

February 1, 1995

Introduced by: von Reichbauer

Proposed No.: 94-237

ORDINANCE NO. **11679**

1  
2  
3 AN ORDINANCE relating to the Department of  
4 Metropolitan Services and its divisions, and  
5 amending Ordinance 11032, Sections 6, 12, 20, and 21,  
6 and Ordinance 11241, Sections 8 and 13, and K.C.C.  
7 4.08.260, K.C.C. 28.04.080, K.C.C. 28.24 and K.C.C.  
8 28.28.

9  
10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Ordinance 11032, Section 6, and Ordinance  
12 11241, Sections 8 and 13, and K.C.C. 4.08.260 are hereby  
13 amended to read as follows:

14 **Funds created.**

15 ~~((A. The following funds are hereby established as King~~  
16 ~~County first tier funds managed by the director, continuing~~  
17 ~~Metro funds which were previously established for the purposes~~  
18 ~~specified, and are added as new sections to Chapter 4.08 of the~~  
19 ~~King County Code.~~

20 ~~1. Water Quality Operating Fund, previously known as~~  
21 ~~the "Municipality of Metropolitan Seattle Sewer Revenue Fund,"~~  
22 ~~created by Resolution No. 7, adopted by the Metro Council on~~  
23 ~~November 26, 1958, to account for the revenues and operations~~  
24 ~~of the water quality enterprise.~~

25 ~~2. Water Quality Construction Fund, previously known as~~  
26 ~~the "Municipality of Metropolitan Seattle Sewer Construction~~  
27 ~~Fund," created by Section 9 of Resolution No. 90, adopted by~~  
28 ~~the Metro Council on May 18, 1961, to account for the proceeds~~  
29 ~~of revenue bonds of the water quality enterprise.~~

30 ~~3. Water Quality Revenue Bond Fund, previously known as~~  
31 ~~the "Municipality of Metropolitan Seattle Sewer Revenue Bond~~

1 ~~Fund, " created by Section 10 of Resolution No. 90 of the Metro~~  
2 ~~Council, to account for debt service payments and reserves of~~  
3 ~~revenue bonds of the water quality enterprise.~~

4 ~~4. Public Transportation Operating Fund, previously~~  
5 ~~known as the "Municipality of Metropolitan Seattle Public~~  
6 ~~Transportation Revenue Fund," created by Resolution No. 936,~~  
7 ~~adopted by the Metro Council on June 1, 1967, to account for~~  
8 ~~the operations of the public transportation enterprise.~~

9 ~~5. Public Transportation Construction Fund, previously~~  
10 ~~known as the "Municipality of Metropolitan Seattle Public~~  
11 ~~Transportation Construction Fund," created by Resolution No.~~  
12 ~~2209, adopted by the Metro Council on October 17, 1974, to~~  
13 ~~account for capital improvement projects of the public~~  
14 ~~transportation enterprise.~~

15 ~~6. Two tenths Sales Tax Revenue Receiving Fund,~~  
16 ~~previously known as the "Municipality of Metropolitan Seattle~~  
17 ~~Two tenths Sales Tax Revenues Receiving Fund," to account for~~  
18 ~~the receipt of the two tenths percent sales tax as required by~~  
19 ~~Resolution No. 4937, adopted by the Metro Council on June 19,~~  
20 ~~1986.~~

21 ~~7. Public Transportation Self insurance Fund,~~  
22 ~~previously known as the "Transit Self insurance Fund," to~~  
23 ~~provide funds needed for the self insurance of the public~~  
24 ~~transportation enterprise as provided by Resolution No. 4825,~~  
25 ~~adopted by the Metro Council on March 30, 1986.~~

26 ~~8. Limited Sales Tax General Obligation Bond Fund,~~  
27 ~~previously known as the "Municipality of Metropolitan Seattle~~  
28 ~~Limited Sales Tax General Obligation Bond Fund," to account for~~

1 ~~debt service on the limited sales tax general obligation bonds~~  
2 ~~of the public transportation enterprise, as provided in~~  
3 ~~Resolution No. 4937 of the Metro Council.))~~

