund or other revenues. At the end of the lease period, the authority shall relocate to office space it acquires at its own expense or commence to pay for office space that, if available, may be provided by the county to the authority. (Ord. 14482 § 19, 2002).

2.49.200 Hotel-motel revenue allocations for cultural programs.

A. Hotel-motel revenues deposited in The King County arts and cultural development fund, created under K.C.C. 4.08.190*, shall be administered by the cultural development authority.

B. Hotel-motel revenues deposited in the King County arts and cultural development fund shall be used to support the cultural programs described in K.C.C. chapter 2.48: cultural facilities; cultural education; special projects; and sustained support. The hotel-motel revenues in the fund shall also support related administration of those programs by the cultural development authority.

C. Through December 31, 2012, at least forty percent of the hotel-motel revenues appropriated to the arts and cultural development fund and transferred to the cultural development authority shall be deposited in an account and used to establish cultural endowment. Principle and interest shall be managed by the cultural development authority in accordance with RCW 67.28.180(3)(a).

D. After allocating the hotel-motel portion of the arts and cultural development fund to administer cultural programs, the cultural development authority shall divide the hotel-motel revenues in the arts and cultural development fund between arts programs and heritage programs, but at least twenty percent of the revenue shall be allocated to heritage programs.

E. Beginning January 1, 2002, using revenues generated in 2001, outstanding debt service obligations shall be financed from hotel-motel revenues in the arts and cultural development fund. The obligations incurred before December 31, 2002, shall be managed by the department of executive services and paid by the cultural development authority.

F. After deducting the amount necessary to meet debt service obligations, the cultural development authority shall allocate hotel-motel revenues intended to support arts programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, eighty percent of remaining arts program revenues, but sustained support shall receive at least thirty percent of the eighty percent; and

2. For special projects and cultural education, twenty percent of remaining arts program revenues, but special projects shall receive at least thirty-four percent of the twenty percent.

G. After deducting the amount necessary to meet debt service allocations, the cultural development authority shall allocate hotel-motel revenues intended to support heritage programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, seventy percent of remaining heritage program revenues, but sustained support shall receive at least twenty percent of the seventy percent;

2. For special projects, thirty percent of remaining heritage program revenues, and

H. Hotel-motel revenues from the arts and cultural development fund shall not be used to support services and programs to be provided by the King County landmarks commission for land use regulation and archaeological resource management purposes as described in K.C.C. chapter 20.62. (Ord. 17461 § 3, 2012: Ord. 14917 § 1, 2004: Ord. 14482 § 43, 2002: Ord. 14440 § 3, 2002. Formerly K.C.C. 4.42.025).

***Reviser's note: K.C.C.4.08.190 was recodified as K.C.C. 4A.200.140 by Ordinance 17527.**

2.51 KING COUNTY FRAMEWORK POLICIES FOR HUMAN SERVICES

Sections:

2.51.010 Framework policies - implementation

2.51.010 Framework policies - implementation.

A. The framework policies for human services, dated April 2, 2007, and contained in Attachment A* to Ordinance 15887 are adopted to establish priorities and guide the future development of county human service programs. These priorities link directly to key policy and practice areas in human services, such as criminal justice system alternatives, ending homelessness, the service improvement plan for the veterans and human services levy and other regional plans and initiatives.

B. The department of community and human services shall have lead responsibility for implementing the framework policies for human services. The department shall work in cooperation with other county departments and offices also providing services to the priority populations, including, but not limited to, public health, adult and juvenile detention, natural resources and parks, superior court and transportation. The department shall continue to provide opportunities throughout planning processes for participation by other regional funding organizations that also provide services to the county's priority populations, in order to better plan for and coordinate human services across the region. (Ord. 15887 § 2, 2007: Ord. 14498 § 5, 2002: Ord. 13629 § 1, 1999).

***Available in the King County Archives.**

2.52 KING COUNTY OFFICE OF CITIZEN COMPLAINTS/TAX ADVISOR

Sections:

2.52.010 Definitions.
2.52.020 Establishment of office.
2.52.030 Appointment of director.
2.52.040 Qualifications.
2.52.050 Term of office.
2.52.080 Organization of office.
2.52.090 Powers.

2.52.100 Matters appropriate for investigation.
2.52.110 Action on complaints.
2.52.120 Right to present witnesses - Consultation with agency.
2.52.130 Recommendations.
2.52.140 Publication of recommendations.
2.52.150 Written reports.
2.52.160 Disciplinary action against public personnel.
2.52.170 Rights and duties of witnesses - Enforcement of subpoenas.

2.52.010 Definitions. 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 personal staff,
4. The county prosecuting attorney or his 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. (Ord. 11107 § 2, 1993: Ord. 5869 § 1, 1982: Ord. 473 § 1, 1970).

2.52.020 Establishment of office. The King County office of citizen complaints/tax advisor is established. (Ord. 11107 § 3, 1993: Ord. 5869 § 2, 1982: Ord. 473 § 2, 1970).

2.52.030 Appointment of director. The director of the office of citizen complaints/tax advisor shall be appointed by a majority of the members of the county council. (Ord. 11107 § 4, 1993: Ord. 5869 § 4, 1982).

2.52.040 Qualifications. 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 is appointed, he shall be ineligible to hold any other public office of employment. He shall not be a candidate for any public office for a period of two years following the completion of his 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. (Ord. 11107 § 5, 1993: Ord. 5869 § 5, 1982: Ord. 473 § 4, 1970).

2.52.050 Term of office. 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 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. (Ord. 10340 § 1, 1992: Ord. 5869 § 6, 1982: Ord. 473 § 5, 1970).

2.52.080 Organization of office.

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 the director deems necessary to discharge his or her 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 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. (Ord. 15393 § 1, 2006: Ord. 11107 § 6, 1993: Ord. 5869 § 9, 1982: Ord. 473 § 8, 1970).

2.52.090 Powers. The director shall have the following powers:

A. To investigate, on complaint or on his own, any administrative act of any administrative agency;

B. To prescribe the methods by which complaints are made, received and acted upon; he may 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 conclusions and recommendations;

C. To request and he shall be given by each administrative agency the assistance and information he deems necessary for the discharge of his responsibilities; he may examine the records and documents of all administrative agencies; and he may 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 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. 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. (Ord. 11107 § 7, 1993: Ord. 9704 § 11, 1990: Ord. 473 § 9, 1970).

2.52.100 Matters appropriate for investigation.

A. In selecting matters for his 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. (Ord. 473 § 10, 1970).

2.52.110 Action on complaints.

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

1. The complainant has available to him another remedy or channel of complaint which he 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 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. (Ord. 11107 § 8, 1993: Ord. 473 § 11, 1970).

2.52.120 Right to present witnesses - Consultation with agency.

A. Any individual who is the subject of a complaint shall have the right to present witnesses and other evidence in his 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 intends to publish. (Ord. 473 § 12, 1970).

2.52.130 Recommendations.

A. If, having considered a complaint and whatever material he 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 shall state his recommendations to the administrative agency. If the director so requests, the agency shall inform him, within the time he has specified, about the action taken on his 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 shall bring to the attention of the council his views concerning desirable legislative change. (Ord. 5869 § 10, 1982: Ord. 473 § 13, 1970).

2.52.140 Publication of recommendations. The director may publish his 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 by way of explaining past conduct or present rejection of the director's proposals. The

director shall not publish any interim or confidential reports. (Ord. 5869 § 11, 1982: Ord. 473 § 14, 1970).

2.52.150 Written reports. In addition to whatever reports he 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 functions during the preceding calendar period. In discussing matters with which he 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. (Ord. 5869 § 12, 1982: Ord. 473 § 15, 1970).

2.52.160 Disciplinary action against public personnel. 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 shall refer the matter to the appropriate authorities. (Ord. 473 § 16, 1970).

2.52.170 Rights and duties of witnesses - Enforcement of subpoenas.

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 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. (Ord. 11107 § 9, 1993: Ord. 473 § 18, 1970).

2.53 CITIZENS' ELECTIONS OVERSIGHT COMMITTEE

Sections:

2.53.011 Establishment - definition.
2.53.021 Membership - appointment process, requirements and restrictions.
2.53.031 Mission - duties.
2.53.041 Responsibilities.
2.53.051 Staffing - evaluation of elections operations.
2.53.061 Reimbursement - parking.

2.53.011 Establishment - definition The King County citizens' elections oversight committee is hereby established. For the purposes of this chapter, "the committee" means the King County citizens' elections oversight committee. (Ord. 15453 § 2, 2006).

2.53.021 Membership - appointment process, requirements and restrictions.

A. Committee membership shall include:

1. One representative from a nonpartisan organization active in King County that evaluates candidates and ballot measures, such as the Municipal League;

2. One representative from a nonpartisan organization active in King County that provides elections information to the public, such as the League of Women Voters;

3. One representative of an independent research and policy institute;

4. One representative from a junior taxing district;

5. One representative of the Chinese-speaking community;

6. One representative of the Vietnamese-speaking community;

7. One representative from each of any other language minority community for which the Director of the Bureau of the Census determines by publication in the Federal Register that King County is required to provide minority language assistance under Section 203 of the Voting Rights Act;

8. Two King County registered voters who are not representatives of any of the groups listed in subsection A.1. through 7. and 9. through 14. of this section;

9. One representative from the King County Democratic Party;

10. One representative from the King County Republican Party;

11. One representative from the Washington state Democratic Party;

12. One representative from the Washington state Republican Party;

13. One ex officio, nonvoting representative from the Office of the Secretary of State; and

14. One ex officio, nonvoting representative from the Washington State Association of County Auditors;

B. The process for filling vacancies on the committee is:

1. The chair of the council shall notify councilmembers of vacancies on the committee and shall direct council staff to develop a job description and list of qualifications for committee members, as well as an application form;

2. The open positions shall be advertised at a minimum in the county's newspaper of record;

3. The chair of the council shall direct council staff to develop administrative procedures for accepting applications. All applications shall be forwarded to all county councilmembers. Applications shall also be forwarded to the citizens' elections oversight committee for review and the committee may provide feedback to the employment and administration committee;

4. The employment and administration committee shall review applications, and may interview applicants. By majority vote, the employment and administration committee shall appoint members to the citizen oversight committee; and

5. Appointments shall be confirmed or rejected by the full council by motion.

C. When the Director of the Bureau of the Census determines by publication in the Federal Register that King County is no longer required to provide minority language assistance under Section 203 of the Voting Rights Act to a language minority community, the term of the committee member representing that community expires and committee membership representing that community is no longer required.

D. All members should have:

1. A working knowledge of local or state government elections operations and management;

2. A strong commitment to an accountable, transparent, well-managed and efficient elections operation in King County; and

3. A willingness to commit the time necessary to attend committee meetings and activities.

E. Except for the member representing the Washington State Association of Auditors, a nominee or appointee to the committee shall not hold elective public office or be a candidate for election to public office, other than as a precinct committee officer.

F. Except for the ex officio members, members shall serve three-year terms. However, the representatives representing the groups under subsection A.6, 10. and 11. of this section appointed in 2006 initially shall serve one-year terms and the representative representing the group under subsection A.1, 2, 8. and 9. of this section appointed in 2006 initially shall serve a two-year term. Ex officio members serve at the pleasure of their office or association. The member representing the Vietnamese-speaking community shall serve a three-year term that begins on the date of appointment to the committee and expires December 31, three years after the appointment. Any other members that may be added as required by this ordinance and under Section 203 of the Voting Rights Act shall serve three-year terms that begin on the date of appointment to the committee and expire December 31, three years after the appointment. (Ord. 17273 § 1, 2012: Ord. 16203 § 1, 2008: 15453 § 3, 2006).

2.53.031 Mission - duties. The mission of the committee is to help King County restore and maintain public confidence in elections. The committee shall make recommendations to the council to:

A. Improve performance of the elections division; and

B. Help ensure that accountability and performance of the department of elections is provided in a transparent manner that is meaningful to the residents of King County. (Ord. 18167 § 23, 2015: Ord. 15971 § 39, 2007: Ord. 15453 § 4, 2006).

2.53.041 Responsibilities.

A. Before undertaking its other responsibilities identified in this chapter, the committee shall elect officers and adopt administrative procedures consistent with this chapter.

B. To accomplish its responsibilities as outlined in this chapter, the committee shall complete the following tasks:

1. Review recent reports on elections and recent legislation that affects elections standards, procedures, equipment and technologies;

2. Conduct oversight of the implementation of new standards or procedures for elections as mandated by federal, state or county legislation;

3. Monitor the primary and general elections and canvassing board meetings to observe if proper procedures are followed, to report on any problems that are observed or come to light, to recommend corrective actions on problems that may arise and to ensure that any problems that arise are discussed in an open and public manner. The committee shall report to the council in a timely way on any significant problems that might occur or on any serious concerns the committee may have;

4. Meet at least quarterly; and

5. Submit a report to the council on its observations, findings and recommendations regarding the primary and general elections by February 1 of each year by filing eleven copies of the report with the clerk of the council for distribution to all councilmembers. (Ord. 15453 § 5, 2006).

2.53.051 Staffing - evaluation of elections operations.

A. The council shall provide for appropriate staffing of the committee.

B. County staff in the department of executive services and the department of elections shall provide information requested by the committee in a timely manner.

C. By March 31, 2009, the citizens' elections oversight committee shall evaluate the extent to which county elections operations have changed or improved over the previous four years and whether there is a need for an ongoing elections oversight committee. This evaluation shall be submitted to the clerk of the council. The council shall then make its own determination on the need for an ongoing elections oversight committee. (Ord. 18167 § 24, 2015: Ord. 15971 § 40, 2007: Ord. 15453 § 6, 2006).

2.53.061 Reimbursements - parking. The county shall reimburse committee members for mileage at the standard county reimbursement rate for travel within the county to and from committee meetings. The county shall provide parking free of charge in the county garage to committee members while attending meetings where committee business is conducted or the county shall pay for parking for committee business conducted at locations not near the county garage. (Ord. 15453 § 7, 2006).

2.55 SECTION 504/ADA ADVISORY COMMITTEE

Sections:

2.55.010 Section 504/ADA advisory committee

2.55.010 Section 504/ADA advisory committee.

A. Creation. There is hereby created a King County Section 504/Americans with Disabilities Act (hereinafter referred to as the ADA) Advisory Committee, hereinafter referred to as the 504/ADA committee.

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

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

1. Review the 504/ADA compliance workplan and make recommendations towards improving its effectiveness;

2. Review and monitor the progress of the 504/ADA compliance workplan; and

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

D. Staffing. Appropriate staff to the 504/ADA committee shall be provided by the executive, including the Section 504/ADA compliance specialist in such department of information and administrative services.*****

E. Designation of Americans with Disabilities Act coordinator. The Section 504/ADA compliance specialist in the department of information and administrative services***** is the designated county employee to coordinate the county's effort to comply with and carry out its responsibilities under the ADA and its implementing regulations. (Ord. 12058 § 9, 1995: Formerly K.C.C. 3.10.080).

***Reviser's note: The reference to the department of information and administrative services is apparently erroneous. The department became part of the department of executive services in 2002 under Ordinance 14199, 2001.**

2.56 EMERGENCY MANAGEMENT*

Sections:

2.56.010 Declaration of policy and purpose.
2.56.020 Definitions.
2.56.030 Office of emergency management organization – establishment.
2.56.040 Powers and duties.
2.56.050 Use of existing resources.
2.56.060 Continuity of government.

***Note: For the statutory provisions regarding Washington Emergency Management Act, see chapter 38.52 RCW.**

2.56.010 Declaration of policy and purpose. 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, 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. (Ord. 12163 § 6, 1996: 12075 § 14, 1995).

2.56.020 Definitions. Terms used herein shall be given their common and ordinary meaning except where otherwise declared or clearly apparent from the context. Additionally, the following definitions shall apply:

A. "Emergency management" means the preparation for and the carrying out of all emergency functions to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage caused by all hazards,

whether natural or human-made, and to provide support for search and rescue operations for persons or property in distress pursuant to the provisions of chapter 38.52 RCW.

B. "Emergency" or "disaster" means an event or set of circumstances such as fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, which demands the immediate preservation of order or of public health or the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed, or where delay will result in financial loss to the county or for the relief of a stricken community overtaken by such occurrences or which reaches such a dimension or degree of destructiveness or warrants the executive to proclaim a state of emergency pursuant to K.C.C. 12.52.030 and/or the execution of emergency management operations plans.

C. "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine or air activity, any person who becomes lost, injured or is killed while outdoors or as a result of a natural or human-made disaster, including instances involving searches for downed aircraft when ground personnel are used.

D. "Vacancy" means that the office of a county official is legally unoccupied due to the incumbent's death, resignation, incapacity, declaration of incompetency by a court of competent jurisdiction, or other reason as provided for in Article 680 of the county charter. (Ord. 12163 § 7, 1996: Ord. 7790 § 3, 1986).

2.56.030 Office of emergency management - establishment. There is established pursuant to state law the King County office of emergency management, the operation of which shall be the responsibility of the director of the department of executive services. The mission of the office of emergency management shall be to provide for the effective direction, control and coordination of county government emergency services functional units, and to provide liaison with other governments and the private, nongovernmental sector, in compliance with a state-approved comprehensive emergency management plan and to serve as the coordinating entity for cities, county governmental departments, and other appropriate agencies during incidents and events of regional significance. (Ord. 17075 § 1, 2011: Ord. 12075 § 15, 1995).

2.56.040 Powers and duties.

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 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. (Ord. 12163 § 8, 1996: Ord. 12075 § 16, 1995).

2.56.050 Use of existing resources.

A. In implementing the provisions of this chapter, the county executive is directed to use the services, equipment, supplies, and facilities of existing departments, offices and agencies of the county to the maximum extent practicable.

B. The county executive, in the event of a disaster, after proclamation by the governor of the state of the existence of such a disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed.

Provided that:

Citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by law for registered emergency workers. (Ord. 7790 § 6, 1986).

2.56.060 Continuity of government. In the event of a disaster, it is essential to assure continued operation of county government, to preserve and protect records essential to the continued functioning of county government, and to provide for the appointment of temporary interim successors to the elected and appointed offices of the county.

A. Office of the Executive. In the event that a vacancy exists or occurs in the office of the executive during or immediately following the occurrence of a disaster requiring the execution of the county's emergency management operations plan, the powers and duties of the office of the executive, subject to the provisions of the King County Charter, shall be exercised and discharged by a temporary interim successor designated pursuant to executive order.

B. Council business during an emergency will be conducted pursuant to K.C.C. 1.28*.

C. Other Elected Officials. Elected officers of the county, other than the executive and county councilmembers, are authorized and directed to designate temporary interim successors to the office of such officer in the event a vacancy occurs during an emergency caused by a disaster.

D. Appointed Officers. The executive shall, subject to rules and regulations that the executive may adopt, permit each appointed officer of the county to designate temporary interim successors in the event a vacancy occurs during an emergency caused by a disaster.

E. Termination of Succession. Any county officer succeeding to an office on a temporary interim basis pursuant to this chapter shall exercise and discharge the duties and powers of that office as prescribed by the charter or by ordinance only until such time as a regularly appointed successor is designated by the customary means.

1. Successors to fill vacancies in elective offices shall be appointed by the council pursuant to Section 680 of the King County Charter and the state constitution until a permanent successor is duly elected and qualified.

2. Successors to fill vacancies in appointed offices shall be made by the executive, or other authorized officer, subject to the confirmation process where applicable. (Ord. 12163 § 9, 1996: Ord. 12075 § 17, 1995).

***Reviser's note: K.C.C. chapter 1.28 was repealed by Ordinance 15707, Section 10, 2007. The material was integrated into K.C.C. chapter 1.24 at that time.**

2.58 EMERGENCY RADIO COMMUNICATION SYSTEM

Sections:

2.58.010 Findings and declaration of purpose.
2.58.020 Definitions.
2.58.030 Eligible expenditures.
2.58.040 Use of the central allocation and project revisions.
2.58.050 Establishment of regional communications board.
2.58.060 Distribution of levy proceeds.
2.58.070 Limitation on imposition of levy and future support.
2.58.080 Deposit of proceeds.

2.58.010 Findings and declaration of purpose. The council finds that:

A. Currently, many emergency radio communication systems within King County lack the capacity to manage normal daily operations and many others are unable to accommodate any growth in their existing operations. None of the existing systems could manage the additional radio traffic which would occur in the event of a large or widespread disaster. Communication links between jurisdictions are very limited, making coordination of a response to a major emergency difficult or impossible. Existing communication systems are also physically vulnerable to earthquakes or other natural catastrophes. Major dispatch centers currently have no backup facilities and if one of these dispatch centers is destroyed during a major disaster, emergency-911 response in the affected area would be drastically curtailed.

B. The emergency radio communication system (the "System") required by the county to meet its needs and the needs of the jurisdictions within King County and which is authorized to be acquired and installed by this chapter represents recent technological advances which will allow an integrated emergency communications system to be implemented on a county-wide basis. This new radio communication technology will

increase communication capacity within each jurisdiction and also allow different governmental agencies throughout King County to communicate directly with each other. This technology should dramatically improve the ability of government agencies throughout King County to respond in a coordinated manner to a major disaster and would enhance the safety of front-line emergency response personnel. The new technology will also provide a highly reliable communications network, better able to withstand damage resulting from an earthquake, as well as backup dispatch communication capacity to be shared by all emergency response agencies within King County.

C. The City of Seattle and several other governmental entities, have commenced acquisition of such systems. These systems include a microwave transmission network, an 800 MHz trunked two-way radio system, and related equipment, materials and services. The City of Seattle prepared its procurement and contracting documents in such a manner as to allow participation in the acquisition and installation of such systems by all other governments in King County that need such systems and that execute agreements with the City of Seattle that enable procurement from the City of Seattle's vendors on the same terms and conditions.

D. In addition to serving the needs of public safety and public disaster management and relief, access to the System may also be made available, as capacity allows, to other public entities and to private entities, provided that such private entities perform emergency response duties.