4 A. There is hereby established a Water Quality Fund as a  
5 first-tier fund managed by the ((D))director of the  
6 ((D))department of ((M))metropolitan ((S))services. The Water  
7 Quality Fund shall account for the water quality enterprise.  
8 This fund shall include the following accounts:

9 1. The Water Quality Operating Account, previously  
10 known as the "Municipality of Metropolitan Seattle Sewer  
11 Revenue Fund," created by Resolution No. 7, adopted by the  
12 Metro Council on November 26, 1958;

13 2. The Water Quality Construction Account; previously  
14 known as the "Municipality of Metropolitan Seattle Sewer  
15 Construction Fund," created by Section 9 of Resolution No. 90,  
16 adopted by the Metro Council on May 18, 1961.

17 3. Water Quality Revenue Bond Account, previously known  
18 as the "Municipality of Metropolitan Seattle Sewer Revenue Bond  
19 Fund," created by Section 10 of Resolution No. 90 of the Metro  
20 Council.

21 4. Water Quality General Obligation Bond Account,  
22 previously known as the "Water Quality Limited Tax General  
23 Obligation Bond Fund," created by Section 8 of Ordinance 11241.

24 5. Second Water Quality Construction Account,  
25 previously known as the "Second Water Quality Construction  
26 Fund," created by Secion 13 of Ordinance 11242.

27 Restrictions on these accounts shall be the same as were  
28 previously established by Metro Resolutions No. 7 and 90 and

1 Ordinance 11241. Balances that were previously held in these  
2 funds shall be continued in these accounts.

3 B. There is hereby established a Public Transportation  
4 Fund as a first-tier fund managed by the ((D))director of the  
5 ((D))department of ((M))metropolitan ((S))services. The Public  
6 Transportation Fund shall account for the public transportation  
7 enterprise. This fund shall include the following accounts:

8 1. Public Transportation Operating Account, previously  
9 known as the "Municipality of Metropolitan Seattle Public  
10 Transportation Revenue Fund," created by Resolution No. 936,  
11 adopted by the Metro Council on June 1, 1967;

12 2. Public Transportation Construction Accounts,  
13 previously known as the "Municipality of Metropolitan Seattle  
14 Public Transportation Construction Fund," created by Resolution  
15 No. 2209, adopted by the Metro Council on October 17, 1974.

16 3. Two-tenths Sales Tax Revenue Receiving Fund,  
17 previously known as the "Municipality of Metropolitan Seattle  
18 Two-tenths Sales Tax Revenues Receiving Fund," to account for  
19 the receipt of the two-tenths percent sales tax as required by  
20 Resolution No. 4937, adopted by the Metro Council on June 19,  
21 1986.

22 4. Public Transportation Self-insurance Fund,  
23 previously known as the "Transit Self-insurance Fund," to  
24 provide funds needed for the self-insurance of the public  
25 transportation enterprise as provided by Resolution No. 4825,  
26 adopted by the Metro Council on March 30, 1986.

27 5. Limited Sales Tax General Obligation Bond Fund,  
28 previously known as the "Municipality of Metropolitan Seattle

1 Limited Sales Tax General Obligation Bond Fund," to account for  
2 debt service on the limited sales tax general obligation bonds  
3 of the public transportation enterprise, as provided in  
4 Resolution No. 4937 of the Metro Council.

5 Restrictions on these accounts shall be the same as were  
6 previously established by Metro Resolution Nos. 936, 2209,  
7 4937, 4825 and 4937. Balances that were previously held in  
8 these funds shall be continued in these accounts.

9 B. K.C.C. 4.08.060, 4.08.070, and 4.08.250 shall not be  
10 applicable to the Department of Metropolitan Services for a two  
11 year period beginning on January 1, 1994.

12 SECTION 2. Ordinance 11032, Section 12, and K.C.C.  
13 28.04.080 (is) are hereby amended to read as follows:

14 Personnel system. Notwithstanding the provisions of King  
15 County Code Chapter 3.12, the following shall establish the  
16 personnel rules and shall define career service rules for the  
17 department.