E. The System, which has been proposed for acquisition and installation, satisfies the above-described criteria and meets the needs of the county and the jurisdictions within King County. The proposed System contemplates an 800 megahertz "trunked" radio communications system, with compatible mobile and portable radios, microwave transmission network, base stations, control stations, two network controllers, one of which will actively control the entire system and the other of which will actively control the entire system and the other of which will act as a fully redundant backup, and other related equipment. The System also will have the capacity to interface with non-800 MHz radio systems of those jurisdictions which are not fully covered by the 800 MHz System.

The components of the proposed System and cost estimates for such components are described in more detail in Exhibit 1* to Ordinance 10464. (Ord. 10464 § 1, (part) 1992).

2.58.020 Definitions. As used in this chapter, the words hereinafter defined have the meaning set forth in this section.

A. Agreement means an interlocal Cooperation Agreement, entered into pursuant to RCW 39.34.

B. Board means the Regional Communications Board established pursuant to Section 2.58.050 of this chapter.

C. Central Allocation means a central fund including contingency, which is identified in Exhibit 1* to Ordinance 10464 and is to be administered by the county in accordance with this chapter.

D. County means the county of King.

E. Eastside Cities means the Eastside Public Safety Communications Agency, a public agency created pursuant to RCW 39.34, initially consisting of the cities of Bellevue, Redmond, Kirkland and Mercer Island.

F. Legislative Authority means the council and executive of King County.

G. Levy means the levy of regular property taxes in excess of the 106% limitation on levies, for the specific purposes and terms as provided herein and authorized by the qualified electors of King County pursuant to state law.

H. Levy proceeds means the principal amount of funds raised by the levy, any interest earnings thereon and the proceeds of any interim financing authorized following voter approval of the levy.

I. Port of Seattle means the Port of Seattle, a municipal corporation of the state of Washington.

J. Project means all authorized costs and activities relating to the development, acquisition and installation of an emergency radio communication System using levy proceeds as described in this chapter and as subsequently modified as set forth in this chapter. Pursuant to the terms of this chapter, the term also includes non-800 MHz radio equipment and the capacity to interface with the non-800 MHz radio systems of jurisdictions which will not be included fully within the coverage of the 800 MHz System. Pursuant to the terms of this chapter, the term also includes radio communications enhancements for public agencies with responsibility for public safety and disaster management and relief.

K. Subregion(s) or Subregional System Management Group(s) means the county, Seattle, the Port of Seattle, Eastside Cities and Valley Communication Center or their successors or replacements if any of the identified subregions fails to execute an agreement with the county in accordance with this chapter or perform in accordance with the terms and obligations of such agreements, thereby terminating such agreements.

L. Seattle means the City of Seattle.

M. System means an 800 megahertz "trunked" radio communications system with compatible mobile and portable radios, base stations, a microwave transmission network, network controllers and other related equipment.

N. Valley Communications means the Valley Communications Center, a public agency created pursuant to RCW 39.34, initially consisting of the cities of Kent, Tukwila, Auburn and Renton. (Ord. 10464 § 2, 1992).

***Available in the King County Archives.**

2.58.030 Eligible expenditures. If approved by the qualified electors of King County, all proceeds of the levy authorized herein shall be used to pay the costs of the project. The primary purpose of the project is to design, acquire and install a fully integrated emergency radio communications network, together with the radio and control station units necessary to provide emergency radio communications access among and to police, fire, emergency medical services, public school districts and public hospitals within King County.

The secondary purpose of the project is to provide, to the extent possible within the constraints of available funding and limited available frequencies, sufficient capacity within the System to serve other public agencies.

The third purpose of the project is to provide for general radio communications enhancements for public agencies with responsibilities for public safety and for disaster management and relief, if funds are available after the primary and secondary purposes of the project have been either: (a) fulfilled; or (b) fulfilled to the extent technically feasible within the constraints of the available 800 MHz frequencies.

Eligible expenditures of levy proceeds shall include: all costs associated with the purchase and installation of radios, other equipment and material, which are part of the project; project planning, engineering, design and management; project systems integration and implementation. Eligible expenditures shall also include payment of any debt issuance and debt service to retire any debt incurred for the project, as well as the funding, refunding, financing or refinancing of debt or the refunding of expenditures already incurred by government agencies within King County to acquire components of the System prior to the availability of levy proceeds. (Ord. 10464 § 4, 1992).

***Available in the King County Archives.**

2.58.040 Use of the Central Allocation and Project Revisions. It is the intention of the county that the Central Allocation be used to pay the costs identified in Exhibit 1* and such other project costs as are determined by the process set forth herein. The Central Allocation may be allocated or reallocated by county ordinance, but only after the county has asked for a recommendation from the Board, established as described in Section 2.58.050. Levy proceeds allocated to the subregions may be reallocated by county ordinance, but only after the county has asked for a recommendation from the Board and only after a subregion has failed to meet its responsibilities for implementation of the project as specified in this chapter or in an agreement between the county and that subregion. In no case shall the primary purpose of the project, as described in Section 2.58.010, be altered by such reallocation.

If actual project costs are lower than currently estimated, and after the primary and secondary purposes of the project have been fulfilled, the subregions may reallocate such excess levy proceeds to provide public radio communication enhancements, which are compatible with the purposes of the project. (Ord. 10464 § 6, 1992).

2.58.050 Establishment of Regional Communications Board. Upon approval by the electors of King County of the ballot proposition set in this chapter, a Regional Communications Board shall be appointed by the county legislative authority to advise the county regarding the distribution of levy proceeds, project revisions and other matters that affect more than one subregion. Representation on this board shall consist of the following: one member from the county subregion, one member from each other subregion that executes an agreement with the county and one member nominated by public emergency service agencies within King County, which do not have a voting representative on the governing body of any subregion, to represent the interests of such agencies and other public agencies which may use the System. Subregions shall nominate their own representatives. (Ord. 10464 § 7, 1992).

2.58.060 Distribution of Levy Proceeds.

A. Distribution of levy proceeds to subregions shall be in accordance with the subregional fund allocation identified in Ordinance 10464, section 5 and, except as to the county subregion, which is addressed below, pursuant to agreements executed between the county and the subregions, which agreements shall require said subregions, at a minimum, to:

1. Complete implementation, maintain and operate the portions of the System applicable to each subregion in accordance with the design and minimum operation and maintenance standards approved by the Board, and the subregional fund allocation identified in Exhibit 1*. At a minimum, such standards shall require that the System shall be implemented, operated and maintained in such a manner so that no police, fire or emergency medical agency using the system shall suffer a degradation of radio services or coverage as compared to the radio services and coverage which existed prior to the implementation of the System.

2. Make available to each city and fire district listed as part of their respective subregions in Exhibit 2*, levy proceeds for the purchase of 800 MHz radios which are compatible with the System, in the amount of $3700 per radio multiplied times the number of radios listed in Exhibit 2*, plus as additional three (3) percent of that amount for the purchase of spare radio units.

3. Provide access to the System for police, fire and emergency medical agencies listed as part of their respective subregions in Exhibit 2* and for other public users if

sufficient System capacity permits, at rates that do not exceed the costs of maintaining, operating and collecting replacement reserves for that portion of the System which is utilized by such other public users. Such rates shall not discriminate between public users which have voting representatives on the governing body of the subregion charging rates and all other public users.

4. Make microwave capacity obtained as part of the project available to other subregions sufficient to integrate the System. Such access shall be made available at rates that do not exceed a proportionate share of the costs of operating, maintaining and collecting replacement reserves for such microwave systems;

5. Maintain accounts and records, as may be deemed necessary by the county to ensure proper accounting for all levy proceeds and project funds;

6. Provide right of access to the county at all reasonable times to its facilities and records for inspection, review or audit;

7. Provide the county and the board implementation schedules and progress reports;

8. Place sufficient licensed and reserved but not licensed 800 MHz frequencies held by the subregion or a member jurisdiction into a pool for reallocation to public agencies as part of the Project to fully implement the primary purpose of the project and, to the extent that there exist sufficient frequencies for allocation, the secondary purpose of the Project as described in Section 2.58.030; and

9. Provide for the joint ownership by all subregions of System network controllers.

B. Implementation, operation and maintenance of the project and the System within the county subregion shall be consistent with the provisions described in Section 2.58.010-.020, .030, .050-.070.

1. Levy proceeds shall be made available by the county each city and fire district listed as part of its subregion in Exhibit 2*, with the exception of Fire Districts 10, 27, 38, 45, 49 and 50, for the purchase of 800 MHz radios, which are compatible with the System, in the amount of $3700 per radio, plus an additional three (3) percent of that amount for the purchase of spare radio units.

2. Because the geography of their territories renders service by the System more difficult, Levy Proceeds shall be made available by the county to Fire Districts 10, 27, 38, 45, 49 and 50, for the purchase of 800 MHz or non-800 MHz radios in the amount of $3700 per radio multiplied times the number of radios listed in Exhibit 2*, plus an additional three (3) percent of that amount for the purchase of spare radio units, if in their sole discretion, said Fire Districts elect not to use an 800 MHz System within their jurisdictions if; (a) following implementation of the 800 MHz System, said Fire Districts field test 800 MHz radios to evaluate their adequacy; and (b) said Fire Districts set aside a sufficient portion of the levy proceeds they receive from the county and use it to pay for integrating any non-800 MHz system with the regional 800 MHz System. (Ord. 10464 § 8, 1992).

***Attached to Ordinance 10464, available in the King County Archives.**

2.58.070 Limitation on Imposition of Levy and Future Support. It is essential to the implementation of the project that sufficient 800 MHz frequencies be made available to support a regional System. The council recognizes that the availability of such frequencies may not be finally determined prior to the authorization of the levy by the electors of King County. Imposition of the levy or any portion thereof and any county obligation to provide any financial support to the project shall be dependent upon a determination by the county legislative authority that sufficient 800 MHz frequencies have been made available to the project to accomplish the project's purposes. The county shall not be obligated to provide funding for the Project or project enhancements beyond the proceeds of the levy

authorized in this chapter and imposed by the county legislative authority. (Ord. 10464 § 9, 1992).

2.58.080 Deposit of Proceeds. All funds collected pursuant to the Levy authorized herein shall be deposited into the King County emergency communications fund, which shall be a first tier fund and shall be invested for its own benefit as set forth in K.C.C. 4.10. Such fund is hereby established, subject to approval by the electors of the ballot proposition contained herein. The King County department of information and administrative services shall be the fund manager and exercise the powers specified in K.C.C. 4.08*. (Ord. 12075 § 18, 1995).

***Reviser's note: K.C.C. chapter 4.08 was recodified as K.C.C. chapter 4A.200 by Ordinance 17527.**

2.59 PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS TELEVISION CHANNELS

Sections:

2.59.010 Public access channel.
2.59.050 Educational access channels.
2.59.100 King County Civic Television (CTV) — government access channel — established — mission — principles.
2.59.110 King County Civic Television (CTV) — CTV citizens advisory committee — CTV working group.
2.59.120 King County Civic Television (CTV) — government access channel — operating policies.
2.59.140 King County Civic Television (CTV) — government access channel — station manager of CTV.

2.59.010 Public access channel. The executive shall establish a public access channel for the citizens of King County, to be operated by county government or an entity outside of county government provided that;

A. The public access channel shall not begin operation until a new public access production facility for this channel is available,

B. The public access channel shall not begin operation until rules and criteria governing the programming on the public access channel are adopted by the King County executive and the council has been notified of those rules and criteria,

C. No obscene programming shall be allowed on the public access channel. For the purposes of Ordinance 12022, obscene shall mean an activity that, taken as a whole lacks serious literary, artistic, political, or scientific value, and

1. Taken as a whole by an average person applying contemporary community standards, appeals to a prurient interest in sex; or,

2. Taken as a whole by an average person applying contemporary community standards, depicts patently offensive representation of:

a. ultimate sexual acts, normal or perverted, actual or simulated; or

b. masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or

c. violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture. (Ord. 12022 § 1, 1995).

2.59.050 Educational access channels. The executive shall establish two educational access channels and shall contract with appropriate educational program providers for operation of the channels. (Ord. 12022 § 2, 1995)

2.59.100 King County Civic Television (CTV) — government access channel — established mission — principles.

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 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. (Ord. 14824 § 1, 2003: Ord. 12022 § 3, 1995).

2.59.110 King County Civic Television (CTV) — CTV citizens advisory committee — CTV working group.

A.1. There is hereby created the CTV citizens advisory committee. The CTV citizens advisory committee shall advise the council and the executive regarding overall programming strategy and content and how CTV can best serve the community. The CTV citizens advisory committee shall consist of the following members:

a. a representative from a local television station or local network affiliate, or a person with significant experience in or knowledge of the broadcast media;

b. a representative from a local public relations firm or a professional working in the public relations field for a local corporation;

c. a representative:

(1) from a company that publishes a significant amount of news or other content via the Internet;

(2) with significant experience in dissemination of information via the Internet; or

(3) with expertise in delivering information via streaming video or other emerging technologies; and

d. a representative from a local newspaper source or a person with significant experience in or knowledge of newspapers.

2. Members of the CTV citizens advisory committee shall be appointed by the executive and confirmed by the council, for terms not to exceed four years. Members shall be compensated at fifty dollars per day for days on which advisory committee meetings are held.

B. There is hereby created the CTV working group. The CTV working group shall advise CTV management and the council regarding CTV programming and operations and how CTV can best serve King County, including all branches of government and all county departments. The CTV working group shall consist of seven members, as follows: the council's director of communications, or equivalent position; two other staff members from CTV staff or from council staff, designated by the chair of the council; the executive's director of communications, or equivalent position; two other executive branch employees to be designated by the executive; and one representative from the judicial or law enforcement entities, including the superior and district courts, the prosecuting attorney's office and the department of public safety, to be designated by the executive. The CTV working group should consult regularly with CTV management and representatives of county agencies and departments to help ensure that CTV is effectively serving the county government and the county's citizens.

C. Final authority over all CTV policy and operational matters, including hiring and other personnel matters, shall be governed by the council in accordance with K.C.C. 2.59.140.

D. On or before July 1, 2005, and annually thereafter, the CTV citizens advisory committee shall report to the council on the effectiveness of the CTV governance structure set forth in this section and K.C.C. 2.59.140. The committee's report may include recommended changes to the governance structure, which shall be given due consideration by the council. (Ord. 14824 § 2, 2003: Ord. 12022 § 4, 1995).

2.59.120 King County Civic Television (CTV) — government access channel — operating policies. The following is hereby adopted as the operating policies of the government access channel.

A. The name of the King County government access television station is "King County Civic Television" or "CTV."

B. Programming on CTV shall be fair, accurate, balanced and without regard to partisanship or ideology.

C. CTV's primary purpose is to provide information about King County government, services, policies and programs that enhances public understanding and encourages citizen involvement in regional government and local issues.

D. CTV shall be operated in a manner to comply with all applicable federal, state and local regulations.

E. Citizen involvement is important to the success of CTV. Therefore, under the direction of the CTV citizens advisory committee and the CTV working group, CTV management and staff shall conduct surveys and ascertainment studies for use in planning programming and services that accurately reflect the changing needs of the community. When possible, the surveys and ascertainment studies should be done in cooperation with the cable franchisee to reduce costs. Results of all surveys and

ascertainment studies shall be transmitted to the executive, the chair of the council, the presiding judges of the superior and district courts and the prosecuting attorney and shall also be available for the public.

F.1. CTV shall cablecast programming provided by government agencies and other production entities, as well as programming produced internally by CTV staff. Only programming that is consistent with overall CTV policy shall be cablecast or produced in cooperation with CTV. The station manager of CTV is responsible for the scheduling of programs consistent with adopted policies. Programming decisions shall be made in a manner that reflects the importance of all aspects of King County government, including the executive, the council, the courts and the separately elected county officials.

2. CTV programming shall be scheduled according to the following priorities:

a. announcements or programs concerning emergencies and other timely issues that affect the public safety and health of the community;

b. public proceedings and meetings involving King County elected officials;

c. programs and meetings that help explain county policies and programs;

d. programs that educate and inform the public or assist in improving the quality of life for King County citizens;

e. public meetings or programs of other governments including federal, state, regional and local governments, that affect residents of King County;

f. programs and informational series or one-time special or nonregular informational programs;

g. programs that highlight the cultural and historic resources of King County;

h. public service announcements; and

i. programs produced by other agencies or citizens about public policy issues that have an effect on the citizens of King County.

3. The following program restrictions apply to CTV:

a. Programs containing obscene or defamatory material shall not be cablecast on CTV. CTV management and the CTV citizens advisory committee shall recognize that programs with artistic or social merit may contain content or language considered objectionable to some viewers. Community standards of good taste shall be adhered to at all times;

b. Programs containing copyrighted materials shall not be cablecast on CTV without proper copyright authorization. Producers of programs other than King County that are cablecast on CTV shall obtain all necessary copyright clearance and shall hold King County and CTV harmless in any case of copyright infringement;

c. Programs that have as their primary purpose to promote commercial or profit-making services, products, trade or business shall not be cablecast; and

d. Video and audio quality of all programs must meet acceptable cablecast standards. The station manager shall determine which programs meet acceptable standards.

G.1. Meetings of government boards and events including government officials shall be cablecast on CTV in their entirety and unedited whenever possible. Because of time constraints, it may be appropriate to recablecast portions of meetings dealing with particular subjects of public policy importance. When that type of recablecast is done, the entire portion of a meeting dealing with a particular subject shall be shown without editing. While the content of the meeting and any presentation given at the meeting should be the primary focus of the cablecast, standard production values such as wide shots, cutaways and displays of data may be used by the producer to help provide context for the viewer. Use of such production values shall not distract from the content of the meeting and shall not lead to a distorted view of what occurred at the meeting.

2. All programs produced by the CTV staff, contracted by King County agencies for playback on the channel or submitted by an outside agency or person for playback,

shall explain issues and policies in a fair and balanced manner and meet the following criteria:

a. The programs shall be consistent with CTV programming policies and procedures;

b. The programs shall contain factual and explanatory content that reflects a balanced presentation of points of view;

c. Professional production values and techniques may be used to aid in the explanation and understanding of complex issues, policies and programs but shall not distract from the factual message;

d. The programs shall contain useful, relevant information for the citizens of King County;

e. Programming submitted to CTV may be modified or edited as appropriate by CTV staff to meet scheduling standards, technical standards and policy standards;

f. Programs produced by citizens relating to topics of county government may be submitted to CTV for preview by programming staff. The decision to schedule and air programs shall be made by the station manager. CTV management may refuse to air programs that do not meet program standards in keeping with the intent of CTV's policies and procedures.

3. Because of the importance of presenting public information in a timely manner, events that are enhanced through live coverage shall be cablecast live whenever possible. Other programming or events shall be delayed and cablecast on a tape-delayed basis as long as they do not lose their newsworthiness. CTV programs shall carry a visual disclaimer of "live." This information shall be displayed at appropriate times throughout the program. Should incorrect information be carried over a live event, CTV is not liable for the inaccuracy of the information.

H. CTV shall not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition. For the purpose of providing fair, balanced information on candidates and issues, CTV shall provide direct, noneditorial information to the citizens of King County about elections, candidates and issues. Election programming may include: coverage of candidate forums and issues forums that comply with state law and meet the general fairness criteria of these policies; a video voter's guide based on county ordinances and state law; and character-generated election returns.

I.1. Videotapes produced by CTV of public meetings do not need to be retained. Videotape programs produced for CTV may be requested by and distributed to other government access television channels. A fee to cover the actual cost of reproduction may be charged. With permission of station management, all or portions of videotapes of meetings may be made available to broadcast and cablecast stations for use on newscasts consistent with CTV's copyright policy.

2. Tapes distributed by CTV shall contain any language and symbols required by law to preserve the copyright. The copyright shall apply to programs aired over CTV and a statement of copyright shall be cablecast regularly on CTV.

3. Video from CTV shall not be used for commercial purposes.

J.1. Since adequate resources are important for the operation of CTV, staffing shall be done utilizing permanent staff, contract and temporary employees and current county employees with backgrounds in video and broadcasting and shall be consistent with any CTV labor contract.

2. With regard to funding, the budget for CTV shall be submitted, with input from the CTV citizens advisory committee and the CTV working group, in a manner consistent with the normal county budget process.

3. The goal of CTV is to serve the people of King County and all branches and departments of King County government. Accordingly, the CTV budget shall be

incorporated each year into the county's current expense cost allocation plan.

K. In the exercise of the duties required under this section, the CTV station manager shall be subject to ongoing policy and managerial oversight by the council, exercised through the council's director of communications.

L. Logs of programs cablecast on CTV shall be kept and shall be made available to the public.

M. Complaints regarding CTV programming decisions shall be submitted to the station manager on a timely basis and shall be acted upon in a timely fashion. Those persons with questions and concerns may contact the station manager. If a complainant disagrees with the station manager's decision regarding the complainant's complaint, the complainant may appeal in writing to a subcommittee of the CTV citizens advisory committee, made up of three members to be designated by the CTV citizens advisory committee. The decision of the subcommittee shall be decided by a simple majority and is the final appeal. The subcommittee shall attempt to resolve the written appeal based on the appeal itself and any interviews the subcommittee deems necessary. The subcommittee should rule on the appeal within thirty days of the appeal.

O. The CTV citizens advisory committee shall, at least every two years, review the policies in this section and shall recommend any changes the CTV citizens advisory committee feels are warranted to the council and executive. (Ord. 14824 § 3, 2003: Ord. 12543 § 1, 1996).

2.59.140 King County Civic Television (CTV) — government access channel — station manager of CTV.

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 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. (Ord. 14824 § 4, 2003).

2.60 PUBLIC DEFENSE

Sections:

2.60.010 Purpose.
2.60.020 Department - duties - provision of services by contract authorized - approval.

2.60.026 Public defender - duties - reports - appointment – confirmation - vacancies – qualifications - terms – removal - appeal - compensation.
2.60.031 Public defense advisory board - duties - membership – process - notice - qualifications - meetings - reports.
2.60.035 Conflict of interest avoidance - contracting for services generally.
2.60.050 Availability of services.
2.60.054 Receipt of services at no cost - eligibility.
2.60.100 Reports or notices - requirements.

2.60.010 Purpose. It is declared a public purpose that each citizen is entitled to equal justice under law without regard to his 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 may be deprived of his 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. (Ord. 8257 § 1, 1987).

2.60.020 Department - duties - provision of services by contract authorized - approval.

A. The department of public defense is responsible for managing and being fiscally accountable for the provision of public defense services.

B. The duties of the department of public defense shall include:

1. Providing legal defense services in accordance with Section 350.20.60 of the King County Charter and this chapter;

2. Providing legal defense services in an efficient manner that ensures effective representation at reasonable cost to the county;

3. Screening and determining eligibility for legal defense services through the department. In addition, the department shall secure reimbursement from eligible persons, including the parents of juveniles receiving legal defense service through the department, when the person can afford to pay some or all of the cost to King County of providing them such legal defense services;

4. Establishing and maintaining an assigned counsel panel that includes attorneys acceptable to the department who wish to participate in the defense of persons eligible for services through the department;

5. Assigning cases to assigned counsel where conflicts of interest or other special circumstances exist which require use of assigned counsel;

6. Preparing an annual budget for the department that evaluates and forecasts service delivery levels and department expenses for service delivery, contractors, assigned counsel and administration. The evaluations and forecasts shall include an analysis of the impact, if any, of changes in the procedures or practices of the courts, prosecutor, police or other elements of the criminal justice system; and

7. Fostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system.

C. The department may provide its services to the state of Washington, tribal governments and municipalities in King County on a full cost recovery basis and is authorized to negotiate appropriate contractual agreements, subject to council approval by ordinance when required by law.

D. The department may provide services related to the Raising Our Youth As Leaders (ROYAL) project and is authorized to enter into appropriate contractual agreements. (Ord. 17678 § 2, 2013: Ord. 17588 § 3, 2013: Ord. 17189 § 4, 2011: Ord. 14412 § 1, 2002: Ord. 8257 § 2, 1987: Ord. 383 § 2, 1970).

2.60.026 Public defender - duties - reports - appointment - confirmation - vacancies - qualifications - terms - removal - appeal - compensation.

A. The department of public defense shall be directed by the county public defender, whose duties include:

1. Managing the department of public defense;

2.. Ensuring the department employs the needed technical and public defense expertise to ensure effective delivery of public defense services;

3. Representing the executive in all city, county, state and federal forums where the defense perspective is required;

4. Ensuring that the American Bar Association Ten Principles for a Public Defense Delivery System, as approved by the American Bar Association House of Delegates in February of 2002, guide the management of the department and development of department standards for legal defense representation, and filing with the clerk of the council by April 1 of each year a report on the results of the county public defender's efforts in that regard;

5. Following the Washington State Standards for Indigent Defense Services; and

6. Developing and maintaining appropriate standards and guidelines for the qualifications and experience level of public defense attorneys and paraprofessionals;

7. Working collaboratively with the public defense advisory board and providing relevant nonprivileged information to the board upon its reasonable request; and

8. Fostering and promoting system improvements, efficiencies, access to justice and equity in the criminal justice system.

B.1. The county public defender shall be appointed by the executive, subject to confirmation by the council. The executive shall appoint one of the three candidates recommended by the public defense advisory board, except that the executive may request three additional candidates from the public defense advisory board, and the executive may then appoint the county public defender from among the six candidates, subject to confirmation by motion by the council. Confirmation requires the affirmative votes of at least five members of the council.

2. Within seven days after either a vacancy occurs in the office of the county public defender or the county executive learns that a vacancy is expected to occur within one hundred eighty days, including but not limited to a vacancy that will result from the expiration of the term of a county public defender who the executive determines to not reappoint, the executive shall provide written notice of the vacancy or expected vacancy to each member of the public defense advisory board and to the clerk of the council and shall commence a national recruitment for candidates to fill the vacancy. Within thirty days after commencing the recruitment, the executive shall provide to each member of the public defense advisory board the names, resumes and all other relevant information about all candidates who meet the qualifications for office set forth in the county charter and subsection C. of this section. Within sixty days after receiving the names, resumes, and other relevant information about the qualified candidates from the executive, the public defense advisory board shall provide in writing at the same time to the executive and the clerk of the county council the names of three candidates to fill the vacancy, together with copies of the candidates' resumes and other relevant information, including all written information upon which the board relied in choosing the three candidates. The board shall not rank the candidates, but may summarize the particular strengths of each candidate.

3. The executive may request in writing to the board chair, within fifteen days after receiving the list of three candidates, that the board provide to the executive the names, resumes and other relevant written information of three additional candidates,

and the board shall comply with such a request within thirty days and shall at the same time provide a copy of the additional materials to the clerk of the council.

4. Within thirty days after receiving either the original list of three candidates or the list of three additional candidates, the executive shall appoint the county public defender by providing written notice of the appointment to the clerk of the council, who shall provide an electronic copy of the notice to each councilmember and to the chair of the public defense advisory board. If the board fails to timely recommend in writing to the executive three or six candidates, as applicable, the executive may either appoint the county public defender from among the candidates who have been recommended or wait until the board has recommended the requisite number of candidates and make the appointment within thirty days thereafter.

5. The county council may confirm or reject the executive's appointment by adoption of a motion with the affirmative votes of at least five members. A motion to confirm or reject the appointment shall be referred for committee consideration to the council's committee of the whole.

6. If the council rejects the executive's appointment of the county public defender, the public defense advisory board shall, within thirty days, recommend and provide in writing at the same time to both the executive and the clerk of the council the name, resume and all other relevant written information for one additional candidate.

7. If the council rejects the executive's appointment of the county public defender and the executive has not previously elected to request additional candidates from the advisory board under this subsection B.7. or subsection B.3. of this section, the executive may request the public defense advisory board for recommendation of four additional candidates. Such a request must be made in writing within seven days after the council rejects the executive's appointment, to the chair of the advisory board, with a copy to the clerk of the council. The advisory board shall, within thirty days after receiving the executive’s request, recommend and provide in writing at the same time to both the executive and the clerk of the council the name, resume and all other relevant written information for four additional candidates.

8. Within thirty days after receiving the additional name or names, the executive shall appoint the county public defender from among the recommended candidates, except that the executive may not reappoint any candidate whose appointment has been rejected by the council. If the advisory board fails to recommend the additional candidate or candidates required by subsection B.6. and 7. of this section and provide the required written information, the executive shall proceed in the same manner as set forth in subsection B.4. of this section.

9. At any time after the commencement of the national recruitment process required by subsection B.2. of this section, except when the executive has appointed a county public defender and the council has not confirmed or rejected the appointment, the executive may request that the council authorize the commencement of a new national recruitment and public defense advisory board review and executive appointment process. Such a request must be submitted in writing to the clerk of the council with a copy to the chair of the advisory board. When so requested, the council may authorize commencement of a new recruitment, advisory board review, and appointment process by motion adopted with the affirmative votes of at least five councilmembers.

10. Within seven days after appointment, the county public defender shall designate an employee in the department of public defense to serve as a deputy and, in the event of a vacancy in that office, as interim county public defender until a new county public defender has been appointed.

C. The county public defender must be an attorney admitted to practice law in any jurisdiction within the United States and in active status and good standing. The

county public defender shall, within two years after appointment, be an attorney admitted to practice law in the courts of the state of Washington and an active member of the Washington State Bar Association in good standing and shall, at the time of appointment, have at least seven years of experience as an attorney primarily practicing criminal defense, including both felonies and misdemeanors, as well as supervisory and managerial experience.

D. The term of office of the county public defender shall end at the same time as the term of the county prosecuting attorney. The county executive may reappoint the county public defender to additional four-year terms, subject to confirmation by the county council. The county council may confirm or reject the executive's reappointment by adoption of a motion with the affirmative votes of at least five members.

E. The executive may remove the county public defender from office for cause, which includes, but is not limited to:

1. The grounds for vacancy of elective office under Section 680 of the King County Charter;

2. Failure to meet the applicable legal requirements for serving as county public defender, as set forth in the county charter or the county code;

3. Conviction of a crime;

4. A finding or stipulation of misconduct under the Washington Rules of Professional Conduct; and

5. Failure to manage the department effectively.

F. To remove the county public defender for cause, the executive shall serve a written notice of removal, specifying the cause for removal, by delivering a copy of the notice to the county public defender personally or by leaving a copy of the notice at the office of the county public defender with a secretary or other assistant to the county public defender. The executive shall contemporaneously deliver a copy of the written notice of removal to the clerk of the council and to the chair of the public defense advisory board.

G. The county public defender may appeal removal to the council by delivering a written notice of appeal to the clerk of the council within ten days after service of the written notice of removal. The notice of appeal shall be delivered at the same time to the executive and to the chair of the public defense advisory board. The council shall review de novo the grounds for removal and either affirm or reverse the removal within thirty days after delivery of the notice of appeal by an affirmative vote of five members, or else the removal shall stand. Removal of the county public defender is effective upon the earliest of:

1. Ten days after service of notice of removal, if the county public defender serves no notice of appeal;

2. Affirmation of removal by the council following an appeal;

3. Thirty days after delivery of the notice of appeal, if the council neither affirms nor reverses the removal; or

4. The county public defender's delivery of a written notice of resignation to the executive or the clerk of the council.

H. The county public defender shall receive compensation at the same rate as the prosecuting attorney. (Ord. 17678 § 3, 2013: Ord. 17588 § 4, 2013).

2.60.031 Public defense advisory board - duties - membership - process - notice - qualifications - meetings - reports.

A. The public defense advisory board shall: regularly review the activities and plans of the department of public defense, make recommendations to the county public defender on matters concerning the department, advise the executive and council on matters of equity and social justice related to public defense, prepare the reports

required in this section and such other reports as the board may deem appropriate; and when there is a vacancy in the office of county public defender, as provided in K.C.C. 2.60.026, recommend to the county executive candidates to fill the vacancy.

B. In performing its duties, the board shall work collaboratively with the county public defender and may reasonably request relevant, non-privileged information from the county public defender. The board through its chair shall consult with the county prosecutor, courts, and department of public defense in the performance of all of its duties except for the recommendation of candidates.

C. The board shall consist of eleven members, shall establish its own rules of procedure, subject to the county charter, the county code and other applicable law, and shall choose its own chair.

D. The board shall consist of one representative from each of the following:

1. The Washington Association of Criminal Defense Lawyers;

2. The Washington state Office of Public Defense;

3. The Washington Defender Association;

4. The King County Bar Association;

5. A bar association identified as a minority bar association by the Washington State Bar Association;

6. A nonpartisan organization active in King County that focuses on mental health issues;

7. A nonpartisan organization active in King County that focuses on substance abuse issues;

8. A nonpartisan organization active in King County that focuses on issues concerning military veterans;

9. A nonpartisan organization active in King County that focuses on issues related to poverty;

10. A nonpartisan organization active in King County that focuses on juvenile justice issues; and

11. A nonpartisan organization active in King County that focuses on immigration issues.

E. Members of the board shall serve staggered three-year terms and until their successors are appointed and confirmed, except that the members designated in subsection D.1., 2., 3. and 4. of this section shall serve an initial term of one year and the members designated in subsection D.5., 6., 7. and 8. of this section shall serve an initial term of two years. If a member leaves the board midterm, the person appointed as a replacement shall serve the remainder of the unexpired term, rather than beginning a new term of three years. The county council may reappoint board members for additional three-year terms and may remove any board member by motion adopted with the affirmative votes of at least five councilmembers. Members of the board shall not be compensated for the performance of their duties as members of the board, but may be reimbursed for parking expenses in the King County parking garage when attending meetings of the committee, which shall be deemed to be for the business convenience of the county and shall be paid for by the department of public defense.

F. The process for filling vacancies on the board is:

1.a. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy on the board, the board chair and the county public defender shall provide written notice of the vacancy to the clerk of the council and to the executive.

b. Upon learning of a pending or existing vacancy or one hundred twenty days before a scheduled vacancy, the clerk of the council shall provide written notice of the vacancy to the executive, all councilmembers, the board chair, the county public defender and:

(1) to the represented organization for vacancies in the board seats designated in subsection D.1., 2., 3. and 4. of this section;

(2) to each of the bar associations identified as a minority bar association by the Washington State Bar Association for a vacancy in the board seat designated in subsection D.5. of this section; and

(3) by publication of notice of the vacancy in the official county newspaper and in the largest newspaper of general circulation within the county for the board seats designated in subsection D.6., 7., 8., 9., 10. and 11. of this section.

c. The notice shall specify the deadlines established in subsection F.2. of this section;

2. Within sixty days after the clerk of the council provides the notice required in subsection F.1.b. of this section, the represented organization, any minority bar association organization and each nonpartisan organization with the required subject matter focus that wishes to do so shall submit in writing at the same time to the county executive and the clerk of the council, the names of three candidates recommended for appointment to fill a vacancy in the board seat for which notice was required to be given to the organization, together with the resume of each candidate and all other written materials that the organization considered in deciding to recommend the candidate. The organization shall not rate the candidates, but may provide a brief description of the strengths of each candidate. The clerk of the council shall provide an electronic copy of the resumes and other written materials to each councilmember;

3. Within thirty days after receiving the written materials concerning the recommended candidates for a board seat designated in subsection D.1., 2., 3. or 4. of this section, or within sixty to ninety days after the clerk of the council provides the notice required in subsection F.2. [of this section] for a board seat designated in subsection D.5, 6., 7., 8., 9., 10. or 11. of this section, the county executive shall appoint one of the recommended candidates by providing written notice of the appointment to the clerk of the council, who shall provide an electronic copy of the notice to each councilmember. If the applicable organization fails to timely recommend three candidates, the executive may either make an appointment from among the recommended candidates or candidate or wait until the organization has recommended three candidates and make an appointment within thirty days after receiving the board's recommendation of the third candidate;

4. The county council may confirm or reject the executive's appointment by motion adopted by the affirmative votes of at least five members. A motion to confirm the appointment shall be referred for committee consideration to the council's law, justice, health and human services committee, or its successor; and

5. If the council rejects the executive's appointment of a board member, the clerk of the council shall provide written notice of the rejection to the executive and the represented organization or organizations. Within thirty days after receiving the written notice, the represented organization shall provide to the executive in writing, and contemporaneously to the clerk of the council, the name, resume, and all other relevant written information for one additional candidate. Within thirty days after receiving the additional candidate recommendation and the relevant written materials, the executive shall appoint the board member from among the recommended candidates, excluding any candidate whom the council has rejected. If a represented organization fails to timely provide the additional candidate recommendation and relevant written materials, the executive shall proceed in the same manner as if the entity had recommended fewer than the required number of candidates, as provided in subsection F.3. of this section.

G. Each member of the advisory board shall have substantial experience and expertise that are relevant to the work of the department of public defense and shall have an ability and willingness to commit the time necessary to attend meetings and

participate effectively as a member of the board. A majority of the members should have substantial familiarity with advocating on behalf of the indigent. To the extent practicable, the board membership shall reflect the diversity of the county. A member may not, while serving on the board, hold elective public office except precinct committee officer, be a candidate for elective public office except precinct committee officer, serve as a King County judicial officer, a King County prosecuting attorney or a King County public defender or be an employee of a King County court, the King County prosecuting attorney or the King County department of public defense.

H. The board shall meet at least once every two months and shall issue at least two written reports to the executive and the council each calendar year: one on the board's review of the executive's proposed budget for public defense; and one on the state of county public defense. The report on the state of county public defense shall include an assessment of the progress of the county in promoting equity and social justice related to the criminal justice system and may include recommendations for advancing equity and social justice.

I. The council shall provide for staffing of the advisory board. (Ord. 17678 § 4, 2013).

2.60.035 Conflict of interest avoidance - contracting for services generally.

A. The department shall manage cases and assign counsel in a manner that avoids conflicts of interest. The department shall adopt a policy to determine when a conflict exists and to avoid conflicting representation. If the department is unable to provide representation when a conflict exists, the department may contract for services of outside counsel or assign counsel from the assigned counsel panel.

B. The director may also contract for services of outside counsel if the director finds it appropriate to seek outside defense services and funding is available, taking into account the projected annual fiscal needs of the department.

C. If the department contracts for services of outside counsel, any entity that is able to provide the service may apply, including, but not limited to, private law firms, nonprofit entities, or a public corporation formed by the county whose chartered duties include the provision of public defense and related services. (Ord. 17588 § 7, 2013).

2.60.050 Availability of services.

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 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. (Ord. 17678 § 5, 2013: Ord. 17588 § 4, 2013: Ord. 8257 § 4, 1987: Ord. 383 § 5, 1970).

2.60.054 Receipt of services at no cost - eligibility. 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 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. (Ord. 17683 § 2, 2013: Ord. 17588 § 11, 2013: Ord. 13328 § 2, 1998: Ord. 10167 § 1, 1991).

2.60.100 Reports or notices - requirements.

Except as otherwise provided under this chapter, reports or notices that are required under this chapter to be provided to the county council or the clerk of the council shall be filed in paper and electronic form with the clerk of the council, who shall forward electronic copies to all councilmembers, to the chair of the public defense advisory board, to the lead staff of the budget and fiscal management committee or its successor and to the lead staff of the law, justice, health and human services committee or its successor. (Ord. 17678 § 6, 2013).

2.68 DISTRICT COURT DISTRICT PLAN (Formerly JUSTICE COURT DISTRICT PLAN)

Sections:

2.68.005 Purpose and intent.
2.68.010 Authority of the presiding judge.
2.68.020 Division of probation.
2.68.070 King County district court - organization.
2.68.075 Electoral districts - established - provisions.
2.68.078 Number of judges elected in each electoral district.

2.68.005 Purpose and intent.

A. The King County council finds that a unified, countywide district court, utilizing existing court facilities as satellites, while at the same time supporting the concept of local filing and handling of cases, would provide for a more equitable and cost-effective system of justice for the citizens of King County. It is the intent of council to establish such a unified district court system.

B. The council has received the districting committee report dated September 28, 1988, which unanimously recommended to the council the concept of a unified single district court. The council finds that the interest and welfare of the public would be best served by a unified single district court. This would provide the best institutional setting for district courts. While recognizing and respecting the constitutional separation of power, the council would encourage the court to continue moving forward, under the administrative authority of a strong presiding judge, to achieve and enhance equity in policies, uniform court rules, forms and administrative procedures, standard personnel classification and procedures, flexibility for judicial assignments in order to balance the workload of the various satellite facilities, and achieve overall cost savings where found appropriate through centralization and consolidation of facilities, personnel and case assignments.

C. While the council recognizes the importance of meeting the needs of all citizens it serves in the region, it also recognizes the need to operate in a cost-effective manner in order to address continuing current expense deficits. The council supports the provision of district court services throughout the county, but also expects that county agencies, including the district court, provides services in the most cost-effective way. As a

consequence, the council is amending the county district court plan for 2003 to reduce the number of court divisions and provide for greater flexibility in the court's allocation of resources and facilities.

D. As a result of the 2004-05 planning effort, the councils further reaffirms that it is county policy that to retain for the long term the aspiration to be the court of choice for court of limited jurisdiction in the county, focusing its energy and resources on improving operations and services balancing the needs of citizens, the court, the county and the cities. The council finds that the district court should develop and apply quality service standards and measures for its operations. The council also finds that the county shall:

1. Continue to support problem-solving courts, improving access to problem-solving courts and incorporating problem-solving courts in the district court's planning process;

2. Continue and make explicit the strategy of improving efficiency through unification of governance, administration and planning, centralizing workload where appropriate;

3. Continue to develop and implement technological improvements to support the district court operations in order to increase access to court services and information;

4. Continue to support the district court's function to serve cities through contracts and support flexibility in providing services and facilities for district court customers;

5. Continue to support a unified, countywide district court, using existing facilities, to provide for a more equitable and cost-effective system of justice for the citizens of King County:

a. ensuring court facilities promote system efficiencies, quality services and access to justice;

b. consolidating district court facilities that exist in the same city;

c. reconsidering facilities if there are changes with contracting cities or changes in leases; and

6. Work together with stakeholders to gain cooperation and assistance to meet the needs of the judicial system at the state and local levels. (Ord. 15195 § 2, 2005: Ord. 14374 § 4, 2002: Ord. 8935 § 3, 1989. Formerly K.C.C. 2.68.060).

2.68.010 Authority of the presiding judge. The King County district courts shall be administered by a presiding judge elected according to GR 29. The powers and duties of the presiding judge shall be those in GR 29 and shall specifically include the power to temporarily reassign judges from one electoral district to another to ensure the expeditious and efficient handling of all cases and equal distribution of the workload among the several judges. (Ord. 15529 § 1, 2006: Ord. 14374 § 1, 2002: Ord. 9282 § 1, 1990).

2.68.020 Division of probation. There is established a division of probation responsible for providing probation services to the King County district courts. The division of probation shall be administered by the district court presiding judge, supervised by a division director and funded in the same manner as the district courts. Existing employees of the corrections division of the department of rehabilitative services who are transferred to the division of probation and who were county career service employees on the effective date of the transfer shall be provided with employment rights at least equivalent to those which they were accorded under the career service system, as established by Article 5 of the King County Charter. Employees of the division of probation who are hired after the effective date of the transfer shall be exempt from the career service, as defined by Section 550 of the King County Charter. (Ord. 14374 § 2, 2002: Ord. 9282 § 2, 1990: Ord. 4549 § 3, 1979).

2.68.070 King County district court - organization.

A. There is created a single district court, whose boundaries are all the area within the boundaries of King County, including the centerline of Puget Sound and all of the current city of Bothell, as a joint district court district established under RCW 3.38.060 and named the district court of the state of Washington in and for the district of King County.

B. The number of judges of the King County district court is twenty-five full-time judges.

C. The location of the central office of the King County district court is the King County Courthouse, Seattle, Washington.

D. The court facilities within the unified district are located as follows:

1. Southeast division: City of Kent;

2. Southwest division: City of Burien with additional facilities in the vicinity of Vashon business district;

3. Northeast division:

a. City of Bellevue;

b. City of Issaquah; and

c. City of Redmond;

4. Shoreline division: City of Shoreline; and

5. West Division: City of Seattle.

E. The administrative records of the King County district court shall be maintained at the central office or in a location designated by the presiding judge. Court records shall be located at the respective court facilities or in a location designated by the presiding judge.

F. The number and location of district court commissioners shall be as authorized, together with such additional court commissioners as the district court may require. (Ord. 16801 § 1, 2010: Ord. 16644 § 1, 2009: Ord. 15529 § 2, 2006: Ord. 14584 § 1, 2003: Ord. 14374 § 10, 2002: Ord. 14374 § 6, 2002: Ord. 10352 § 1, 1992: Ord. 9862 § 1, 1991: Ord. 9386, 1990: Ord. 8935 § 4, 1989).