18 A. All provisions of K.C.C. Chapter 3.12 not referenced  
19 in this ordinance shall have no application to employees of the  
20 department. The rules set forth below in this section,  
21 together with the referenced provisions of K.C.C. Chapter 3.12  
22 and executive rules promulgated ( to this ordinance, shall  
23 constitute the personnel system for the department.

24 B. When an employee of another county (~~(the)~~) department  
25 is placed into a position in (~~(another county)~~) the department,  
26 that employee shall be subject to the personnel system of the  
27 department. When an employee of the department is placed into  
28 a position in another county department, that employee shall be

1 subject to the county personnel system as defined in King  
2 County Code Chapter 3.12. However, all King County employees  
3 will retain their years of service and previously accrued  
4 vacation and sick leave balances when they are placed into  
5 positions in (~~new~~) other county departments but thereafter  
6 shall accrue at the rate applicable to the new position in  
7 accordance with K.C.C. 3.12.

8 C. All provisions of Chapter 3.04 K.C.C., Employee Code  
9 of Ethics shall apply to employees of the department.

10 D. The following provisions of Chapter 3.12 K.C.C. and  
11 the related definitions in K.C.C. 3.12.010 shall apply to  
12 employees of the department:

- 13 1. K.C.C. 3.12.020(B) and (C), regarding nepotism;
- 14 2. K.C.C. 3.12.150, regarding compensation other than  
15 salary and wages;
- 16 3. K.C.C. 3.12.170, as amended herein, regarding equal  
17 pay for equal work;
- 18 4. K.C.C. 3.12.310, regarding tenure;
- 19 5. K.C.C. 3.12.320, regarding retirement; and
- 20 6. K.C.C. 3.12.340, regarding employer/employee  
21 relations.

22 E. The following provisions of Chapter 3.08 K.C.C. and  
23 Chapter 3.12 K.C.C. shall apply to career service employees:

- 24 1. K.C.C. 3.08, regarding personnel board; and
- 25 2. K.C.C. 3.12.290, regarding personnel board appeals.

26 F. General Provisions.

27 1. Administration. Notwithstanding the provisions of  
28 K.C.C. 2.16.030, the manager of the human resources division of

1 the department, as the director's designee, is responsible for  
2 the implementation of personnel policies and rules, and other  
3 personnel functions in the department. The director shall  
4 adopt personnel rules to implement this ordinance.

5 2. Merit Principles. The department shall operate its  
6 human resources programs for the career service consistent with  
7 the following merit principles by:

8 a. Recruiting, selecting and promoting employees on  
9 the basis of their relative ability, knowledge and skills,  
10 including open consideration of qualified applicants for  
11 employment;

12 b. Providing equitable and adequate compensation;

13 c. Training employees in accordance with the  
14 department's training and employee development policies,  
15 including tuition reimbursement;

16 d. Retaining employees on the basis of ((~~the adequacy~~  
17 ~~of their performance~~)) merit, attempting to correct inadequate  
18 performance, and separating employees whose inadequate  
19 performance is not corrected;

20 e. Assuring fair treatment of applicants and  
21 employees in all aspects of human resources administration in  
22 accordance with the department's Affirmative Action Plan  
23 without regard to political affiliation, marital status, race,  
24 color, national origin, sex, sexual orientation, age, handicap  
25 or religious affiliation and with proper regard for their  
26 privacy and constitutional rights as citizens; and

27 f. Assuring that employees are protected against  
28 coercion for partisan political purposes and are prohibited

1 from using their official authority for the purpose of  
2 interfering with or affecting the result of an election or a  
3 nomination for office.

4 3. Performance Evaluation. A formal review of the work  
5 performance of every regular and limited-benefit nonrepresented  
6 employee shall be conducted in accordance with performance  
7 evaluation policies.

8 G. Employment/Personnel Principles.

9 1. Hiring and Promotion for Career Service Employees.

10 a. Appointing authorities and supervisory personnel  
11 will base personnel decisions and actions for career service  
12 employees solely on merit and competence and in accordance with  
13 the affirmative action plan described in (~~Section 18 of this~~  
14 ordinance) K.C.C. 28.16, so that optimum results may be  
15 achieved from available human and budgetary resources.

16 b. Managers/designees are responsible for initiating  
17 human resources actions and the placement or disposition of  
18 employees under their supervision in accordance with these  
19 personnel rules and any implementation procedures. The human  
20 resources division will develop and maintain a record-keeping  
21 system which documents an employee's personnel history with the  
22 department.

23 c. The human resources division is solely responsible  
24 for establishing and maintaining recruitment, interviewing,  
25 testing, referral and hiring processes. When appropriate, the  
26 human resources division shall be responsible for making  
27 appointments.



1 (1) Before a vacancy is filled, the human  
2 resources division will consult with the appointing authority  
3 to determine the recruitment process. The human resources  
4 division will review and evaluate applications and related  
5 records, and conduct testing and interviews as appropriate  
6 according to pre-established job related evaluation and refer  
7 names of competitive candidates and their records to the  
8 appointing authority. The appointing authority and the human  
9 resources division will interview the candidates referred and  
10 the appointing authority will make a selection or will request  
11 additional candidates if necessary. The successful candidate  
12 shall then be referred to the human resources division for  
13 completion of processing and orientation.

14 (2) A vacancy may be filled through employee  
15 transfer, demotion or promotion outside the normal recruitment  
16 process. Such action requires prior approval from the human  
17 resources division.

18 (3) An employee who separates in good standing may  
19 be rehired during a period of two (2) years to a position of  
20 the same classification, or in a lower classification in the  
21 same series, without a written or competitive exam.

22 2. Probation for Career Service Employees.

23 a. Probationary Period (Initial). Each employee in a  
24 regular or limited-benefit position must actively serve a six  
25 (6) month probationary period except that those in a FLSA-  
26 exempt position must actively serve a one (1) year probationary  
27 period. An employee is not required to serve an additional  
28 probationary period when the employee returns to a

1 classification in which the probationary period has previously  
2 been completed.

3 b. Probationary employees may not file grievances  
4 under (~~Section 13.F.8 of this ordinance~~) K.C.C. 28.04.020;  
5 provided, however, a probationary employee who claims that  
6 published rules, regulations or policies have not been properly  
7 applied may request that the manager of the human resources  
8 division review this claim.

9 (1) Probationary employees are not career service  
10 employees, are employed "at will", and may be separated from  
11 employment at the sole discretion of the appointing authority  
12 at any time during their probationary period without right of  
13 appeal under (~~Section 13.F.8 of this ordinance~~) K.C.C.  
14 28.04.020. The human resources division will review and  
15 approve a probationary employee's separation prior to the  
16 separation. A probationary employee may request a review of  
17 his/her separation from the next level of supervision. This  
18 request must be made in writing within ten (10) days after  
19 receiving notification of separation.

20 3. Recall for Career Service Employees. Recalled  
21 employees are eligible to receive credit for the balance of  
22 their sick leave and may maintain their rate of vacation  
23 accrual at the time of layoff. Employees returning from laid  
24 off status later than two (2) years from the date of their  
25 layoff shall not receive credit for the balance of their sick  
26 leave or maintain their rate of vacation accrual at the time of  
27 lay off.

1           4. Restoration to Career Service. After January 1,  
2 1994, any DMS career service employee who accepts a transfer or  
3 promotion to a position which is exempt from career service  
4 shall, upon separation in good standing from the exempt  
5 position, be allowed to re-enter career service at a position  
6 comparable in terms of responsibilities and salary or wage  
7 (including normal cost-of-living increases) to the career  
8 service position formerly held by the employee, provided, that:

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

12           b. The former appointing authority, at his or her  
13 discretion, approves such restoration within the limits of  
14 available authorized positions; or

15           c. A different appointing authority, having  
16 jurisdiction over comparable authorized positions, at his or  
17 her discretion approves such restoration within the limits of  
18 available authorized positions.