2.68.075 Electoral districts - established - provisions.

A. District court judges shall be elected to the King County district court from electoral districts established by the county council under K.C.C. 1.12.010 by ordinance. The precise number of judges elected from each electoral district shall be determined by the county council on or before May 1, 1990, and on or before May 1 of each fourth year thereafter.

B. All candidates for King County district court must file for and be elected in one of the district court electoral districts created by this chapter. Any candidate for King County district court must be a registered voter and legal resident of the district court electoral district within which he or she files. (Ord. 16803 § 2, 2010: Ord. 11041 § 2, 1993: Ord. 9427 § 1, 1990: Ord. 8935 § 5, 1989).

2.68.078 Number of judges elected in each electoral district. The number of judges to be elected in each of the electoral districts within the single King County district court shall be as follows:

A. Southeast 6;

B. Southwest 5;

C. Northeast 7;

D. Shoreline 2; and

E. West 5.

(Ord. 16801 § 2, 2010: Ord. 16644 § 2, 2009: Ord. 15529 § 4, 2006: Ord. 14374 § 11, 2002: Ord. 14374 § 7, 2002: Ord. 10292, 1992: Ord. 9922 § 2, 1991: Ord. 9862 § 2, 1991: Ord. 9427 § 7, 1990).

2.69 SUPERIOR COURT OF KING COUNTY

Sections:

2.69.010 Location of court sessions - general approval.
2.69.020 Eastside location.
2.69.030 Mutual agreement for other locations.
2.69.050 Incentive awards - juvenile court therapeutic programs.
2.69.060 Incentive awards - adult drug diversion court and related therapeutic programs.
2.69.100 Annual gathering and reception for superior court volunteers.

2.69.010 Location of court sessions - general approval. Pursuant to the authority granted by general law and subject to the approval of the Supreme Court of the State of Washington, the holding of regular and special sessions of the superior court of King County at such places within the county other than the county seat as may be mutually agreed upon by the council and the judges of the superior court is approved. (Ord. 8698 § 1, 1988).

2.69.020 Eastside location. The action by the superior court to establish an eastside facility collocated with the Bellevue district court, is considered mutually agreed upon and the assignment of superior court judges and commissioners to hold sessions at said facility is approved. (Ord. 8698 § 2, 1988).

2.69.030 Mutual agreement for other locations.

A. Mutual agreement on the specific location for holding court sessions other than at the county seat and the approved eastside facility in Bellevue shall be arrived at by a memorandum proposal for the location by the presiding judge of the superior court addressed to the chair of the county council, and an endorsement of the proposal by a motion of the council. Such action shall constitute approval of the specific location.

B. The actual operation of the court in holding sessions at an approved location other than the county seat shall be subject to the availability of funds within the superior court budget. (Ord. 8698 § 3, 1988).

2.69.050 Incentive awards - juvenile court therapeutic programs. The superior court is hereby authorized to use county funds to pay for incentive rewards for participants in juvenile court therapeutic programs. The purpose of the incentive rewards shall be to recognize the achievement of programmatic successes and to encourage further participation and successful outcomes. The financial value of individual incentive rewards may vary depending on the program and the circumstances which warrant the incentive. However, no single incentive reward shall exceed twenty-five dollars, unless approved in advance in writing by the superior court chief administrative officer. (Ord. 17557 § 1, 2013).

2.69.060 Incentive awards - adult drug diversion court and related therapeutic programs The department of judicial administration is hereby authorized to use county funds to pay for incentive rewards for participants in adult drug diversion court and related therapeutic programs. The purpose of the incentive rewards shall be to recognize the achievement of programmatic successes and to encourage further participation and successful outcomes. The financial value of individual incentive rewards may vary depending on the program and the circumstances that warrant the incentive. However, a

single incentive reward shall not exceed twenty-five dollars, unless approved in advance in writing by the department of judicial administration director. (Ord. 17557 § 2, 2013).

2.69.100 Annual gathering and reception for superior court volunteers.

A. The presiding judge of the superior court may annually convene a gathering and reception between superior court judges, staff and volunteers. The intent of convening the gathering and reception shall be to:

1. Increase communication between superior court judges, staff and volunteers;
2. Provide for informal discussion between superior court judges, staff and volunteers; and
3. Foster a spirit of cooperation in serving the public.

B. Costs of meals or refreshments for superior court judges, staff and volunteers attending the meeting and reception are hereby authorized, subject to the availability of funds in the superior court's budget and to the dollar limits specified in K.C.C. 3.24.080. (Ord. 15325 § 1, 2005).

2.70 DISTRICT COURT - MERIT SELECTION PROCESS

Sections:

2.70.010 Establishment.
2.70.020 Process.

2.70.010 Establishment. There is hereby established a merit selection process to fill judicial vacancies occurring in District Court in King County pursuant to the King County council's responsibilities under R.C.W. 3.34.100. The council desires a fair and open process which will insure the council shall select and appoint individuals of the highest quality. (Ord. 8350 § 1, 1987).

2.70.020 Process. The process to fill district court judicial vacancies shall be as follows:

A. Notice of existing or scheduled vacancies shall be advertised by the clerk of the council twice in the official county newspaper and in a newspaper of general circulation within the district. Notice of the vacancy shall also be sent to the Seattle-King County Bar Association (SKCBA), East King County Bar Association, South King County Bar Association, Washington Women Lawyers, Loren Miller Bar Association, National Conference of Black Lawyers (Northwest Chapter), Asian Law Association and other interested groups.

B. Names of individuals wishing consideration for appointment shall be submitted to the clerk of the council or directly to any of the bar associations listed in subsection 2.70.020 A. which shall review and evaluate the candidates.

C. Any other bar group with an established judicial candidate evaluation procedure may also review and evaluate the candidates. A group with an established judicial candidate evaluation procedure shall mean a bar association group:

1. With evaluation procedures open to any candidate,
2. Which has written by-laws governing its evaluation process,
3. Which has written criteria upon which the candidates are to be judged which shall be made available to the public, the council and candidates, and
4. Which has been actively evaluating judicial candidates for at least two years.

D. SKCBA shall refer to the council the names of candidates receiving the highest rating. The list shall contain no less than three names. Any other group with an established judicial candidate evaluation procedure, as defined in subsection 2.70.020 C.,

shall provide to SKCBA a list of the names of candidates given its highest rating. SKCBA shall note on the list referred to the council any disagreements on the respective lists by indicating names on their own list not included on the list(s) of the other evaluating committee(s) and adding names not included on the SKCBA list with the name of the group which provided the rating.

E. The committee-of-the-whole shall review the candidates and interview the final candidates and make recommendation to the council.

F. The final appointment shall be made by the council by motion from the candidates referred by the evaluation committees. (Ord. 8350 § 2, 1987).

2.72 COUNTY PRISONERS

Sections:

2.72.010 Working of prisoners.
2.72.020 Employment of prisoners.
2.72.030 Contracts.

2.72.010 Working of prisoners. In accordance with RCW 9.92.140 the county sheriff shall put to labor the prisoners confined in the county jail. (Ordered February 8, 1884).

2.72.020 Employment of prisoners. The board of county commissioners finds that, on the basis of employment conditions, the state of the county jail facilities and other pertinent circumstances, the operation of Section 11 of Chapter 171 of the Session Laws of 1961 (RCW 36.63.260) of the state of Washington is feasible in King County beginning June 1, 1964. (Res. 27929 (part), 1964).

2.72.030 Contracts. The King County executive may enter into contracts with municipalities within King County for use of their respective facilities in compliance with K.C.C. 2.72.020 for prisoners sentenced by King County courts. (Ord. 1267 § 1, 1972).

2.73 RECOVERY OF INCARCERATION COSTS

Sections:

2.73.050 Work, education and release and electronic home detention fees.

2.73.050 Work education release and electronic home detention fees.

A. The following fee schedule for the community corrections programs including work, education and release and electronic home detention program are hereby adopted:

WAGES PER HOUR		DAILY ROOM AND BOARD RATE
From	**To**	
$0.00	$4.99	$8.10
$5.00	$5.49	$9.00
$5.50	$5.99	$9.90
$6.00	$6.49	$10.80
$6.50	$6.99	$11.70
$7.00	$7.49	$12.60
$7.50	$7.99	$13.50
$8.00	$8.49	$14.40
$8.50	$8.99	$15.30

$9.00	$9.49	$16.20
$9.50	$9.99	$17.10
$10.00	$10.49	$18.00
$10.50	$10.99	$18.90
$11.00	$11.49	$19.80
$11.50	$11.99	$20.70
$12.00	$12.49	$21.60
$12.50	$12.99	$22.55
$13.00	$13.49	$23.45
$13.50	$13.99	$24.35
$14.00	$14.49	$25.25
$14.50	$14.99	$26.15
$15.00	$15.49	$27.05
$15.50	$15.99	$27.95
$16.00	$16.49	$28.85
$16.50	$16.99	$29.75
$17.00	$17.49	$30.65
$17.50	$17.99	$31.55
$18.00	$18.49	$32.45
$18.50	$18.99	$33.35
$19.00	$19.49	$34.25
$19.50	$19.99	$35.15
$20.00	$22.49	$36.05
$22.50	$24.49	$40.55
$25.00	$27.49	$45.05
$27.50	$29.99	$49.55
$30.00	$32.49	$54.05
$32.50	$34.99	$58.55
$35.00	$37.49	$63.05
$37.50	up	$ net maintenance fee

1. Program participants engaged in job search pay seven dollars fifty cents per day, except for in-custody community corrections program eligible inmates who pay four dollars per day for the first two weeks, then seven dollars fifty cents per day thereafter. Inmates who were previously employed, became unemployed while on the program and are placed in a job search category pay seven dollars fifty cents per day.

2. Program participants enrolled in educational programs pay three dollars per day for high school and GED programs and eight dollars per day while enrolled in college classes, trade or technical schools.

3. Program participants who receive outside treatment pay seven dollars per day.

4. Out-of-county program participants shall be charged the same daily rate as charged to contracting agencies.

5. Should the net maintenance fee be lower than the daily room and board rate the net maintenance fee shall be the amount charged.

B. Jail health services. Incarcerated individuals pay a five-dollar copayment for medical care when they are seen by a nurse or dental staff in response to a request for medical or dental services. The fee-for-service program is based upon the principle that access to health care will be available to all inmates regardless of their ability to pay.

C. Special detention facility twenty-four- and forty-eight-hour commitments. The following fee schedule shall apply for special detention facility twenty-four- and forty-eight-hour commitments:

A person who is housed at the north rehabilitation facility pursuant to a court-ordered twenty-four- to forty-eight-hour hour commitment upon a conviction of violating RCW 46.61.502 or SMC 11.56.02000 or upon a conviction of violating RCW 46.61.504 or SMC 11.56.02008, shall pay a daily housing fee. The daily housing fee for each twenty-four hours of commitment shall be the net maintenance fee, adjusted according to the following sliding scale based on the United States Community Services Administration (CSA) Poverty Guidelines, as adjusted for family size.

Gross Income as a percentage of CSA Poverty Guidelines	Percentage of net maintenance fee to be paid
Equal or less than 125%	10%
126% to 137%	20%
138% to 150%	35%
151% to 162%	50%
163% to 175%	65%
176% to 187%	80%
Over 188%	100%

D. "Net maintenance fee" shall mean the fee that is calculated and established annually by the department of adult detention according to the formula contained in contract for jail services between the county and the cities in King County. The department shall promptly file a statement of the fee with the clerk of the council. (Ord. 13333 § 2, 1998: Ord. 12917 § 1, 1997).

2.75 LAW ENFORCEMENT OVERSIGHT

Sections:

2.75.010 Definitions.
2.75.020 Office of law enforcement oversight - generally.
2.75.030 Director of the office of law enforcement oversight.
2.75.040 Office of law enforcement oversight - powers and duties.
2.75.050 Office of law enforcement oversight - additional duties – reports.
2.75.060 Office of law enforcement oversight - powers to oversee misconduct investigations.
2.75.070 Officer-citizen mediation program.

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

A. "Command staff" means those sheriff's employees who are responsible for the chain of command or line of supervision from shift, unit or precinct levels through division command level, including the sheriff.

B. "Director" means the director of the office of law enforcement oversight or the director's designee.

C. “Critical incident review” means the written findings of a shooting review board or an accident review board conducted by the sheriff's office.

D. "Internal investigations unit" means the unit within the sheriff's office responsible for internal investigations, or its successor.

E. "Office" means the office of law enforcement oversight created under this chapter.

F. "Serious matter" means allegations of serious misconduct as defined in the Sheriff's Office General Orders Manual as currently written or hereinafter amended.

G. "Sustained complaint" means a complaint where, as the result of an investigation, the allegation is supported by sufficient factual evidence and was a violation of policy. (Ord. 16511 § 1, 2009: Ord. 15611 § 2, 2006).

2.75.020 Office of law enforcement oversight - generally. The office of law enforcement oversight is hereby established within the legislative branch. The office of law enforcement oversight is an investigative agency as that term is used in RCW 42.56.240. The office's roles, responsibilities and authorities are prescribed in this chapter. Decisions about the functions and implementation of the office should be the result of a collaborative process that involves, at a minimum, the executive, the council, the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's office employees. (Ord. 16511 § 2, 2009: Ord. 15611 § 3, 2006).

2.75.030 Director of office of law enforcement oversight.

A. The director shall be appointed by a majority of the council. The executive shall conduct a nationwide search for the director to identify candidates with the following characteristics:

1. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;
2. An understanding of and a commitment to the responsibilities of the office;
3. Demonstrated leadership and a history of effective management and administration;
4. The ability to gain the trust and respect of sheriff's office employees;
5. The ability to work effectively with the executive, council, prosecuting attorney and sheriff, as well as other public agencies, labor organizations, private organizations and citizens;
6. An openness to innovation and new ideas;
7. Sensitivity to and knowledge of the particular needs and concerns of minorities and women in a law enforcement setting;
8. The ability to work effectively under pressure with controversial issues and the ability to effectively communicate with diverse groups;
9. No history of employment in the sheriff's office;
10. A history that includes the establishment of a reputation for even-handedness and fairness in dealing with both complainants and regulated parties; and
11. The selected director must pass a complete criminal background check prior to confirmation.

B. Candidates for appointment shall be selected by a committee of five members that shall recommend three candidates for the director position to the council. The selection committee shall be composed of: one member appointed by the King County Police Officers' Guild; one member appointed by the Puget Sound Police Managers' Association; one member appointed by the chair of the county council; and one member appointed by the county executive. The fifth member shall be appointed by the other four members. If none of the three recommended candidates has the support of a majority of the council, the council may direct by motion the commencement of a new recruitment and recommendation process.

C. The director shall serve a term of four years, unless removed for cause at any time by motion approved by a majority of the council, and shall be considered by the county council for reappointment at the end of each term of office.

D. The director, with consultation of the council and within the amount available or budgeted by appropriation, may employ staff or use the services of consultants as may be necessary for conduct of the office's duties. These employees or contractors must pass a complete criminal background check before employment. (Ord. 18235 § 2, 2016: Ord. 16511 § 3, 2009: Ord. 15611 § 4, 2006).

2.75.040 Office of law enforcement oversight - powers and duties. In order to ensure the integrity of the sheriff's complaint and investigations processes and to ensure resolution of citizen and employee initiated complaints:

A. The office shall receive complaints from any complaining party concerning the sheriff's office, track complaints received and transmit the complaints to the internal investigations unit;

B. In addition to complaints received by the office, the internal investigations unit shall provide copies of all other complaints to the office within three business days;

C. The office shall not conduct independent disciplinary investigations, but may participate in interviews as provided in K.C.C. 2.75.060;

D. The office shall be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or the notice of finding if the complaint is not sustained;

E. The office shall be notified by the internal investigations unit within five business days of the completion of an internal investigation. The office, in addition to the sheriff's office's written notice of finding letter to the complainant, may send a closing letter to the complainant. (Ord. 16511 § 4, 2009: Ord. 15611 § 5, 2006).

2.75.050 Office of law enforcement oversight - additional duties - reports. The office, in order to ensure transparency to the sheriff's discipline and complaint handling processes and guarantee adequate information is made available to the office in order to maintain public confidence, shall also:

A. Monitor the investigation and resolution of all complaints to ensure they are handled in a timely fashion and complainants are notified of the final disposition of their complaints;

B. Coordinate with the sheriff's office in the development of all technology applications for tracking and information sharing;

C. Issue annual reports, beginning March 1, 2010. The office shall file twelve copies of each report with the clerk of the council, for distribution to all councilmembers. To facilitate availability of the reports to the public, the office shall also retain paper copies of the reports and post the reports on the Internet. The office shall provide in the reports:

1. A statistical analysis of complaints, investigative findings and final discipline for sustained complaints. The reports should include information about the number and type of misconduct cases in which the director did not certify that the investigation was thorough and objective; and

2. Make recommendations for action by the sheriff on needed improvements in policies, procedures and practices stemming from analyses that look beyond the individual cases of misconduct to identify systemic problems within the sheriff’s office. In addition to investigational materials available to the office, the director shall make use of all other available materials, including internal and external audits and reviews of the sheriff's office and critical incident reviews, in developing and making recommendations for improvements. (Ord. 16511 § 5, 2009: Ord. 15611 § 6, 2006).

2.75.060 Office of law enforcement oversight - powers to oversee misconduct investigations. In order to oversee misconduct investigations:

A. The office shall have unimpeded and real-time access to unredacted case information and all information related to ongoing investigation files. The only exception to this subsection is files related to ongoing investigations of deputies or other sheriff's staff who are under criminal investigation. The office shall protect all documents and information regarding specific investigations or officers as required by law;

B. The internal investigations unit shall notify the office of all administrative interviews on all complaints of a serious matter, which are complaints that could lead to

suspension, demotion or discharge, and all complaints originating from the office. A single office representative may attend and observe interviews and shall be given the opportunity to ask questions that are within the scope of permissible investigative questioning after the completion of questioning by the sheriff's office;

C. The office shall not participate in criminal investigations of sheriff's office employees in any way and shall not be notified of any part of the criminal investigation until the criminal investigation is concluded. At that point, the file shall be provided to the office;

D. Upon completion of internal investigations, the unit shall forward a complete copy of the case file to the office for review. The director shall determine, in writing, whether the investigation was thorough and objective;

E. As a part of the review process, if the director believes that additional investigation is needed on issues material to the outcome, the director shall request that further investigative work be completed. If there is any dispute between the assigned investigator or investigators and the office regarding the necessity, practicality or materiality of the requested additional investigation, the unit commander shall determine whether additional investigation will be undertaken. If the director is not satisfied with the determination of the unit commander, the matter shall be submitted to the sheriff for review. If the director is not satisfied with the determination of the sheriff, the matter shall be resolved by the executive, whose decision shall be final. Once the matter has been referred to and resolved by the executive, the investigation shall be completed consistent with the determination by the executive;

F. After completion of the additional investigation, or the conclusion that no further investigation will be undertaken, the office shall certify whether or not, in the opinion of the director, the internal investigation was thorough and objective. The determination shall be made within five business days;

G. The office shall be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or the notice of finding if the complaint is not sustained. (Ord. 16511 § 6, 2009: Ord. 15611 § 7, 2006).

2.75.070 Officer-citizen mediation program. The office, in collaboration with the sheriff's office, shall establish and administer a voluntary officer-citizen mediation program. The program shall provide an alternative method to resolve citizen complaints by allowing willing citizens and officers to meet under the guidance of a professional mediator to discuss and resolve their differences. The office and the sheriff's office shall establish standards and guidelines for determining when a particular complaint may be referred to mediation. Serious complaints are excluded from the use of mediation to resolve allegations. Prior to the complainant agreeing to utilize the mediation process to resolve the complaint, the office shall explain the mediation process to the complainant, including that if the officer participates in good faith, the officer will not be subject to discipline and the complaint will be administratively dismissed. (Ord. 16511 § 7, 2009: Ord. 15611 § 8, 2006).

2.80 GIFTS, BEQUESTS AND DONATIONS TO COUNTY

Sections:

2.80.010 Gifts, bequests and donations accepted.
2.80.030 Expenditures to fall within grantor's terms.
2.80.040 Interest from gifts deposited in current expense fund.
2.80.050 Administrative costs for handling small gifts not to exceed benefit.
2.80.053 Exemption - gifts, bequests or donations for animal care and control purposes.

2.80.055 Exemption - gifts, bequests or donations for citizen councilor network.
2.80.060 Exemption - gifts, bequests or donations for parks and recreation purposes.
2.80.070 Exemption - gifts bequests or donations for employee giving program purposes.
2.80.080 Exemption - gifts or donations to or from public office fund.
2.80.090 Exemption - gifts, bequests or donations for department of public health purposes.
2.80.100 Exemption – gifts, bequests or donations for the inmate welfare fund for religious materials and texts, other educational materials and books

2.80.010 Gifts, bequests and donations accepted. Gifts, bequests and donations, of more than two thousand dollars, shall be accepted on behalf of King County by motion of the county council. (Ord. 15577 § 1, 2006: Ord. 1168 § 1, 1972).

2.80.030 Expenditures to fall within grantor's terms. 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. (Ord. 1168 § 3, 1972).

2.80.040 Interest from gifts deposited in current expense fund. Except as otherwise specified by the grantor, interest earned from investment of gifts, bequests and donations shall be deposited in the current expense fund. (Ord. 1168 § 4, 1972).

2.80.050 Administrative costs for handling small gifts not to exceed benefit. Small gifts, bequests and donations should be used for an appropriate purpose within a year so that the cost of their handling does not exceed the benefit of their use. (Ord. 1168 § 5, 1972).

2.80.053 Exemption - gifts, bequests or donations for animal care and control purposes. This chapter does not apply to gifts, bequests or donations, of under fifty thousand dollars, received for animal care and control purposes. (Ord. 16861 § 1, 2010).

2.80.055 Exemption - gifts, bequests or donations for citizen councilor network. This chapter does not apply to gifts, bequests or donations, of under fifty thousand dollars, received for King County citizen councilor network, also known as King County community forums, purposes. (Ord. 16199 § 1, 2008).

2.80.060 Exemption - gifts, bequests or donations for parks and recreation purposes. This chapter does not apply to gifts, bequests or donations, of under fifty thousand dollars, received for parks and recreation purposes. (Ord. 14509 § 25, 2002).

2.80.070 Exemption - gifts bequests or donations for employee giving program purposes. This chapter does not apply to gifts, bequests or donations received for employee giving program purposes. (Ord. 17332 § 14, 2012).

2.80.080 Exemption - gifts or donations to or from public office fund. This chapter does not apply to gifts or donations made to or received from a public office fund as defined in K.C.C. 3.04.210. (Ord. 17612 § 3, 2013).

2.80.090 Exemption - gifts, bequests or donations for department of public health purposes. This chapter does not apply to gifts, bequests or donations, totaling under fifty thousand dollars from any person in a one-year period, received for department of public health purposes. (Ord. 18254 § 2, 2016).

2.80.100 Exemption – gifts, bequests or donations for the inmate welfare fund tor religious materials and texts, other educational materials, and books. This chapter does not apply to gifts, bequests or donations, of under fifteen thousand dollars received for the inmate welfare fund for religious materials and texts, other educational materials, and books. (Ord. 18314 § 1, 2016).

2.84 INTERNATIONAL TRADE EXPANSION AND ECONOMIC DEVELOPMENT

Sections:

2.84.010 Phased implementation and program description.
2.84.020 Policy.
2.84.030 Program management and contracts.
2.84.040 Definitions.
2.84.050 Initial goals.
2.84.060 Phase I initiative adopted.
2.84.190 Oversight board and board work plan.

2.84.010 Phased implementation and program description.

A. In an effort to become more competitive on a global scale, King County will implement policy initiatives in several phases to create conditions further developing its economy, while preserving and maintaining a quality environment, through trade expansion (Phase I), infrastructure improvement (Phase II), human resource management (Phase III), utilization of technology (Phase IV); manufacturing growth and retention (Phase V), regulatory reform (Phase VI), and a regional funding strategy (Phase VII).

B. Program description. The county intends to accomplish the purposes of this chapter in partnership with an agency or agencies presently collaborating with both the public and private sectors to promote the trade interest of this region in domestic and international markets. (Ord. 12468 §§ 1, 7, 1996).

2.84.020 Policy. 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 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. (Ord. 12468 § 5, 1996).

2.84.030 Program management and contracts.

A. The King County International Airport is designated as the advocate and lead agency to implement the county's international trade expansion and related economic goals through management of contracts with the appropriate agencies.

B. Executive authorized to sign contracts. The executive is authorized to negotiate and sign contracts to achieve the purposes of this chapter consistent with K.C.C. 4.16*. (Ord. 12468 §§ 6, 11, 1996).

***Reviser's note: K.C.C. chapter 4.16 was recodified as K.C.C. chapter 2.93 by Ordinance 17522.**

2.84.040 Definitions. The following definitions shall apply in interpretation and implementation of this chapter:

A. "Globally competitive community" means a jurisdiction that puts export-driven manufacturing and manufacturing-related economic activity in such areas as the services sector at the core of its economic growth and development to maximize the quality of life for its citizens. For the purposes of this chapter the term "services" means high technology (biotechnology, research, communications, electronic, computers and software), agricultural and wood products, as well as health services and professional services (financial, legal, accounting, education, business advice and environmental).

B. "International trade" refers to federally defined 'wholesale trade' which includes businesses primarily engaged in selling merchandise to retailers, or to contractors, or to professional business users, or to other wholesalers, or to agents or brokers with chief functions that include re-packaging bulk goods and delivery. For the purposes of this chapter, this definition shall also include exports; marine port and air cargo activity; investment and tourism.

C. "Small business" means companies and businesses with up to fifty employees.

D. "Midsize business" means companies and businesses with between fifty and five hundred employees.

E. "Niche market" means a narrow segment of a larger market category.

F. "Technology transfer" means the transfer of research and development efforts for the purpose of commercialization.

G. "Foreign or `free' trade zones (FTZs)" are legally outside a nation's customs territory and are operated as public utilities by state and/or local jurisdictions, or corporations. They are designated by the Foreign Trade Zone Board of the U.S. Department of Commerce and operate under the supervision of the U.S. Customs Service. FTZs serve to attract and promote international trade and commerce which allow imported goods to be admitted into a designated FTZ without payment of customs duties or specific government taxes, or without general U.S. quota restrictions which are very limited. (Ord. 12468 § 3, 1996).

2.84.050 Initial goals. 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 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 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. (Ord. 12468 § 8, 1996).

2.84.060 Phase I initiative adopted. The Metropolitan King County International Trade Expansion and Economic Development Initiative is hereby adopted. (Ord. 12468 § 2, 1996).

2.84.190 Oversight board and board work plan.

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 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. 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. 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 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. (Ord. 14482 § 49, 2002: Ord. 12468 §§ 9, 10, 1996).

2.88 HOUSING AUTHORITY - FEDERALLY ASSISTED PROGRAMS

Sections:

2.88.010 Agency designated.
2.88.015 Appointments.
2.88.020 Collection and dissemination of information.
2.88.030 Transmittal of information to county departments.

2.88.010 Agency designated. The housing authority of the county of King, a public corporation, is designated as the official office or agency in King County to collect and disseminate information concerning federally assisted housing programs. (Ord. 1320 § 1, 1972).

2.88.015 Appointments.

A. At least one person appointed to the board of commissioners of the King County housing authority shall be a person who is directly assisted by the public housing authority.

B. No person shall be appointed to the board for more than two successive terms. Filling the unexpired portion of a term counts toward the two-term limit. (Ord. 14068 § 1, 2001: Ord. 12155 §§ 1,2, 1995).

2.88.020 Collection and dissemination of information. The housing authority shall obtain, assemble, correlate and disseminate information concerning such programs and legislation or proposed legislation affecting such programs to officers and agencies in King County concerned therewith. (Ord. 1320 § 2, 1972).

2.88.030 Transmittal of information to county departments. The housing authority in compliance with this chapter shall obtain, assemble, correlate and transmit to the county council, county executive and executive departments and offices all information concerning federal programs and needs in King County for federal assistance and participation in the administration of federally assisted housing programs in King County. (Ord. 1320 § 3, 1972).

2.92 SAFETY AND WORKER'S COMPENSATION PROGRAM

Sections:

2.92.020 Scope of Program.
2.92.030 Duties.

2.92.020 Scope of Program. The scope of the safety and worker's compensation program shall include the following functions:

A. Develop and administer a management-employee participating safety program congruous to the Washington State Industrial Safety and Health Act designed to reduce or eliminate accidents, personal injuries or damage to property;

B. Establish and maintain a motor vehicle fleet safety program, accident reporting process and a review board procedure within all departments;

C. Administer the county self-insured worker's compensation insurance system within the rules, regulations and procedures as established by the Legislature and the Department of Labor and Industries of the state of Washington;

D. Provide all technical safety support pursuant thereto. (Ord. 6172 § 2, 1982: Ord. 1720 § 2, 1973).

2.92.030 Duties. The director of the office of human resources management* 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 believes a hazard exists creating imminent danger to the employees involved;

J. Act as liaison between the county, the 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. (Ord. 12075 § 20, 1995).

***Reviser's note: Renamed the human resources management division by Ordinance 14199, 2001.**

2.93 PROCUREMENT

Sections:

2.93.010 Applicability - administration of procurement - federal or state preemption - limits on executive limitations.
2.93.020. Authorization.
2.93.030 Definitions.
2.93.040 Receipt and opening of bid proposals or statements of qualifications.
2.93.050 Exceptions to formal, sealed bids or proposals for contract lease or purchase of tangible personal property and services-exceptions.
2.93.060 Capital improvement projects - energy efficiency and greenhouse gas emissions reduction - analysis - selection considerations - reports on reductions.
2.93.070 Proprietary purchases.
2.93.080 Emergency purchases.
2.93.090 Small works roster system.
2.93.100 Minimal cost purchases – standard method by credit card – petty cash fund.
2.93.110 Credit card payments by officers and employees.
2.93.120 Solicitation of architect and engineering services – solicitation of other professional services – solicitation and award of public works contracts – award for lease or purchase of tangible personal property and purchase of services and technical services – prequalification of tangible personal property and services – contracts for contractor travel and meal expenses reimbursement.
2.93.130 Collusion.
2.93.140 Cooperative purchasing.

2.93.150 Encumbrance of balance.
2.93.160 Protest and appeal procedures.
2.93.170 Debarment and suspension - report.
2.93.180 Exemptions.
2.93.190 Competitive bidding process procurements for tangible personal property and services including technical services.
2.93.200 Reports on contracts for professional or technical services.

***For statutory provisions regarding competitive bidding for county public works contracts, see RCW 36.32.235 through 36.32.270.**

2.93.010 Applicability of administration of procurement - federal or state preemption - limits on executive limitations. To ensure open, fair and competitive procurement processes, to establish a procurement system of quality and integrity and to maximize the purchasing value of public funds, this chapter applies to contracts for the procurement of tangible personal property, services, professional services, technical services and public work entered into by county elected officials, department heads and their designees. Except where exempt by state law, county ordinance or executive policy, county procurement shall be administered through the procurement and contract services section to maximize economies of scale, consistency in county practices and accountability procedures.

When a procurement involves the expenditure of federal or state assistance, grants or funds, the manager shall conduct the procurement in accordance with this chapter unless the federal or state agency specifically requires otherwise. This chapter does not limit the authority of the executive to procure tangible personal property, services, professional or technical services, or public work in a manner otherwise provided for in law. (Ord. 17522 § 3, 2013: Ord. 16854 § 1, 2010. Formerly K.C.C. 4.16.005).

2.93.020 Authorization. The manager is hereby authorized to take all actions necessary and appropriate to implement the policies and provisions in this chapter, and to promulgate such rules, regulations and guidelines as the manager deems necessary to carry out the purposes or provisions of this chapter. The rules, regulations and guidelines shall be promulgated in compliance with K.C.C. chapter 2.98. (Ord. 17522 § 5, 2013: Ord. 14199 § 75, 2001: Ord. 12138 § 22, 1996. Formerly K.C.C. 4.16.157).

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

A. "Bid" or "proposal" means an offer to provide tangible personal property, services, technical or professional services and public work in response to a solicitation for bids or proposals issued by the county.

B. "Bidder," or "proposer" means a person, firm, partnership or corporation that formally submits a bid, proposal or offer to provide tangible personal property, services, professional or technical services and public work to the county in response to a solicitation for bids or proposals or request for qualifications issued by the county.

C. "Collusion" means a willful act to defraud others of their rights or to obtain an unfair advantage in a public contracting process.

D. "Contract" means a mutually binding legal relationship or any modification thereof obligating a person, firm, corporation or partnership to provide tangible personal property, services, professional or technical services or public work to the county, and that obligates the county to pay therefor.

E. "Day" means a calendar day.

F. "Incremental project cost" means the additional cost, if any, in design, procurement, construction and long-term maintenance, for achieving a reduction in energy usage or greenhouse gas emissions greater than the reduction that would be achieved under the applicable building code requirements.

G. "Manager" means the manager of the finance and business operations division.

H. "Professional services" means those services provided by licensed or certified individuals or consulting firms associated with either the development, design or construction, or any combination thereof, of a public works or real property project.

I. "Public work" means all work, construction, alteration, enlargement, repair, demolition or improvement, other than ordinary maintenance, executed at the cost of the county or that is by law a lien or charge on any property therein.

J. "Sealed bid" means a method for submitting a bid to provide or perform work on a contract. In general, each interested party submits a bid in a sealed envelope or electronically as specified, and all of the bids are opened at the same time.

K. "Services," except for professional services or technical services, means the furnishing of labor, time or effort by a contractor, not involving the delivery of tangible personal property, such as reports that are merely incidental to the required performance.

L. "Tangible personal property" means equipment, supplies, materials and goods, and includes intangible personal property that is movable, subject to ownership, and has exchange value.

M. "Technical services" means those services provided by independent contractors within the scope of accounting, law, financial or administrative studies, studies of a technical nature, management advisory services and special project management, for a defined time or result or other practice that requires either specialized knowledge, advanced education or licensing or certification, or any combination thereof, and where the primary service provided is intellectual involving the consistent exercise of judgment and discretion or the provision of specialized skills.

N. "Waiver" means a process whereby the procurement and contract services section may procure without formal solicitation procedures because of the uniqueness of circumstances related to that procurement action. (Ord. 17522 § 7, 2013: Ord. 16854 § 2, 2010: Ord. 14199 § 64, 2001: Ord. 12138 § 6, 1996. Formerly K.C.C. 4.16.010).

2.93.040 Receipt and opening of bid proposals or statements of qualification.

A. Sealed bids shall be received in such a manner and form, including electronically if specified, and at such locations as the manager shall designate up to the time and date identified in the invitation to bid, where such bids shall be time-recorded by a county representative. After the expiration of the time for the receipt of bids, the bids will be publicly opened and read. The county reserves the right to reject any bid, any portion of any bid, or all bids and to waive immaterial irregularities in accordance with applicable law.

B. Written proposals or statements of qualification shall be received in such a manner and form, including electronically if specified, at such locations as the manager shall designate up to the time and date identified in the request for proposals or request for statements of qualification. The proposals or statements shall be time recorded by a county representative. After expiration of the time for receipt of proposals or statements, a submittal list shall be compiled and made public. (Ord. 17522 § 9, 2013: Ord. 14199 § 65, 2001: Ord. 12138 § 7, 1996. Formerly K.C.C. 4.16.025).

2.93.050 Exceptions to formal, sealed bids or proposals for contract lease or purchase of tangible personal property and services-exceptions. In accordance with Titles 36 and 39 RCW and this chapter, the executive is granted authority to award any contract, lease or purchase of tangible personal property and technical or other services, at the informal purchase threshold, without advertisement and without formal, sealed bids or proposals. The executive shall be responsible for securing quotations or proposals from prospective contractors where required to assure establishment of a competitive price. This section does not apply to architectural, engineering, professional, or public works contracts. (Ord. 17522 § 11, 2013: Ord. 16210 § 1, 2008: Ord. 12138 § 8, 1996. Formerly K.C.C. 4.16.030).

2.93.060 Capital improvement projects - energy efficiency and greenhouse gas emissions reduction - analysis - selection considerations - reports on reductions.

A.1. The executive shall require the architect, engineer or energy performance contractor to develop a written analysis to be delivered to the project manager before the completion of the project's design for all county capital improvement projects, including new construction, remodeling and energy-saving performance contracts and equipment retrofits and replacement:

a. that include at least two hundred fifty thousand dollars of costs for powered equipment; and

b. for which reasonable alternatives appear to be available for reducing energy usage by at least ten percent below applicable building code requirements or reducing greenhouse gas emissions.

2. The analysis shall include, at a minimum:

a. options to achieve a reduction in energy usage of at least ten percent below levels that would be achieved under applicable building code requirements;

b. any reasonable options to achieve greenhouse gas emissions reductions;

c. identification of all available financial incentives from utility companies or other parties for achieving a reduction in energy usage or greenhouse gas emissions;

d. a financial analysis of the incremental project cost for achieving the reductions in energy usage based on a life-cycle cost analysis that calculates net present value of the incremental cost, net of any financial incentives from utilities or other outside sources, and the operational and utility savings for a period of not more than fifteen years, unless specifically justified by the attributes of the project; and

e. a financial analysis of the incremental project cost for implementing any reasonable options for achieving the reductions in greenhouse gas emissions based on a life-cycle cost analysis that calculates net present value of the incremental cost, net of any financial incentives from utilities or other outside sources, and the operational and utility savings for a period of not more than fifteen years, unless specifically justified by the attributes of the project.

3. The written analysis required in subsection A.1. of this section shall apply to county capital improvement projects for which design work is commenced after October 3, 2010.

B. The project manager shall consider the financial analysis and life-cycle cost analysis in the selection of the alternative under subsection A. of this section, with a goal of selecting the alternative that meets the county's operational needs and that will result in a reduction of energy usage and greenhouse gas emissions and for which the life-cycle cost analysis of the incremental project cost demonstrates that there would not be an additional cost to the county. Documentation of the decision must be provided if an alternative is selected that does not reduce energy consumption or greenhouse gas

emissions, or if an alternative is selected for which the financial analysis in subsection B. of this section determines that there will be an incremental cost.

C. For a project under subsection A. of this section, where a financial incentive from a utility is available and the county has decided to pursue the incentive, the project manager shall be responsible for ensuring completion of all requirements of the utility's incentive.

D.1. For a project under subsection A. of this section, upon the expiration of the project's construction warranty period, the department shall report the energy reduction and greenhouse gas emissions achieved as a result of the project and the total rebates and grants received from utilities or other parties as compared to the projected outcomes in energy usage and greenhouse gas emissions, and any financial incentives identified in the financial analysis required in subsection A.3. of this section. After the initial report, the project's actual versus projected energy usage and greenhouse gas emissions shall be monitored for at least three years, using the county's energy accounting software or other measurement tools as appropriate based on the size and complexity of the project.

2. The executive shall adopt written procedures outlining the methodology and process by which a project manager reports on the energy and greenhouse gas emissions reductions achieved as a result of the project and the annual monitoring of energy and greenhouse gas emissions reduction. The procedures shall include a process for identifying those projects that include at least two hundred fifty thousand dollars of costs for powered equipment, but for which reasonable alternatives were unavailable for reducing energy consumption by at least ten percent below applicable building code requirements. The procedures shall include a reporting mechanism by which the data in subsection D.1. of this section is compiled, summarized and transmitted to the council. (Ord. 17522 § 13, 2013: Ord. 16927 § 2, 2010. Formerly K.C.C. 4.16.035).

2.93.070 Proprietary purchases.

A. The competitive procurement provisions of this chapter shall not apply to the lease or purchase of tangible personal property or to services of any kind that are clearly and legitimately limited to a single source of supply or that involve special facilities or special market conditions in which instances the lease or purchase price shall be established by direct negotiations by the manager. Executive approval is required for such leases or purchases below the formal purchasing threshold as described in RCW 36.32.245.

B. Notwithstanding subsection A. of this section, the competitive bidding requirements for public works may not be waived on the basis of a single source of supply, special facilities or special market conditions. (Ord. 17522 § 15, 2013: Ord. 16609 § 1, 2009: Ord. 14199 § 66, 2001: Ord. 12138 § 9, 1996. Formerly K.C.C. 4.16.040).

2.93.080 Emergency purchases.

A. In the event of an emergency, as defined in RCW 39.04.280, now and as hereinafter amended, the executive may issue a determination of emergency. In the event of an emergency, as defined in K.C.C. 12.52.010, the executive may proclaim an emergency in accordance with K.C.C. chapter 12.52. In either the declaration or the proclamation, the executive shall recite the facts constituting the emergency. Upon issuance of such a determination or proclamation the executive may issue a waiver of the requirements of this chapter, K.C.C. 4A.100.070 and of K.C.C. chapters 12.16 and 12.18 with reference to any contract relating to the county's lease or purchase of tangible personal property or services, contracts for public works as defined by RCW 39.04.010, or to the selection and award of either professional or technical service consultant contracts, or both. The waiver shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. However, waivers for contracts entered

into, that combined, encumber funds either in excess of two hundred fifty thousand dollars, or in excess of appropriation shall be subject to subsection B. of this section.

An emergency waiver of the requirements of K.C.C. chapter 12.16 and K.C.C. 12.18.095, under this section, shall not amend the annual utilization goals unless the emergency makes it impossible to achieve the annual utilization goals. The executive shall report, in detail, such emergency expenditures to the county council within forty-five days of determining an emergency.

B. Waivers for contracts that, combined for each emergency, exceed two hundred fifty thousand dollars, or are in excess of appropriation shall be forwarded to the clerk of the council no later than 10:00 a.m. the second business day after it is issued. Such a waiver shall continue to have force and effect until terminated by order of the executive or action of the council by ordinance, or until it expires, which shall be ten calendar days after there have been contracts entered into, [that]* combined, encumber funds either in excess of two hundred fifty thousand dollars or in excess of appropriation. The council, by motion, may extend a waiver beyond the ten-day period.

C. In the event a waiver authorized under this section expires or is terminated, no further contracts or purchases may be made without complying with the nonemergency contracting provisions of this chapter, K.C.C. 4A.100.070 and K.C.C. chapters 2.93, 12.16 and 12.18. Any contract entered into under the authority of this section shall contain provisions allowing the county to terminate the contract for convenience or as a result of the expiration or termination of an emergency waiver as provided in this section. Such contract termination provisions shall authorize the county to pay the contractor only that portion of the contract price corresponding to work completed to the county's satisfaction before termination, together with costs necessarily incurred by the contractor in terminating the remaining portion of work, less any payments made before termination.

D. Reasonably necessary expenditures to respond to the emergency will not result in contracts or purchases being null and void, notwithstanding the lack of an appropriation. If the responsible director determines that the expenditures were made in excess of an appropriation, the executive will request an appropriation, specifying the source of funds. (Ord. 17929 § 8, 2014: Ord. 16639 § 1, 2009: Ord. 12163 § 2, 1996: Ord. 11788 § 2, 1995: Ord. 10581 § 3, 1992: Ord. 6172 § 11, 1982: Ord. 4551 § 6, 1979: Ord. 3441 § 5, 1977. Formerly K.C.C. 4.16.050).