19           5. Reinstatement to Career Service. Any career service  
20 employee who separates in good standing may be reinstated in  
21 the same classification or in a lower classification in the  
22 same occupational series if such reinstatement is within two  
23 years after separation service and if the employee meets the  
24 current minimum education, experience, physical, and medical  
25 qualifications. All such employees must serve a probationary  
26 period and shall be eligible to receive credit for the balance  
27 of their sick leave and may maintain their rate of vacation  
28 accrual at the time of separation from employment. An

1 applicant for reinstatement will not be referred for the same  
2 class to the same appointing authority or designee more than  
3 once unless specifically requested by an appointing authority.

4 6. Hours of Work. Forty (40) hours constitutes the  
5 normal full-time work week and two thousand eighty-eight  
6 (2,088) hours constitutes the normal full-time work year.

7 7. Types of Appointments.

8 a. Employees who are appointed to a position that is  
9 regularly scheduled to work forty (40) hours per week and is  
10 intended to last for more than six (6) months are eligible for  
11 full employee benefits.

12 b. Employees who are appointed to a position that is  
13 regularly scheduled to work for less than forty (40) hours but  
14 more than twenty-one (21) hours per week and is intended to  
15 last for more than six (6) months are eligible for full  
16 insurance coverage and other appropriate benefits on a pro-rata  
17 basis.

18 c. Employees who are appointed to a position that is  
19 scheduled to work less than twenty-one (21) hours per week are  
20 only eligible for a transit pass and participation in the  
21 pension plan upon meeting eligibility requirements; provided,  
22 however, that full-time regular employees who reduce their  
23 regularly scheduled hours to less than twenty-one (21) hours  
24 per week as part of a human resources division designated and  
25 approved job share arrangement shall continue to be eligible  
26 for the sick leave, vacation and holiday provisions of this  
27 ordinance on a pro-rata basis.

1           d. Employees who are appointed to a position that is  
2 scheduled to work forty (40) hours per week and is intended to  
3 last for less than six (6) months are only eligible for a  
4 transit pass and participation in the pension plan upon meeting  
5 eligibility requirements. Temporary employees are not career  
6 service employees and are employed "at will" and may be  
7 separated at the sole discretion of the appointing authority at  
8 any time without right of appeal.

9           e. Employees who are appointed to a position that is  
10 scheduled to work less than forty (40) hours but more than  
11 twenty-one (21) hours per week and is intended to last for less  
12 than six (6) months are only eligible for a transit pass and  
13 participation in the pension plan upon meeting eligibility  
14 requirements.

15           8. Disciplinary Action for Career Service Employees.

16           a. General Provisions. When a regular or limited-  
17 benefit employee's performance has fallen below an acceptable  
18 level, the appropriate supervisor must discuss the problem with  
19 the employee.

20           b. Grounds For Discipline. Disciplinary action may  
21 be taken for the reasons including, but not limited to:

22                   (1) Unsatisfactory work performance (which may  
23 include but is not limited to incompetence, inefficiency, or  
24 neglect of duty);

25                   (2) Misappropriation or misuse of county property;

26                   (3) Insubordination;

1 (4) Commission of any crime while on duty or  
2 commission of any crime off-duty which is job-related or  
3 involves moral turpitude;

4 (5) Malfeasance;

5 (6) Gross misconduct (which may include, but is  
6 not limited to, wrongdoing by an employee or mistreatment or  
7 abuse of fellow workers or the public);

8 (7) Sexual harassment;

9 (8) Violation of published department rules,  
10 regulations and policies;

11 (9) Conflict of interest;

12 (10) Abuse of sick leave;

13 (11) Violations of the King County Code of Ethics,  
14 K.C.C. Chapter 3.04.

15 c. Types of Disciplinary Action. Depending upon the  
16 nature of the problem, the appropriate supervisor may take any  
17 one or more of the following actions:

18 (1) Oral Reprimand. An oral reprimand may be  
19 given to an employee whenever such action is appropriate. A  
20 written record of this action will be kept in the employee  
21 records which are maintained at the employee's work site.

22 (2) Written Reprimand. An employee may be given a  
23 written reprimand when a previous oral warning or warnings have  
24 not resulted in the expected improvement or when more severe  
25 initial action is warranted. A copy of each written reprimand  
26 will be kept in the employee records, which are maintained at  
27 the employee's work site, and official personnel file.

1           (3) Postponement of an Increase in Salary. The  
2 employee's supervisor may postpone a regularly scheduled salary  
3 increase if the employee's work performance is less than  
4 satisfactory. This action will be accompanied by a written  
5 notice which includes the specific reason(s) for the action.  
6 When the employee's performance returns to an acceptable level,  
7 the employee will be notified in writing and a salary increase  
8 may then be implemented. Prior written approval of the  
9 decision to postpone and to implement an increase after  
10 postponement must be obtained from the division manager and the  
11 human resources division.

12           (4) Reduction in Pay. An employee's supervisor  
13 may reduce an employee's regular pay when the employee's work  
14 performance is less than satisfactory. This action will be  
15 accompanied by a written notice which states the specific  
16 reason(s) for the action. When the employee's performance  
17 returns to an acceptable level, the employee will be advised in  
18 writing and the employee's previous salary may be reinstated.  
19 Prior written approval of the decision to reduce pay and  
20 reinstate pay after reduction must be obtained from the  
21 division manager and the human resources division.

22           (5) Performance Probation. When an employee's  
23 work performance is less than satisfactory, the employee's  
24 supervisor may place the employee on probation. Before the  
25 probationary period can begin, the employee must receive  
26 written notice of the following:

27           (a) Specific reason(s) for this action and the  
28 duration of the probation;

1 (b) Specific performance standards/criteria that  
2 the employee must meet, including performance indicators that  
3 will allow the employee to demonstrate that he/she can achieve  
4 and maintain satisfactory performance; and

5 (c) Notice that failure to achieve satisfactory  
6 performance by the conclusion of probation could result in  
7 discharge. Prior written approval of this process must be  
8 obtained from the division manager and the human resources  
9 division. (This disciplinary action is different from the  
10 initial "probationary period" as defined in Sections 11 and  
11 12.G.2 of this ordinance.

12 (6) Suspension. An employee may be suspended from  
13 duty without pay for any of the reasons listed in ((Section  
14 ~~(12.G.8.b of this ordinance)~~) K.C.C. 28.04.050B. The employee  
15 will receive a written notice that will include the reason(s)  
16 for the suspension. Employees may be suspended for up to  
17 ninety (90) days. This action requires the prior review of the  
18 human resources division unless the situation requires  
19 immediate action, in which case the human resources division  
20 will review the action after it is taken. FLSA-exempt  
21 employees may be suspended only in increments of full work  
22 weeks.

23 (7) Demotion. An employee may be demoted by the  
24 employee's supervisor for any of the reasons listed in  
25 ((Section ~~(12.G.8.b of this ordinance)~~) K.C.C. 28.04.050B. The  
26 employee will receive a written notice that includes specific  
27 reason(s) for the demotion at least fourteen days prior to the



1 effective date of the proposed action. This action requires  
2 the prior approval of the human resources division.

3 (8) Disciplinary Discharge. A regular or limited-  
4 benefit employee may be discharged by the employee's supervisor  
5 for any of the reasons listed in (~~Section 12.6.8.b of this~~  
6 ~~ordinance~~) K.C.C. 28.04.050B. Temporary employees are exempt  
7 from career service and are employed "at will" and may be  
8 discharged at any time without regard to the listed reasons and  
9 without right of appeal. Regular and limited-benefit career  
10 service employees will receive a written notice that includes  
11 the specific reason(s) for the discharge thirty (30) days prior  
12 to the effective date of discharge. The employee's supervisor  
13 will determine the employee's status during the thirty (30) day  
14 period. The employee may be kept on the job, placed on leave or  
15 suspended without pay. Prior approval of this action must be  
16 obtained from the human resources division.

17 9. Employment Separations. Any job separation for a  
18 career service employee will be designated as follows:

19 a. Resignation. An employee who voluntarily resigns  
20 must notify his/her supervisor at least fourteen (14) days  
21 before the last scheduled day of work. Whenever this  
22 requirement is not complied with, the employee's record shall  
23 so indicate and the employee will not be eligible to receive  
24 payment for any unused accrued vacation leave, unless the  
25 supervisor has waived the notice requirement in writing.