***Reviser's note: Language added but not underlined in Ordinance 17929. See K.C.C. 1.24.075.**

2.93.090 Small works roster system.

A. There is hereby created a small works roster system, which shall operate as a uniform process to award contracts for public works contracts with an estimated cost of three hundred thousand dollars or less as an alternative to formal advertisement and competitive bidding, at the option of the manager on a project by project basis. The following procedures shall be followed in awarding all contracts using this roster system:

1. Individual rosters within the system shall be composed of all responsible contractors who have requested to be placed on the rosters and, where required by law, properly licensed to perform such work in this state;

2. Bids may be solicited from all appropriate contractors on the appropriate small works roster or the county may invite quotations from at least five contractors on an appropriate roster. The solicitation shall include a description of the nature and scope of work to be performed as well as the materials and equipment to be furnished. However, if the estimated cost of the work is from one hundred and fifty thousand dollars to three hundred thousand dollars, and the county chooses to solicit bids from less than all appropriate contractors on the appropriate small works roster list, then the county must

notify the remaining contractors that bids are being solicited. The manager may select the method of notifying the remaining contractors in compliance with RCW 39.04.155, now and as hereafter amended;

3. Once a contractor on a roster has been offered an opportunity to submit a bid, that contractor shall not be offered another opportunity to submit a bid for any other contract using the same roster until all other contractors on the roster have been offered an opportunity to submit a bid;

4. A contractor shall be removed, at the discretion of the manager, from a small works roster after being deemed non-responsible to two consecutive invitations to bid; and

5. All contracts shall be awarded to the contractor submitting the lowest responsible bid.

B. The manager or the manager's designee shall be responsible for the administration of the small works roster system, including any limited public works process authorized under RCW 39.04.155, and shall prepare and adopt the forms, administrative processes and operational procedures necessary to implement a small works roster system for different categories of anticipated work that complies fully with this section and the applicable requirements of state law. In the discretion of the manager or the manager's designee, solicitations under the small works roster system may be conducted in writing or electronically, including but not limited to using a web-based solicitation process. (Ord. 17041 § 1, 2011. Formerly K.C.C. 4.16.055).

2.93.100 Minimal cost purchases – standard method by credit card – petty cash fund. Various departments or agencies of the county regularly have requirements for minimal cost purchases, and the cost of competitive purchasing to the county in these instances is greater than the benefits. The standard method for making these purchases is a county-issued credit card. In those instances when a county-issued credit card cannot be reasonably used, the manager shall establish a petty cash fund for open market purchases of miscellaneous items, total purchase price not to exceed one hundred dollars. Individual departments or agencies may effect these minimal cost purchases directly. The manager will authorize the reimbursement to each department, office or employee authorized to make such petty cash expenditures upon delivery of vendor's sales receipt. The authorized designee of the department or office will certify the vendor's paid sales receipt and deliver same for reimbursement. (Ord. 17522 § 18, 2013: Ord. 14199 § 67, 2001: Ord. 12138 § 10, 1996. Formerly K.C.C. 4.16.070).

2.93.110 Credit card payments by officers and employees.

A. The manager shall implement the following system for the authorization, distribution, control, implementation and administration of credit cards by officers and employees:

1. Credit cards may be distributed to those county officers and employees who, in the opinion of the manager, have job responsibilities that would benefit from, or otherwise be facilitated by, the use of a credit card;

2. Credit cards may only be used for purchases or acquisitions the user would be authorized to make with county cash, purchase order, or voucher;

3. Credit cards may not be used for cash advances;

4. Policies and procedures and accounting controls shall be developed and implemented to ensure the proper usage of credit cards and credit card funds including compliance with county code and county purchasing policies and procedures;

5. Credit cards may be required to be immediately surrendered if used in a manner inconsistent with county code or county policies or procedures;

6. Credit limits shall be set on each credit card issued; and

7. A written procedure for the payment of all credit card bills shall be established and implemented.

B. The manager may adopt any additional policies and procedures the manager determines are necessary to implement, and are not inconsistent with, this chapter. (Ord. 17522 § 20, 2013: Ord. 16651 § 1, 2009. Formerly K.C.C. 4.16.075).

2.93.120 Solicitation of architect and engineering services – solicitation of other professional services – solicitation and award of public works contracts – award for lease or purchase of tangible personal property and purchase of services and technical services – prequalification of tangible personal property and services – contracts for contractor travel and meal expenses reimbursement – responsibility criteria.

A. Contracts for architect and engineering services shall be solicited in accordance with chapter 39.80 RCW.

B. Contracts for professional services, other than architectural or engineering, shall be solicited using the procedures in chapter 39.80 RCW, with price as an additional element of consideration.

C. Public works contracts shall be solicited and awarded in accordance with the authority granted by state law, as in Titles 36 and 39 RCW and any additional requirements prescribed by county ordinance or executive policy.

D. Contracts for the lease or purchase of tangible personal property and the purchase of services and technical services shall be awarded in accordance with RCW 36.32.245, 36.32.253 and 39.04.190. If the manager determines that soliciting bids is not in the best interest of the county, the contract shall be awarded under a competitive proposal process.

E. Prequalification of tangible personal property and services may occur before procurement of the items. Under those circumstances, only tangible personal property and services that are determined to meet the qualifying criteria will be acceptable in the subsequent procurement.

F. All contracts that provide for reimbursement of contractor travel and meal expenses shall have a provision that limits such reimbursements to eligible costs based on the rates and criteria established in K.C.C. chapter 3.24 and federal travel rate regulations.

G. For all solicitations with a value of one hundred thousand dollars or more, the executive shall develop responsibility criteria, relevant to the proposed scope of work, to determine whether a bidder or proposer's historical compliance with environmental, worker safety, labor, and human trafficking laws, rules and regulations establishes the bidder or proposer to be a responsible contractor. For the purposes of this subsection, "historical compliance" means a minimum of three years preceding the submittal date for the solicitation. The executive, when developing responsibility criteria that evaluates historical compliance with environmental, worker safety, labor and human trafficking laws, rules and regulations, may also develop criteria to use in determining the responsibility of a bidder or proposer, that evaluates a bidder or proposer's record in providing employee benefits, including an employer or union provided retirement plan, health benefits and either paid parental leave or paid family leave, or both.

H. The criteria listed in subsection G. of this section shall be in addition to any other qualifications criteria stated in the solicitation documents. For solicitations to award a contract for public works, the criteria are deemed supplemental criteria for determining bidder responsibility under RCW 39.04.350. If the executive determines that the use of any of the criteria developed in accordance with subsection G. of this section might cause the county to be in violation of any state or federal procurement law, rule or regulation regarding competitive bidding or competitive proposals, that criteria shall not be included in

a solicitation. The criteria shall neither be included in solicitations to award a contract to a government agency or public entity nor be included in solicitations to award any contract that the county enters as the administrator of a grant for a third party.

I. If council approval of a contract is requested under K.C.C. 4A.100.070.D.2.b. or is required under state law, the executive shall include in the legislative transmittal package submitted to the council a written explanation of the prospective contractor's response to the criteria in subsection G. of this section. (Ord. 18372 § 2, 2016: Ord. 17522 § 22, 2013: Ord. 17198 § 3, 2011: Ord. 14199 § 68, 2001: Ord. 13257 § 17, 1998: Ord. 12138 § 11, 1996. Formerly K.C.C. 4.16.080).

2.93.130 Collusion. Regardless of whether bids or proposals have been solicited by the county for the purchase of tangible personal property or the performance of a service or services, the manager shall report to the executive any suspected collusion. The executive may order the suspected collusion to be reported to the appropriate authorities. If the suspected collusion appears to violate federal antitrust laws, then the executive may order the suspected collusion reported to the appropriate federal authorities charged with enforcement. (Ord. 17522 § 27, 2013: Ord. 14199 § 72, 2001: Ord. 12138 § 13, 1996. Formerly K.C.C. 4.16.100).

2.93.140 Cooperative purchasing. The manager shall have authority to join with other units of government in cooperative purchasing when the best interests of the county would be served thereby, but each of the participating units shall be separately invoiced by the vendors for the purchases and the county shall not be obligated for purchases other than those required for its own use. The county may utilize federal, state or local governments' contracts that have followed their respective public agencies' competitive procurement processes rather than this chapter. The manager may establish a purchasing administrative fee to recover costs from the contractor associated with other public agencies' use of these contracts. (Ord. 17522 § 29, 2013: Ord. 14199 § 73, 2001: Ord. 12138 § 14, 1996. Formerly K.C.C. 4.16.110).

2.93.150 Encumbrance of balance. Except in an emergency, no purchase for any department or office shall be awarded until the department director or responsible officer has certified that the encumbered balance in appropriation or appropriations concerned, in excess of all unpaid obligations, is sufficient to defray the cost of the order. (Ord. 17522 § 31, 2013: Ord. 12138 § 15, 1996. Formerly K.C.C. 4.16.120).

2.93.160 Protest and appeal procedures. The executive shall establish procedures for considering and determining bid and proposal protests and appeals. The executive shall render the final administrative determination on all such protests and appeals. (Ord. 17522 § 34, 2013: Ord. 12138 § 17, 1996. Formerly K.C.C. 4.16.144).

2.93.170 Debarment and suspension - report. The executive shall comply with the following procedures in contract debarment and suspension actions:

A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the executive shall have authority to debar a person, firm or other legal entity for cause from consideration for award of contracts with the county. The debarment shall be for not more than two years;

B. The executive shall have the authority to suspend a person, firm or other legal entity from consideration for award of contracts if there is probable cause for debarment. The suspension shall be for not more than six months;

C. The authority to debar or suspend shall be exercised by procedures established by the executive in accordance with this chapter;

D. The executive shall suspend or debar a person, firm or other legal entity for:

1. Conviction within the five years preceding commencement of the debarment or suspension for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;

2. Conviction within the five years preceding commencement of the debarment or suspension under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty that currently, seriously and directly affects responsibility as a contractor to the county;

3. Conviction within the five years preceding commencement of the debarment or suspension under state or federal antitrust statutes arising out of the submission of bids or proposals; or

4. Violation of state wage payment laws, including:

a. willful violation of a wage payment requirement, as defined in RCW 49.48.082, where the citation and notice of assessment for the violation was issued within the five years preceding commencement of the debarment or suspension; or

b. civil judgments entered by a court against the person, firm or other legal entity for violations of wage payment requirements under state law within the five years preceding commencement of the debarment or suspension;

E. The executive should suspend or debar a person, firm or other legal entity for:

1. Violation of ethical standards set forth in contracts with the county;

2. Violation of contract provisions, such as the following, of a character that is regarded by the executive to be so serious as to justify debarment action:

a. deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;

b. substantial failure to comply with commitments to and contractual requirements for participation by minority and women's business enterprises and equal employment opportunity; or

c. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, though failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or

3. Any other cause that the executive determines to be so serious and compelling as to affect responsibility as a contractor to the county, including debarment by another governmental entity for any cause similar to those in this subsection E;

F. The executive shall issue a written decision stating the reasons for the debarment or suspension. The decision shall be promptly mailed or otherwise furnished to the debarred or suspended person and any other party intervening;

G. The executive's decision of debarment or suspension, unless fraudulent, shall constitute the final and conclusive decision on behalf of the county. After a final decision has been made, the executive shall submit a report to the council giving the name of the person, firm or other legal entity suspended or debarred and the reason or reasons for the suspension or debarment. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall forward an electronic copy to each councilmember; [and]

H. Notwithstanding subsection D. or E. of this section, the executive has the authority to not suspend or debar a person, firm or legal entity if the executive determines significant harm would accrue to the county by suspension or debarment of the person, firm or other legal entity or that mitigating circumstances do not warrant debarment or suspension, and notifies the council within thirty days of the executive's determination.

(Ord. 17522 § 36, 2013: Ord. 17310 § 1, 2012: Ord. 12138 § 18, 1996. Formerly K.C.C. 4.16.145).

Reviser's note: K.C.C. 4.16.145 (recodified as K.C.C. 2.93.170) was amended by Ordinance 17310 § 1 and Ordinance 17522 § 36, each without reference to the other. Both amendments are incorporated in the publication of this section under K.C.C. 1.02.090.

2.93.180 Exemptions. Contracts with the following organizations shall be entered into without regard to this chapter:

A. Youth Service Bureaus, including Center for Human Services;
B. Puget Sound Regional Council;
C. King County Soil Conservation Service;
D. Air Pollution Control Service;
E. Seattle/King County Visitors Bureaus;
F. The Central Puget Sound Economic Development District;
G. Pacific Science Center;
H. Seattle/King County Economic Development Council;
I. Eastside Visitors Bureau;
J. United Way;
K. United States Office of Personnel Management; and
L. 4Culture.

(Ord. 17522 § 38, 2013: Ord. 14482 § 56, 2002: Ord. 8896 § 1, 1989: Ord. 7277 § 1, 1985: Ord. 6231 § 1, 1982. Formerly K.C.C. 4.16.150).

2.93.190 Competitive bidding process procurements for tangible personal property and services including technical services.

A. This section applies to contracts or procurements for tangible personal property and services including technical services for departments and offices. Contracts shall be solicited under the following competitive process:

1. The manager shall advertise solicitations for qualifications or proposals. The notice shall state the date and time for submissions. The solicitation for qualifications or proposals shall state the relative importance of price and all other evaluation factors;

2. Discussions may be conducted with responsible offerors to determine which proposals should be evaluated in more detail or which offerors should be requested to enter into negotiations, or both. Negotiations may be conducted concurrently or sequentially. The county may request clarifications and consider minor adjustments in the proposals in order to better understand the proposals and to qualify them for further consideration, though information discussed or obtained from one offeror shall not be disclosed to competing offerors during the discussions and negotiations. Except to the extent protected by either or both state and federal laws and regulations, proposals shall be considered public documents and available for review and copying by the public after a decision to award the contract is made; and

3. Award shall be made, if at all, to a responsible offeror or offerors whose proposal or proposals are determined to be the most advantageous to the county, taking into consideration price and the other established evaluation factors.

C. The manager may use the small business accelerator established in K.C.C. chapter 4.19 to solicit and obtain competitive sealed bids or proposals from only certified small contractors and suppliers. (Ord. 17522 § 40, 2013: Ord. 17198 § 4, 2011: Ord. 14199 § 77, 2001: Ord. 12138 § 19, 1996. Formerly K.C.C. 4.16.155).

2.93.200 Reports on contracts for professional or technical services.

A. Each year the manager shall submit to the executive a report on contracts awarded for professional or technical services which exceeded twenty-five thousand dollars and for which other than capital funds were committed. The report shall cover the period July 1 of a year through June 30 of the following year. The report shall provide the following information for each contract included in the report:

1. The name of the department and division for which the services were provided;
2. The name of the project or program for which the services were provided;
3. The name of the firm awarded the contract;
4. The type of professional or technical services to be provided;
5. Whether a competitive or sole source procurement process was used;
6. The contract amount;
7. The source of funding; and
8. The starting and projected ending dates of performance.

B. The executive shall include a copy of the report with the annual executive proposed budget submitted as required by ordinance and charter. The executive shall also insure that detailed budget information for appropriation units includes the amount for projected professional and technical services contracts for the next budget year. (Ord. 17522 § 41, 2013: Ord. 14199 § 79, 2001: Ord. 12138 § 23, 1996. Formerly K.C.C. 4.16.175).

2.96 PURCHASING*

Sections:

2.96.010 Administration of equipment lease and lease purchases.
2.96.040 Procurement of vehicles using alternative fuels.

***Reviser's note: See K.C.C. Title 18 for environmental sustainability programs.**

2.96.010 Administration of equipment lease and lease purchases.

A. Administrative responsibility. The director of the finance department, as generally authorized in RCW 36.32.260, shall administer equipment lease and lease purchase agreements for all departments and offices that use the county's centralized purchasing process.

B. Conditions prerequisite to lease. It shall be county policy that such leases may be entered into if any of the following conditions exist:

1. The lease provides for use of an asset not otherwise available.
2. The lease meets a temporary need.
3. The lease provides buying and service advantages not otherwise obtainable.
4. The lease shifts unusual risks of ownership.
5. The lease is economically advantageous

C. Lease evaluation responsibility. The director shall have the following responsibilities in administering or evaluating such lease and/or lease purchase agreements for equipment:

1. The director, in conjunction with the requesting department or office, must perform a lease versus purchase cost analysis of such equipment either based on the present value and/or payback methods. Annual cost analysis will be conducted sixty days prior to the termination day for any lease considered for renewal. When the cost analysis indicates that a purchase rather than lease and/or lease purchase of equipment is in the best interest of the county and the present value differential is greater than five thousand

dollars, the executive must approve the lease and provide the council with a written explanation of the reason a lease is preferred.

2. Lease of any single piece or grouping of similar equipment for the same department or identical organization with an annual rental of one thousand dollars or more must be approved by the manager of the goods and non-professional/consultant services procurement division.

3. Annual leases may be negotiated with future year options. (Ord. 12138 § 3, 1995).

2.96.040 Procurement of vehicles using alternative fuels.

A. Definitions. The following definitions shall apply in the interpretation of this section.

1. "Alcohol" means a mixture containing no less than eighty-five percent methanol, ethanol or other alcohols, in any combination, by volume.

2. "Alternative fuel" means of propulsion by other than gasoline or diesel fuel and shall include:

a. alcohol.
b. dual energy.
c. electricity.
d. natural gas.
e. propane.
f. human powered.

3. "Director" means the director of the department of transportation.

4. "Dual Energy" means capable of being operated using an alternative fuel and gasoline or diesel fuel.

5. "Purchased" means purchased, leased, borrowed, obtained by gift or otherwise acquired.

B. Goals. The director shall ensure that at least fifty percent of the vehicles purchased by King County in 1992 shall operate using alternative fuel. At least seventy-five percent of the vehicles purchased by King County in 1993 shall operate using alternative fuel.

C. Alternatives. In order to comply with subsection B of this section, the director may purchase vehicles which are manufactured to operate on alternative fuel, convert newly purchased vehicles to operate on alternative fuel, or any combination thereof.

D. Heavy equipment. Heavy equipment which is intended solely for off-road usage and for which the implementation of this section would be infeasible is exempt from the requirements of this chapter. (Ord. 12075 § 21, 1995).

2.97 CONTRACTING OPPORTUNITIES PROGRAM

Sections:

2.97.010 Implementation.
2.97.020 Scope.
2.97.030 Definitions.
2.97.040 Certification process.
2.97.050 Criteria for participation.
2.97.060 Limitation of certification.
2.97.070 Methods of providing incentive.
2.97.080 Small business accelerator.
2.97.090 Reporting to council.
2.97.100 Violations and sanctions.
2.97.110 Appeals.

2.97.130 Rule making.

2.97.010 Implementation. The executive shall implement the contracting opportunities program to promote the use of small contractors and suppliers as prime contractors, subcontractors and suppliers on county contracts. (Ord. 17652 § 3, 2013: Ord. 15703 § 1, 2007: Ord. 13983 § 1, 2000. Formerly K.C.C. 4.19.010).

2.97.020 Scope. The program shall apply to contracts subject to K.C.C. chapter 2.93. (Ord. 17652 § 5, 2013: Ord. 15703 § 2, 2007: Ord. 13983 § 2, 2000. Formerly K.C.C. 4.19.020).

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

A. "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor, rather than being an uninvolved participant in a transaction, contract or project through which funds are passed to obtain the appearance of small contractor and supplier participation. The small contractor and supplier must be responsible for the execution of the work of the contract or subcontract, as applicable, and carry out its responsibilities by actually performing, managing and supervising the work. To perform a "commercially useful function," the small contractor and supplier must also be responsible for materials and supplies used on the contract or subcontract, as applicable, for negotiating price, determining quality and quantity, ordering the material, installing, if applicable, and paying for the material.

B. "Manager" means manager of the finance and business operations division in the department of executive services.

C. "The program" means the King County contracting opportunities program.

D. "Small business accelerator" means a competitive procurement program that allows certified small contractors and suppliers to compete against other certified small contractors and suppliers on selected county contracts.

E. "Small contractor and supplier" means a business certified by the county that is in a financial condition that puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing the financial condition of the business, including the net worth of the person or persons who own and control it, the manager shall substantially adopt the approach used by the federal Small Business Administration, but the manager shall adjust the Small Business Administration's maximum revenue standards for various standard business classifications and levels for owners' personal net worth to account for local market conditions. However, the maximum revenue standard for standard business classifications may not be more than fifty percent of the Small Business Administration's thresholds, as now existing or hereafter amended. (Ord. 17652 § 7, 2013: Ord. 17198 § 1, 2011: Ord. 17135 § 1, 2011: Ord. 15703 § 3, 2007: Ord. 14561 § 22, 2002: Ord. 14199 § 80, 2001: Ord. 13983 § 3, 2000. Formerly K.C.C. 4.19.030).

2.97.040 Certification process. The manager shall develop a process for certifying businesses for participation in the program as small contractors and suppliers. If feasible, the manager shall arrange or contract for a coordinated certification agency in cooperation with other agencies that may adopt compatible programs. (Ord. 17652 § 9, 2013: Ord. 15703 § 5, 2007: Ord. 13983 § 5, 2000. Formerly K.C.C. 4.19.050).

2.97.050 Criteria for participation. To be certified for the program, a business must be a small contractor or supplier, have a valid business license and must serve a

commercially useful function. To maintain its certification, within one year of its certification a small contractor or supplier must have the person or persons who own and control the business complete at least fifteen hours of business-related training in a program approved by the manager. Based on the manager's assessment of the small contractor or supplier's need for additional training, the manager may require a small contractor or supplier to complete up to fifteen additional hours annually of business-related training. The manager shall evaluate and approve training programs based on one or more of the following indicators of the training program's value: the industry's historical use of the training program; the training program's affiliation with established schools, if any; and accreditation by an established association. (Ord. 17652 § 11, 2013: Ord. 17135 § 2, 2011: Ord. 15703 § 4, 2007: Ord. 13983 § 4, 2000. Formerly K.C.C. 4.19.040).

2.97.060 Expiration of certification - reapplication. The certification of a small contractor or supplier is effective for to three years if it meets the requirements under this chapter. A business whose certification has expired may reapply for certification. A business that has been denied certification must wait one year from the application denial date before reapplying for certification. (Ord. 17652 § 13, 2013: Ord. 17135 § 3, 2011: Ord. 15703 § 6, 2007: Ord. 13983 § 6, 2000. Formerly K.C.C. 4.19.060).

2.97.070 Methods of providing incentive.

A. The program shall use one or more methods to create incentives to use small contractors and suppliers. These incentives shall be produced either through a bonus system in which the increased participation of certified small contractors and suppliers is a factor in the award of contracts, or through a set-aside system under which prime contractors are required to achieve a specified level of participation by small contractors and suppliers in the performance of the contract. If the bonus system is used, the solicitation document shall state the maximum incentive available for the participation of certified small contractors and suppliers and the possible methods for making use of the incentive. If a set-aside system is used, the solicitation document shall state a required minimum utilization.

B. The manager shall identify opportunities for small contractors and suppliers to act as prime contractors on an ongoing basis.

C. The specific methods used to provide incentives to small contractors and suppliers and for them to be prime contractors, as opportunities arise, shall be fully addressed in the rule-making process. (Ord. 17198 § 2, 2011: Ord. 17135 § 4, 2011: 15703 § 7, 2007: Ord. 13983 § 7, 2000. Formerly K.C.C. 4.19.070).

2.97.080 Small business accelerator.

A. The program is authorized to use a small business accelerator to solicit and award contracts for all county departments and offices in the following areas, as defined in K.C.C. 2.93.030: services, professional services and technical services, except contracts for architecture and engineering services, as well as tangible personal property acquired in furtherance of metropolitan functions. The small business accelerator may only be used for contracts having an estimated value above the formal purchasing threshold as described in RCW 36.32.245, where sufficient certified small contractors and suppliers are available.

B. The manager may use the small business accelerator for a contract, but only if the following actions are taken:

1. Development of specifications or a project description in the form of a request for proposals or invitation to bid in concert with the requesting department or office;

2. An analysis by the business development and contract compliance section

determines the availability of at least three small contractors or suppliers to provide the goods or services requested; and

3. The manager determines that it is in the best interest of the county to conduct the solicitation under the small business accelerator.

C. With the exception that only small contractors and suppliers may apply under this section, the procedures for tangible personal property, services, professional services or technical services, as described in K.C.C. chapter 2.93, apply. However, if the county does not receive any responsive and responsible proposals or bids from small contractors and suppliers, the manager may cancel the procurement and conduct the solicitation again in accordance with the procedures for tangible personal property, services, professional or technical services, as described in K.C.C. chapter 2.93. (Ord. 17652 §16, 2013).

2.97.090 Reporting to council. The manager shall by June 30 of every year, file, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor, a report to council on the progress of the program during the previous year, January through December. The report shall include:

A. The total amounts awarded by contract category;

B. The total amount awarded by contract category for which an incentive was available;

C. The total amounts awarded to small contractors and suppliers reported by contract category and by race and gender, to the extent businesses voluntarily provide this race and gender information;

D. For goods and services contracts, the total amount awarded to small contractors and suppliers by race and gender to the extent businesses voluntarily provide this race and gender information, for those contractors for which the small contractor or supplier was not the low bidder;

E. For goods and services, the total amount paid by the county;

F. A listing of all participating small contractors and suppliers by contract category, race and gender to the extent businesses voluntarily provide this race and gender information, their location by city and ZIP code, and the specific contracts including dollar amounts awarded;

G. A listing of the number of small contractors and suppliers by race and gender, to the extent businesses voluntarily provide this race and gender information, in each of the following revenue categories that was certified in the program and, separately, that was awarded a contract:

1. For goods and services:

a. zero to five hundred thousand dollars;

b. five hundred thousand to one million dollars;

c. one million to two million dollars; and

d. two million dollars to the maximum revenue amount allowed by the program rules;

2. For consulting:

a. zero to two hundred fifty thousand dollars;

b. two hundred fifty thousand to five hundred thousand dollars;

c. five hundred thousand to one million dollars; and

d. one million dollars to the maximum revenue amount allowed under the program rules;

3. For construction:

a. zero to five hundred thousand dollars;

b. five hundred thousand to three million dollars;

c. three million to eight million dollars; and

d. eight million dollars to the maximum revenue amount allowed under the program rules; and

H. A listing of the number and firm name of certified small contractors and suppliers by race and gender, to the extent businesses voluntarily provide this race and gender information, awarded contracts through the small business accelerator program under K.C.C. 4.19.070.C., as recodified by this ordinance, by contract category, their location by city and ZIP code and the specific contracts including dollar amounts awarded. (Ord. 17652 § 16, 2013).

2.97.100 Violations and sanctions. A person who violates this chapter or the rules adopted under this chapter or who fails to comply with representations or commitments made to receive a benefit or qualify for an incentive under the King County contracting opportunities program is subject to sanctions including but not limited to: liquidated damages; withholding of funds; a civil fine or penalty; and disqualification from eligibility for bidding on or entering into or participating, as a subcontractor or in any other manner, in a contract with the county for a period not to exceed five years. If imposing sanctions, the manager shall: set forth the sanctions to be imposed and the reasons for the imposition in a written order; promptly furnish a copy of the order to the contract awarding authority or contract administering authority; and mail a copy of the order by certified mail, return receipt requested, to the person being sanctioned. (Ord. 17652 § 19, 2013: Ord. 15703 § 9, 2006: 13983 § 8, 2000. Formerly K.C.C. 4.19.080).

2.97.110 Appeals. A person against whom the manager under this chapter imposes sanctions may appeal those sanctions in accordance with K.C.C. 20.22.080. Within forty-five days after receiving the notice of appeal, the hearing examiner shall convene the appeal hearing. The hearing examiner shall provide written notice of the hearing date, location and time to the appellant and to the department of executive services, finance and business operations division, at least thirty days before the hearing. Within the time prescribed in K.C.C. 20.22.220 after conclusion of the appeal hearing, the hearing examiner presiding at the hearing shall prepare a written decision and order. [The hearing examiner shall file]* the final decision as a public record with the county clerk, recorder's office, and shall mail copies of the final decision to each party of record and to the manager. (Ord. 18230 § 73, 2016: Ord. 17652 § 21, 2013: Ord. 17135 § 5, 2011: Ord. 15703 § 10, 2007: Ord. 13983 § 9, 2000. Formerly K.C.C. 4.19.090).

***Reviser's note: Language added but not underlined in Ordinance 18230. See K.C.C. 1.24.075.**

2.97.120 Federal and state requirements. In order to secure financial assistance from federal and state agencies, the manager shall provide for the participation of minority, women and disadvantaged businesses in accordance with regulations and requirements imposed by the federal and state agencies. The manager may adopt rules and procedures and take steps necessary to implement and comply with applicable federal and state laws and regulations, including the establishment of annual goals and contract goals for minority, women and disadvantaged businesses. (Ord. 17652 § 23, 2013: Ord. 12026 § 15, 1995. Formerly K.C.C. 4.18.170).

2.97.130 Rule making. The executive shall adopt rules to implement this chapter, in accordance with K.C.C. chapter 2.98. (Ord. 17652 § 25, 2013: Ord. 15703 § 11, 2007: Ord. 13983 § 10, 2000. Formerly K.C.C. 4.19.100).

2.98 RULES OF COUNTY AGENCIES

Sections:

2.98.010 Public rule making — compliance with chapter and state law —- intent.
2.98.020 Definitions.
2.98.025 Rules to implement policy — penalties and fees by ordinance or other law — rules to be understandable.
2.98.030 Rules — filing — formatting — required information.
2.98.060 Notice of rule making — adoption procedures — substantial compliance.
2.98.070 Emergency rules or amendments.
2.98.080 Effective date of rules — compilation and indexing.

2.98.010 Public rule making — compliance with chapter and state law — intent. In adopting rules, county departments shall comply with this chapter and applicable state law. The intent of this chapter is to ensure county departments afford the public fair notice about and reasonable access to rules and the rule-making process. (Ord. 14266 § 1, 2001: Ord. 6531 § 1, 1983: Ord. 2165 § 1, 1974).

2.98.020 Definitions. For the purpose of this chapter:

A. "Department" means executive departments and administrative offices, the sheriff's office, the department of assessments, the department of judicial administration, the department of elections, county boards, commissions, committees and other multimember bodies. However, "department" does not include the legislative branch and all offices established under Article 2 of the King County Charter, the hearing examiner, the board of appeals, the personnel board, the board of health, superior courts, district courts and the prosecuting attorney's office.

B. "Penalty" means a punishment established by ordinance or other law imposed as a consequence of failing to abide by or comply with the law, ordinance or a rule adopted under ordinance or other law.

C.1. "Rule" means any department order, directive or regulation of general applicability:

a. the violation of which subjects a person outside county employment to a penalty;

b. that subjects a person outside of county employment to the payment of a fee;

c. that establishes, alters or revokes any procedure, practice or requirement relating to a department hearing; or

d. that establishes, alters or revokes any qualifications or standards for the issuance, suspension or revocation of a license to pursue any commercial activity, trade or profession.

2. "Rule" includes the amendment or repeal of a prior rule, but does not include:

a. a statement concerning only the internal management of a department and not affecting private rights or procedures available to the public;

b. a declaratory ruling issued in accordance with an ordinance; or

c. a traffic restriction for motor vehicles, bicyclists and pedestrians established by the director of the department of transportation or designee if an official traffic control

device gives notice of the restriction. (Ord. 17416 § 1, 2012: Ord. 14266 § 2, 2001: Ord. 6531 § 2, 1983: Ord. 2165 § 2, 1974).

2.98.025 Rules to implement policy — penalties and fees by ordinance or other law — rules to be understandable.

A. A department may only adopt a rule under this chapter to implement an ordinance or other law. Any rule in conflict with an ordinance or other law is null and void to the extent of the conflict.

B. Penalties shall be established only by ordinance or other law. Imposition of fees and the amount of fees shall be established as authorized by ordinance or other law.

C. A department should adopt rules that are clearly and simply stated so the rules are understandable. (Ord. 14266 § 3, 2001: Ord. 6835 § 5, 1984: Ord. 6531, § 3, 1983).

2.98.030 Rules — filing — formatting — required information.

A. A department that adopts rules shall make available to the public a description of the department's rule adoption procedures. The description shall include information on how to inquire about the department's proposed and adopted rules and public comment opportunities.

B. A department shall file proposed and adopted rules with the executive department responsible for archives and records management functions. The executive department responsible for archives and records management functions shall maintain a master list and create an index of the rules, in both written and electronic forms, for inspection, review and copying by the public.

1. The index shall include a list of public rules with reference to the rule number and the department that adopted the rule. The list shall be searchable by either subject or key words, or both.

2. The executive department responsible for archives and records management functions shall provide a copy, in writing or by electronic format, of the adopted rules to the clerk of the county council and each member of the county council and post the rules on the Internet.

C. Rules adopted by a department shall at a minimum comply with the following

1. Rules shall be reproduced on eight and one-half by eleven inch white paper;

2. Each page of a rule shall contain the name of the department adopting the rule, the subject or title of the rule, the date the rule was adopted, the effective date of the rule and the page number and total number of pages of the rule;.

3. The text of the rule shall refer to the ordinance or other law upon which the rule based; and

4. if amending or repealing an existing rule, the text of the rule shall cite the existing rule

D. An amendment to a rule shall follow the same format as used in preparing the initial rule. The executive department responsible for archives and records management functions shall ensure that amended rules are reflected in the index prepared under subsection A of this section. (Ord. 14266 § 4, 2001: Ord. 6531 § 4, 1983: Ord. 2165 § 3, 1974)

2.98.060 Notice of rule making — adoption procedures — substantial compliance.

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 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. (Ord. 17416 § 2, 2012: Ord. 14266 § 8, 2001: Ord. 2165 § 6, 1974).

2.98.070 Emergency rules or amendments.

A. If the department finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed rule would be contrary to the public interest, the department may dispense with the notice, comment and public meeting requirements of this chapter and adopt the rule or amendment as an emergency rule or amendment.

1. The department's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the executive department responsible for archives and records management functions.

2. An emergency rule or amendment shall not remain in effect for longer than one hundred fifty days.

3. This section does not relieve any department from compliance with any ordinance or other law requiring that the department's rules be approved by designated persons or bodies before the rules take effect.

B. An emergency 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.

C. the executive department responsible for archives and records management functions shall provide a copy, in writing or by electronic format, of an emergency rule to the clerk of the county council and each member of the county council within three

business days after the rule is filed with the executive department responsible for archives and records management functions. (Ord. 14266 § 9, 2001: Ord. 2165 § 7, 1974).

2.98.080 Effective date of rules — compilation and indexing.

A. Emergency rules adopted under K.C.C. 2.98.070 take effect upon filing with the executive department responsible for archives and records management functions. All other rules adopted under this chapter take effect thirty days after the date of filing with the executive department responsible for archives and records management functions, unless a later date is required by statute or specified in the rule.

B. The executive department responsible for archives and records management functions shall compile and index all rules adopted by each department. Compilations shall be supplemented or revised as often as necessary and at least once every year. (Ord. 14266 § 10, 2001: Ord. 2165 § 8, 1974).

2.99 FEES CHARGED BY COUNTY AGENCIES

Sections:

2.99.010 Chapter Intent.
2.99.020 Definitions.
2.99.030 Policies.

2.99.010 Chapter Intent. It is the intent of the King County Council to establish county policies and procedures governing the authority of county agencies to set, charge, and collect fees. (Ord. 6835 § 1, 1984).

2.99.020 Definitions. For the purpose of this chapter:

A. "Fee" means a charge or amount assessed by a county agency to an individual or organization as a condition of receiving service from the agency, or as a condition of a regulatory process. The term "fee" does not include charges assessed by concessionaires or other independent organizations providing services at or on county facilities; nor performance or surety bonds; nor does it include charges or assessments collected by county agencies pursuant to a contract.

B. "Regulatory Fee" means any fee charged by a county agency in the course of carrying out and enforcing statutes, ordinances, or regulations. This includes business and occupation license fees; animal license and control fees; building and land use permit fees; and any other fee for permits/licenses issued as a requirement of law.

C. "Fee-for-Service" means any fee charged by a county agency to an individual or an organization as a condition of the individual or organization receiving a service from the county. Such services include, but are not limited to, swimming and other recreational programs/activities; recording and copying of legal or other documents; criminal history checks; probation services; check disbursements; treasury services; and public defense representation.

D. "Enterprise Fund Fee" means any fee charged and collected by or on behalf of the county's enterprise funds. (Ord. 6835 § 2, 1984).

2.99.030 Policies. The following policies shall govern the establishment of fees and the amount of fees:

A. Any fee for which the amount or rate is established by state statute is exempt from this chapter.

B. King County may establish any fee, consistent with policies of this chapter, unless specifically prohibited by state statute.

C. Any fees established by the prosecuting attorney, superior court or district court at their discretion under authority granted by state statute are exempt from this chapter.

D. Any fees established by the county board of health under state statute are exempt from this chapter.

E. Any fees set by the department of natural resources and parks are exempt from this chapter.

F. Any fees set by the department of executive services for the 5th Avenue and Jefferson Street county parking lot are exempt from this chapter through June 30, 2005.

G. The following fees and the amount of fees must be established by ordinance, unless specific administrative fee-setting authority is granted by ordinance to a county agency or official or by board of health rule and regulation to the Seattle-King County department of public health or the county health officer:

1. Regulatory fees; and
2. Enterprise fund fees.

H. For all other fees-for-service not specified in subsections A. through G. of this section, the following policies and procedures apply:

1. The executive may establish changes in the existing amounts or rates of fees-for-service and may establish new fees-for-service by submitting the proposed schedule of fee changes to the county council at the time the executive proposed annual budget is submitted. The proposed schedule of fee changes shall also be filed with the clerk of the council.

2. The proposed schedule of fee changes shall include the following information for each proposed fee change:

a. fee title and description. The description should indicate whether the proposal is a change in the amount of an existing fee or a proposed new fee.

b. proposed amount or rate. If the proposal is a change to an existing fee, both the existing amount or rate and the proposed amount or rate should be indicated.

c. effective date of the change. The date should be the first day of the next calendar year.

d. legal authority. The information should cite this chapter or a more specific ordinance or statute, if any, granting fee-setting authority.

e. reason for change. The information should indicate the reason for the change and the methodology used to determine the proposed amount or rate.

3. Following receipt of the executive proposed schedule of fee changes, the county council may enact an ordinance adopting or modifying the proposed schedule. If council action is not taken on the proposed schedule within seventy-five days of receipt, the proposed fee changes shall become effective as submitted by the executive on the first day of the calendar year following executive submittal.

4. Any changes in fees-for-service amounts or any new fees-for-service proposed by the executive at times other than that specified in this section must be submitted to the county council in the form of a proposed ordinance, and the changes shall not be effective unless enacted by ordinance.

5. The fee-for-service amounts proposed by the executive under this section shall reflect all reasonable costs of providing the service. (Ord. 16451 § 1, 2009: Ord. 14713 § 5, 2003: Ord. 14509 § 26, 2002: Ord. 6835 § 3, 1984).

2.100 CODE INTERPRETATIONS OF DEVELOPMENT REGULATIONS

Sections:

2.100.020 Definitions.
2.100.030 Requests – acknowledgement – notice.
2.100.040 Procedure for issuance.

2.100.050 Administrative appeals.
2.100.060 Rules.
2.100.070 Fees.

2.100.020 Definitions.

A. "Code interpretation" means a formal statement regarding the meaning or requirements of a particular provision in King County's development regulations.

B. "Department" means the King County department with primary responsibility for administering or implementing a particular development regulation.

C. "Development regulation" means the controls placed on development or land use activities by the county including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the county.

D. "Director" means the director or the director's designee of the King County department with primary responsibility for administering or implementing a particular development regulation.

E. "Party of record" means a person who has submitted written comments, testified, asked to be notified or is the sponsor of a petition entered as part of the official county record on a specific development proposal. (Ord. 14033 § 2, 2001).

2.100.030 Requests – acknowledgement – notice.

A. A person may request a code interpretation by submitting a request in accordance with this chapter. The director may also issue a code interpretation on the director's own initiative.

B. A request for a code interpretation must be submitted in writing to the director of the department with primary responsibility administering or implementing the development regulation that is the subject of the request. If the person is uncertain as to the appropriate department to which the code interpretation request should be submitted, the person shall submit the request to the director of the department of permitting and environmental review, who shall make the determination and forward the request to the appropriate department, and notify the person as to which department is responsible for responding to the request.

C. A code interpretation request must:

1. Be in writing and shall be clearly labeled "Request for Code Interpretation." Failure to satisfy this requirement relieves the director of any obligation to acknowledge or otherwise process the request;

2. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;

3. Identify the specific section or sections of King County's development regulations for which an interpretation is requested;

4. Identify the parcel or site, if the code interpretation request involves a particular parcel of property or site;

5. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;

6. Be accompanied by the fee required under K.C.C. 2.100.070; and

7. Be limited to a single subject, which may require interpretation of one or more code sections.

D.1. Within fifteen business days after receiving a code interpretation request, the director shall acknowledge receipt of the request. The director shall mail the

acknowledgment to the person submitting the request at the address provided in the request. The acknowledgment shall include the following information, as applicable:

a. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;

b. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request to clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;

c. If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the King County hearing examiner, the King County council when acting as a quasi-judicial body, any other quasi-judicial agency or any local, state or federal court, the director shall so state in the acknowledgment. The director is then under no obligation to further process the code interpretation request; and

d. If a code interpretation is requested regarding an issue that the director has previously addressed through a code interpretation, the director is not obligated to issue another code interpretation and shall so state in the acknowledgment required by this section and shall identify the previous code interpretation.

2. If the director determines that the code interpretation request relates to a particular parcel of property, the director shall cause notice of the code interpretation request to be given to the taxpayer of record for the subject parcel.

3. If the code interpretation request relates to a specific development project pending before the county, the director shall cause notice of the code interpretation request to be given to all parties of record for that project, including the applicant.

4. The notice required under this section must include a copy of the code interpretation request and a copy of the director's acknowledgment. Notice required under this section may be by United States mail or other appropriate method of delivery. (Ord. 17420 § 6, 2012: Ord. 15605 § 1, 2006: Ord. 14033 § 4, 2001).

2.100.040 Procedure for issuance.

A. A person may submit written analysis and supporting documentation to assist the director in analyzing a code interpretation request.

B. The director may conduct research or investigation as the director deems necessary to resolve the issue presented in the code interpretation request and may refer the request to department staff and other county staff for review and analysis.

C. A code interpretation must be in writing, clearly labeled "Code Interpretation," and describe the basis for the interpretation.

D. The director shall issue a code interpretation within sixty days after receiving the code interpretation request, unless the director determines that based on the unusual nature of the issue additional time is necessary to respond to the request. If the code interpretation request relates to a specific development proposal that is pending before the department of permitting and environmental review or relates to a code enforcement action that is subject to appeal under K.C.C. chapter 23.36, the code interpretation shall become final when the department of development and environmental service issues its final decision on the underlying development proposal for a type 1 or 2 decision, the department makes its recommendation on a type 3 or 4 decision or, based on the code interpretation, the department issues a notice and order, citation or stop work order under K.C.C. Title 23. If the director determines that a code interpretation request does not to

relate to a specific development proposal that is currently pending before the county or to a code enforcement action, the code interpretation is final when issued by the director.

E. The director shall maintain a list of indexed code interpretations for public inspection and post the index and code interpretations on a King County web site and transmit a copy of each code interpretation to the clerk of the King County council.

F. The director shall mail copies of the code interpretation to the following:

1. The person who requested the code interpretation;

2. If the director determines that the code interpretation relates to a specific development proposal that is pending before the county, the applicant and all other parties of record for that proposal;

3. If the director determines the code interpretation relates to a specific parcel of property, the taxpayer of record for that parcel; and

4. Any person who has submitted written comments regarding the director's review of the code interpretation request.

G. When it is final, a code interpretation remains in effect until it is rescinded in writing by the director or it is modified or reversed on appeal by the hearing examiner, the King County council or an adjudicatory body.

H. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County hearing examiner, King County council, or an adjudicatory body. (Ord. 17420 § 7, 2012: Ord. 15605 § 2, 2006: Ord. 14033 § 5, 2001).

2.100.050 Administrative appeals.

A. Except as provided in subsection B. of this section, the director's decision is the county's final decision.

B. If the director determines that a code interpretation is necessary for review of a specific development proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement action. If the King County hearing examiner makes the county's final decision with regard to the underlying permit, other approval type or code enforcement action regarding which the interpretation was requested, the hearing examiner's decision constitutes the county's final decision on the code interpretation request. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the King County council's decision constitutes the county's final decision on the code interpretation request. (Ord. 18230 § 74, 2016: Ord. 15605 § 3, 2006: Ord. 14033 § 6, 2001).

2.100.060 Rules. The director may adopt rules in accordance with K.C.C. chapter 2.98 to implement this chapter. (Ord. 14033 § 7, 2001).