26 b. Layoff. Temporary employees can be laid off at  
27 any time for any reason. Regular and limited-benefit employees  
28 may be laid off because of a lack of funding, lack of work,

1 changes in the structure of the organization, modification of  
2 the type of work performed resulting in a change in job  
3 classification, or for other reasons which do not reflect on an  
4 employee's work performance. A layoff is a non-disciplinary,  
5 involuntary job separation. The order of layoff within job  
6 classifications in the relevant work unit will be conducted on  
7 the basis of merit. Nonrepresented regular and limited-benefit  
8 employees will be given written notice at least fifteen (15)  
9 days before the effective date of the layoff. Layoffs require  
10 the prior approval of the human resources division manager.

11 Employees who have been laid off can compete for  
12 appropriate vacant positions within King County.

13 c. Death. Separation will be effective as of the  
14 date of death.

15 d. Retirement.

16 e. Disciplinary Discharge. Grounds for discharge are  
17 covered in (~~Section 12.G.8.b of this ordinance~~) K.C.C.  
18 28.04.050B.

19 f. Nondisciplinary Discharge. Any nondisciplinary  
20 job separation which occurs when an employee fails to meet a  
21 condition of employment (this includes but is not limited to  
22 loss of required licenses, certificates, or United States work  
23 authorization; inability to safely and fully perform job  
24 duties; and an inability to attend work regularly).

25 10. Grievances and Appeals. The following provisions  
26 apply to grievances and appeals for regular career service  
27 employees.

28 a. Career Service Grievances.

1 (1) A regular nonrepresented employee who has  
2 completed the probationary period may file a written grievance  
3 claiming that published personnel rules, regulations or  
4 policies of the department have not been properly applied.  
5 Demotions and discharges are not subject to the grievance  
6 procedure but only to the appeal process set forth in ((Section  
7 ~~(12.G.10.b of this ordinance)~~ K.C.C. 28.04.060B). The written  
8 grievance must contain:

9 (a) a description of the acts in question and the  
10 dates of their occurrence;

11 (b) the name(s) of the individual(s) involved;

12 (c) the specific personnel rule(s), regulation(s)  
13 or policy(ies) which were not properly applied; and

14 (d) the desired remedy.

15 (2) The employee must submit the written grievance  
16 to his/her immediate supervisor within ten (10) days of the  
17 occurrence of the act being grieved. The supervisor and the  
18 employee will then meet within ten (10) days to discuss the  
19 grievance. The supervisor will confer with the manager of the  
20 human resources division and then issue a written decision  
21 within ten (10) days of the meeting with the employee. If the  
22 employee is not satisfied with the decision and wants to pursue  
23 the matter, the employee must submit the grievance to the next  
24 level of supervision within ten (10) days of the date of the  
25 immediate supervisor's written decision.

26 (3) The employee may pursue the grievance through  
27 each successive level of supervision using the process and time  
28 limits as stated above. This process may continue until the

1 grievance is resolved to the employee's satisfaction or until  
2 the division manager has heard the grievance. The division  
3 manager's decision will be final and binding upon all parties  
4 involved, unless the employee appeals to the personnel board,  
5 pursuant to K.C.C. 3.12.290, and the grievance falls within the  
6 jurisdiction of the personnel board.

7 b. Career Service Appeals. A regular non-represented  
8 employee who has completed his/her probationary period may  
9 appeal a demotion or discharge as outlined below.

10 Probationary discharges are not subject to the appeal process.

11 The appeal must be presented in writing and must include the  
12 specific reasons why the employee believes the action is not  
13 justified.

14 (1) Appeal Process.

15 (a) An employee may submit a written request for  
16 a review of the action within ten (10) days of the date of the  
17 discharge/demotion notice. Requests must be submitted to the  
18 employee's immediate supervisor who will forward the request to  
19 the division manager or his/her designee. This request must  
20 include the specific reason(s) why the employee believes the  
21 action is not justified.

22 (b) If no timely written request for review is  
23 received, the discharge/demotion notice constitutes the final  
24 action demoting or discharging the employee. The employee's  
25 services will be revised or terminated as of the date specified  
26 in the notice.