2.100.070 Fees. A code interpretation request made under this chapter must be accompanied by payment of a fee in the amount of two hundred fifty dollars. The failure to pay the fee relieves the director of the obligation of issuing a code interpretation until the delinquency is cured. (Ord. 14033 § 8, 2001).

2.110 KING COUNTY FLOOD CONTROL ZONE DISTRICT

Sections:

2.110.010 District created - purpose - comprehensive plan.
2.110.020 Board of Supervisors - membership.
2.110.025 Rules - interim.
2.110.030 Advisory committee - purpose - membership - voting – rules.
2.110.040 Advisory committee - presence of councilmembers at meetings.

2.110.010 District created - purpose - comprehensive plan. The existing flood control zone districts having been dissolved, in accordance with chapter 86.15 RCW, a countywide flood control zone district covering the entire area of King County with boundaries as set forth in Attachment A* to Ordinance 15728 is hereby created as of May 5, 2007. The new district shall be known as the "King County Flood Control Zone District." The King County Flood Control Zone District will address flood control needs throughout King County, including, without limitation, needs in the areas comprising the dissolved districts. The 2006 King County Flood Hazard Management Plan will serve as the initial comprehensive plan for the King County Flood Control Zone District. (Ord. 15728 § 4, 2007).

***Available in the King County Archives.**

2.110.020 Board of supervisors - membership. As provided for in RCW 86.15.050(1), members of the King County council shall be members of the board of supervisors of the King County Flood Control Zone District. (Ord. 15728 § 5, 2007).

2.110.025 Rules - interim. Until such time as the board of supervisors of the King County Flood Control Zone District develops and adopts specific rules governing its operations, the rules governing standing committees of the King County council shall govern the operations of the board of supervisors. (Ord. 15728 § 6, 2007).

2.110.030 Advisory committee - purpose - membership - voting - rules.

A. There is hereby created a King County Flood Control Zone District advisory committee, referred to in this section as "the advisory committee."

B. The advisory committee is created to provide expert policy advice to the board of supervisors of the King County Flood Control Zone District on regional flood protection issues. The committee shall review and recommend an annual work program and budget for the district, including capital improvement program projects and funding levels, subject to approval or approval and modification by the board of supervisors. Eleven copies of the recommendations shall be filed with the clerk of the King County council no later than August 31 of the preceding year, for distribution to all councilmembers.

C. The advisory committee shall be composed of fifteen members, consisting of permanent seats and two-year seats, as follows:

1. Ten permanent seats shall be held by:

a. each mayor, or a council member alternate designated by the mayor, of the following cities: Tukwila, Auburn, Kent, Renton, Snoqualmie, North Bend, Carnation, Seattle and Bellevue; and

b. the King County executive;

2. Four two-year seats shall be held by either mayors or city council members, or mayor or council member alternates, as nominated by the Suburban Cities Association or its successor, from the remaining cities in King County to ensure the goal of diversity in the geographic location and size of jurisdictions on the advisory committee; and

3. One two-year seat shall be held by an individual, nominated by the county executive, who is a resident of unincorporated King County.

D. The members for two-year seats allocated to representatives of unincorporated King County and the Suburban Cities Association or its successor shall be subject to confirmation by the King County council.

E. Each seat on the advisory committee shall have one vote, unless rules adopted by the advisory committee provide otherwise.

F. The advisory committee shall adopt other rules governing its operations, at or promptly after its first meeting. (17416 § 3, 2012: Ord. 15728 § 7, 2007).

2.110.040 Advisory committee - presence of councilmembers at meetings. Members of the metropolitan King County council may be present at the meetings of the King County Flood Control Zone District advisory committee to participate in advisory committee discussions and provide input to advisory committee members. (Ord. 15728 § 10, 2007).

2.120 FERRY DISTRICT

Sections:

2.120.010 District created - voters - geographic limits - powers.
2.120.015 Readoption and ratification of board resolutions.

2.120.010 District created - voters - geographic limits - powers.

A. A ferry district within King County is hereby established.

B. The voters of the ferry district must be registered voters residing within the boundaries of the district. The county ferry district shall include the entire corporate boundary of the county.

C. The ferry district possesses all the powers that a ferry district may have under chapter 36.54 RCW and other authorities. (Ord. 17935 § 9, 2014: Ord. 15739 § 2, 2007).

2.120.015 Readoption and ratification of board resolutions. All resolutions enacted by the board of the King County ferry district and not expressly repealed by December 31, 2014, that are not inconsistent with the King County Charter or ordinances are hereby readopted and ratified. (Ord. 17935 § 11, 2014).

2.124 TRANSIT PUBLIC INVOLVEMENT

Sections:

2.124.010 Transit public involvement - sounding boards – transit advisory.

2.124.010 Transit public involvement - sounding boards - transit advisory commission. The King County department of transportation shall employ a transit public involvement model to promote the transit division's responsiveness and accountability to the community. The department of transportation shall provide staff support for the transit public involvement model, which shall include the following major elements:

A. Sounding boards which are geographically, topically or community-based groups convened for a limited time to consider specific transit topics. Sounding boards shall be established by the transit division to provide advice on identified issues including, but not limited to, transit service changes. Sounding boards shall provide information to the transit advisory commission, local jurisdictions, subarea transportation forums as well as the transit division, the executive and the council. For major planning exercises such as

service changes, sounding boards shall make consensus recommendations to the transit advisory commission and the transit division.

B.1. The transit advisory commission, which is a permanent body that shall advise the transit division, the executive, the council, local jurisdictions and subarea transportation forums on transit issues and policy, including matters of concern to the elderly and persons with disabilities. The transit advisory commission shall advise the division on the inception and development of long-range planning efforts, and serve as a resource for transit promotion.

2. As of February 18, 2011, the commission shall have up to thirty members who were appointed by the executive and confirmed by the council to serve on either the transit advisory committee or accessible services advisory committee. These initial members may serve for the remainder of the terms for which they were appointed to the transit advisory committee or accessible services advisory committee. The executive shall not appoint individuals to fill vacancies in these positions if the result would be to exceed the membership limits in subsection B.3 of this section.

3. Except as otherwise provided in subsection B.2 of this section, the commission shall have eighteen members who are appointed by the executive and confirmed by the council to two-year terms.

a. Nine members shall be transit riders, recruited by the department of transportation to reflect the diversity and geographic distribution of county residents

b. Nine members shall be persons with disabilities or elderly persons, or be associated with an agency that works with disabled and elderly persons, recruited by the department of transportation to reflect the diversity of the communities they represent and types of disabilities, as well as consideration of the geographic distribution of county residents.

4. The commission shall:

a. adopt by-laws, elect a chair and vice-chair to quarterly terms and adopt an annual work program, which shall include issues of interest to transit riders and issues related to accessibility and ACCESS services for elderly and disabled riders as well as all items requested by the council or the transit division;

b. meet as needed to complete the work plan and address other issues as they arise; and

c. designate one member to serve on each sounding board.

5. The transit advisory commission may establish standing and ad hoc subcommittees to review issues that, in the commission's discretion, require in-depth study. The subcommittees shall report to the transit advisory commission and are not authorized to take actions independent of the commission. (Ord. 17025 § 3, 2011: Ord. 13543 § 1, 1999: Ord. 11431 § 7, 1994).

2.130 MENTAL ILLNESS AND DRUG DEPENDENCY OVERSIGHT COMMITTEE

Sections:

2.130.010 Established - duties - composition - selection - rules – staffing – compensation.

2.130.010 Established - duties - composition - selection - rules -staffing – compensation.

A. There is hereby established a King County mental illness and drug dependency oversight committee.

B.1. The oversight committee shall act as an advisory body to the county executive and council. The oversight committee is responsible for oversight of the mental illness and drug dependency tax-funded strategies, programs and goals outlined in K.C.C.

chapter 4.33 and consistent with the mental illness and drug dependency action plan. The oversight committee shall provide ongoing oversight of mental illness and drug dependency tax-funded programs until all revenues have been expended and the final evaluation of the mental illness and drug dependency programs and services has been submitted to the council.

2. The oversight committee shall:

a. review and provide written recommendations to the executive and the council on the implementation and effectiveness of the county's sales tax funded programs in meeting the goals established in K.C.C. chapter 4.33;

b. review and report to the executive and the council on the quarterly, annual and evaluation reports as required by K.C.C. chapter 4.33;

c. review and make comment on emerging and evolving priorities for the use of the mental illness and drug dependency sales tax revenue;

d. serve as a forum to promote coordination and collaboration between entities involved with sales tax programs;

e. educate the public, policymakers and stakeholders on sales tax funded programs; and

f. coordinate and share information with other related efforts and groups.

C. The oversight committee shall be composed of one representative from each of the following in addition to two members of the King County behavioral health advisory board:

1. The council;
2. The executive;
3. The superior court;
4. The district court;
5. The prosecuting attorney's office;
6. The sheriff's office;
7. The department of public health;
8. The department of judicial administration;
9. The department of adult and juvenile detention;
10. The department of community and human services;
11. A provider of both mental health and chemical dependency services in King County;
12. A provider of culturally specific mental health services in King County;
13. A provider of culturally specific chemical dependency services in King County;
14. A provider of domestic violence prevention services in King County;
15. A provider of sexual assault victim services in King County;
16. An agency providing mental health and chemical dependency services to youth;
17. Harborview Medical Center;
18. The Committee to End Homelessness in King County;
19. King County systems integration initiative, which is an ongoing work group established by the executive for addressing juvenile justice matters;
20. The Community Health Council;
21. The Washington State Hospital Association, representing King County hospitals;
22. The Suburban Cities Association;
23. The city of Seattle;
24. The city of Bellevue;
25. Labor representing a bona fide labor organization;
26. The office of the public defender;

27. The national alliance on mental illness; and

28. A representative from a public defender agency that the county contracts with to provide services.

D.1. Separately elected officials and King County agency directors or their designees are not required to be appointed or confirmed.

2. A member of the oversight committee who has been confirmed to serve on another county board or commission is not required to be confirmed to serve on the oversight committee.

3. All other members of the oversight committee are subject to appointment by the county executive and confirmation by the county council.

4. The executive shall appoint oversight committee members to staggered terms in accordance with K.C.C. 2.28.010.C.

E. The oversight committee shall adopt rules governing its operations at its first meeting.

1. The committee shall elect a chair or cochairs.

2. Subcommittees and workgroups may be formed at the discretion of the oversight committee.

3. At each meeting of the oversight committee, the oversight committee shall provide an open comment period.

F. The oversight committee shall coordinate with other county groups including, but not limited to, the Committee to End Homelessness in King County, the regional human services levy citizen oversight board, the veterans levy citizen oversight board and the adult and juvenile justice operational master plan advisory groups to ensure that information is shared and, when appropriate, efforts are linked and not duplicated.

G. The office of performance, strategy and budget and the behavioral health and recovery division of the department of community and human services shall provide staffing of the oversight committee.

H. Members of the oversight committee who are not full-time county employees may be reimbursed for parking expenses in the King County parking garage when attending meetings of the committee. (Ord. 18171 § 3, 2015: Ord. 18170 § 4, 2015: Ord. 16960 § 13, 2010: Ord. 16077 § 4, 2008).

2.140 FORECAST COUNCIL

Sections:

2.140.010 Forecast council - established - duties.
2.140.020 Forecast council - composition - appointment.
2.140.030 Office of economic and financial analysis - established – administration.
2.140.040 Chief economist - appointment.
2.140.050 Chief economist - selection.
2.140.060 Chief economist - terms - interim.
2.140.070 Chief economist - powers, duties.
2.140.080 Economic and revenue forecasts - preliminary - updated – revision - use.
2.140.090 Work program - work plan.
2.140.100 Reports - filing, distribution.
2.140.110 Staff, clerical personnel.

2.140.010 Forecast council - established - duties. There is hereby established the forecast council. The forecast council shall, with input from the office of economic and financial analysis and according to the process in K.C.C. 2.140.070, adopt official county

economic and revenue forecasts that must be used as the basis for the executive's budget proposals. The forecast council may also assign additional economic and financial studies to the office of economic and financial analysis. (Ord. 16391 § 2, 2009).

2.140.020 Forecast council - composition - appointment. The forecast council shall be composed of the executive, two county councilmembers and a county employee with knowledge of the budgeting and financial management practices of the county. County councilmembers shall be appointed annually by the chair of the county council. The county employee shall be appointed by the executive. New appointments to the forecast council shall be made by January 31 and shall not be subject to confirmation. (Ord. 16391 § 3, 2009).

2.140.030 Office of economic and financial analysis - established - administration. There is hereby established the office of economic and financial analysis, to be administered by the chief economist. (Ord. 16391 § 4, 2009).

2.140.040 Chief economist - appointment. The chief economist shall be appointed by unanimous vote of the forecast council following a selection and screening process as described in K.C.C. 2.140.050. (Ord. 16391 § 5, 2009).

2.140.050 Chief economist - selection.

A. The forecast council shall conduct an open and competitive process to select the chief economist.

B. The selection process shall include at least the following:

1. Review and update, if necessary, of the chief economist's job classification description;

2. Advertisement of the availability of the position;

3. Establishment of an ad hoc chief economist screening committee, with an equal number of representatives from the executive and legislative branches, responsible for the screening and preliminary interviewing of candidates; and

4. Final interview and selection of appointee by the forecast council.

C. The chief economist screening committee shall be appointed by the forecast council. Only county employees may be appointed to the screening committee.

D. The screening committee shall screen, interview and score applicants for the chief economist position, making a slate of the top ranking candidates for the forecast council's consideration. At the forecast council's discretion, the screening committee may also be formed to make recommendations to the forecast council on any decision to reappoint the chief economist. (Ord. 16391 § 6, 2009).

2.140.060 Chief economist - terms - interim. The chief economist shall serve a term of five years, or for a specified period less than five years set by a unanimous vote of the forecast council at the time of appointment, unless removed at any time by vote of three members of the forecast council, and shall be reconsidered for reappointment at the end of the term of office. The forecast council may appoint an interim chief economist whenever the term of the chief economist expires or the office otherwise is vacant. (Ord. 16391 § 7, 2009).

2.140.070 Chief economist - powers, duties. The chief economist shall perform economic and revenue forecasts, and shall conduct special studies at the request of the forecast council. In the course of performing this work, the chief economist shall have full and unrestricted access to and authority to examine any and all property and records

contained in any form that are related to the financial and operational matters of any department, agency, program or other entity that receives appropriations or funding of any type from the county. (Ord. 16391 § 9, 2009).

2.140.080 Economic and revenue forecasts - preliminary - updated - revision - use.

A. The chief economist shall prepare and submit to the forecast council the following:

1. Annually, by March 1 or by an earlier alternate date approved by a majority of the forecast council, proposed preliminary economic and revenue forecasts for the county's ensuing fiscal year;

2. At least one hundred seventy days before the end of each year, or by an earlier alternate date approved by a majority of the forecast council, an updated economic and revenue forecast for the county's ensuing fiscal year; and

3. Additional economic and financial studies as assigned by the forecast council.

B. A forecast may be adopted or revised by a vote of the majority of the forecast council within fifteen days of its submittal by the chief economist. If the forecast is not adopted or revised by a vote of the majority of the forecast council by then, the forecast shall be deemed adopted.

C. The preliminary forecast shall be used as the basis for the executive's preliminary budget preparation including preparation of the status quo budget, budget instructions to departments, and preliminary review of departmental submittals to the executive. The updated forecast shall be used as the basis for the executive's proposed budget. The most-current forecast shall be used as the basis for budget amendments. (Ord. 16391 § 8, 2009).

2.140.090 Work program - work plan.

A. The forecast council shall review and approve annually a work program prepared by the chief economist for the office of economic and financial analysis. The work program shall include all economic and revenue forecasts and any recommended special studies to be conducted and managed by the chief economist.

B. The forecast council may amend the approved annual work plan to meet special circumstances as they might arise. However, a forecast council-initiated change to the work plan shall not be made that adversely affects a forecast or study in progress without considering the recommendation of the chief economist. (Ord. 16391 § 10, 2009).

2.140.100 Reports - filing, distribution.

A. All reports, including forecasts, studies and work programs, produced by the office shall be filed with the clerk of the county council for distribution to all forecast council members.

B. Upon approval by the forecast council, all final reports shall be filed with the clerk of the county council for distribution to each county councilmember and the executive. (Ord. 16391 § 11, 2009).

2.140.110 Staff, clerical personnel. The chief economist, with consultation of the forecast council, may employ staff, clerical personnel or use of services of consultants as may be necessary for the conduct of the office of economic and financial analysis. The staff and clerical personnel shall serve at the pleasure of the forecast council and are thus exempt from career service. (Ord. 16391 § 12, 2009).

2.200 SEATTLE-KING COUNTY TAXICAB ADVISORY COMMISSION

Sections:

2.200.010 Established - purpose - recommendations.
2.200.020 Membership.
2.200.030 Membership - appointments - terms - vacancies.
2.200.040 Notice of changes to ordinances or rules - annual report.
2.200.050 Meeting - convening -removal of member for absence – locations - no compensation.

2.200.010 Established - purpose - recommendations. There is established a Seattle-King County taxicab advisory commission. The purpose of the commission is to study regulations, rules, policies and issues relevant to the provision of high-quality taxicab service in the city of Seattle and King County while ensuring the economic viability owning and driving taxicabs, and to make recommendations to the city of Seattle and King County on these matters. Recommendations to those jurisdictions shall include, but not be limited to, the following:

A. Changes in governmental taxicab regulations;

B. Changes in administrative rules;

C. Changes to the city of Seattle and King County taxicab codes and legislation that would affect the taxicab industry;

D. The setting of taxicab fares;

E. Taxicab licensing;

F. Ways to increase the availability of taxicab service in Seattle and King County. Recommendations on this subject shall be included in the commission's first annual report to King County and the city of Seattle; and

G. Evaluating current taxicab regulations, including making recommendations to each jurisdiction's respective executive and legislative bodies. (Ord. 16682 § 2, 2009).

2.200.020 Membership. The Seattle-King County taxicab advisory commission shall have the following members:

A. Three who represent taxicab license owners, which shall be positions one, two and ten;

B. Three who represent taxicab drivers but are not taxicab license owners, and who have not been a license owner within the previous five years, which shall be positions three, four and nine;

C. Three from the hospitality industry, tourism industry or medical facilities, representing patrons who use taxicabs, which shall be positions five, six and eleven;

D. One who is a person with a disability or a person who represents persons with disabilities, which shall be position eight; and

E. One who is a person who represents individuals over the age of sixty, which shall be position seven. (Ord. 16682 § 3, 2009).

2.200.030 Membership - appointments - terms - vacancies.

A. Individuals shall be appointed specifically into each of the numbered positions. Members in odd-numbered positions from position one to position nine shall be appointed by the city of Seattle. Individuals in even-numbered positions from position two to position ten shall be appointed by the King County executive and confirmed by the King County council. Position eleven shall be appointed by the other members of the commission.

B.1. Initial terms for the each appointment to the positions shall be as follows:

a. Positions one, two and five shall serve one-year terms that begin January 1, 2010;

b. Positions three, four, nine and ten shall serve two-year terms that begin January 1, 2010; and

c. Positions six, seven, eight and eleven shall serve three-year terms that begin January 1, 2010.

2. At the conclusion of the initial term of each appointment, all subsequent terms of each position shall be for three years. A commission member whose term has expired may continue to serve into the following term until a successor has been appointed by the appropriate authority to complete the term. A member shall not serve more than two consecutive terms. A vacancy for an unexpired term shall be filled by the appropriate appointing authority. (Ord. 16682 § 4, 2009).

2.200.040 Notice of changes to ordinances or rules - annual report. King County shall provide written notice to the Seattle-King County taxicab advisory commission, no more than fifteen days following any proposed changes to county ordinances or rules that pertain to the setting of taxicab fares, taxicab licensing and other legislation regarding the taxicab industry or its customers. Such written notice shall also occur no less than thirty days in advance of adoption of proposed ordinances, rules or other legislation so that the commission will have sufficient time to review proposed changes and report its recommendations to King County and the city of Seattle. The commission shall issue and deliver an annual report to the city of Seattle and King County that outlines the work of the commission during the prior calendar year as well as its anticipated work program for the following calendar year. The report shall be filed with the executive and clerk of the council, in the form of eleven copies for distribution to all councilmembers, by February 15 of each year. (Ord. 16682 § 5, 2009).

2.200.050 Meeting - convening - removal of member for absence - locations - no compensation. The Seattle-King County taxicab advisory commission shall convene as necessary, but at least quarterly, to perform the duties outlined in K.C.C. 2.200.010. The county shall provide an executive department employee to staff the committee. The appropriate appointing authority may remove any member who is absent without excuse from three consecutive commission meetings. Commission meeting locations shall rotate between city of Seattle and King County facilities. Commission members shall serve without compensation. (Ord. 16682 § 6, 2009).

2.300 WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT

Sections:

2.300.010 District created - powers.
2.300.020 Board of directors.

2.300.010 District created - powers. A public facilities district, formally called the Washington State Convention Center public facilities district, with the powers set forth in chapter 36.100 RCW and other applicable law, is hereby created within King County, coextensive with the boundaries of King County, to acquire, own and operate a convention and trade center transferred from a public nonprofit corporation. After the transfer has occurred, the public facilities district may do business as the Washington State Convention Center. (Ord. 16883 § 2, 2010).

2.300.020 Board of directors. The district's initial board of directors shall consist of the nine members of the board of directors who serve as of July 30, 2010, on the board of the Washington State Convention Center public nonprofit corporation.

Following the expiration of the terms of the initial board of directors, three members must be nominated by the county executive subject to confirmation by the county legislative authority; three members must be nominated by the mayor of the city of Seattle subject to confirmation by the city legislative authority; and three members must be appointed by the Washington state governor. Initial board members will serve two-year terms or four-year terms, as designated by the Washington governor who also shall identify the board positions to which successors to initial directors are to be appointed by the city of Seattle and to which successors to the initial directors are to be appointed by the county. One of the governor's appointments and one of the county's appointments must be representative of the lodging industry in the public facilities district and one of the city's appointments must be representative of organized labor, except that these requirements do not apply to the initial board of the district. (Ord. 16883 § 3, 2010).