27 (c) If a timely written request for review is  
28 received, the division manager or his/her designee will meet

1 with the employee to allow the employee an opportunity to  
2 present his/her position prior to the end of the thirty (30)  
3 day period outlined in the written notice of  
4 discharge/demotion. After this meeting a written decision  
5 upholding or overturning the action will be issued by the  
6 division manager within the same thirty (30) day period.

7 (d) If the decision is to uphold the action, the  
8 employee may appeal to the personnel board pursuant to K.C.C.  
9 12.290.

10 11. Employee Access to Personnel Files.

11 a. Personnel records for all current employees shall  
12 be maintained in the human resources division and at the  
13 employee's work site. The file maintained by the human  
14 resources division is the employee's permanent personnel file.

15 The file maintained at the employee's work site is the work  
16 location or base file. Upon termination of employment from the  
17 department, the employee's work location or base file shall be  
18 forwarded to the human resources division for inclusion in the  
19 employee's permanent personnel file.

20 b. Employees may review their personnel and/or work  
21 location files by appointment with the human resources division  
22 or supervisor. However, employees shall not remove their  
23 personnel and/or work location files from the areas where they  
24 are maintained. Employees will be provided with copies of any  
25 documents in their personnel and/or work location files upon  
26 request and within a reasonable period of time.

27 c. Employees who have an objection to any documents  
28 contained within their personnel and/or work location file may

1 request that the document(s) be removed, by addressing such  
2 requests to the human resources division in the case of  
3 personnel files and to their immediate supervisor in the case  
4 of work location files. If the request to remove a document(s)  
5 is refused, the employee may prepare a statement of rebuttal or  
6 correction which will then be placed in the employee's file(s).

H. Vacation. Eligible regular employees will accrue vacation days with pay according to the following schedule:

TABLE FOR FULL VACATION ACCRUAL

COMPLETED YEARS OF ACTIVE SERVICE*	MAXIMUM HOURS PER YEAR	MAXIMUM HOURS PER PAY PERIOD**
Less than 1	---	3.680
1	96	3.680
2	96	3.680
3	96	3.680
4	96	3.680
5	120	4.600
6	120	4.600
7	120	4.600
8	128	4.905
9	128	4.905
10	160	6.135
11	160	6.135
12	160	6.135
13	160	6.135
14	160	6.135
15	160	6.135
16	168	6.440
17	176	6.745
18	184	7.050
19	192	7.360
20	200	7.665
21	208	7.970
22	216	8.280
23	224	8.585
24	232	8.890
25	240	9.200

\*The applicable vacation accrual rate will be based upon completed years of active service since the employee's most recent date of hire with the department.

1   \*\*Based upon the assumption that an individual has eighty (80)  
2   paid hours in a pay period. Except as may otherwise be  
3   required by the FLSA, if the employee has less than eighty (80)  
4   paid hours, the employee will accrue pro rata vacation based on  
5   actual paid hours. Paid hours include the following types of  
6   pay: regular time, vacation time, sick leave pay, funeral leave  
7   pay, court duty pay, military pay, holiday pay, personal  
8   holiday pay, and compensatory time taken.

9           1. Employees who have been laid off and are recalled  
10   within two (2) years from the date of layoff will maintain  
11   their vacation accrual rate in effect at the time of the  
12   layoff.

13           2. Use of vacation hours must be approved by the  
14   employee's supervisor and scheduled so as to least interfere  
15   with the function of the work unit. Vacation time may not be  
16   taken during the first three (3) months of employment.  
17   Employees with less than six (6) months of continuous  
18   employment who leave the employ of the county will forfeit any  
19   vacation time earned. Employees with more than six (6) months  
20   of continuous employment who leave the employ of the county in  
21   good standing will receive pay at their current rate of pay for  
22   any unused vacation time earned up to their separation date.

23           3. Employees may accrue a maximum of four hundred and  
24   eighty (480) hours of vacation. No additional vacation will be  
25   accrued unless the employee is prevented by the department from  
26   taking vacation. The appropriate division manager must give  
27   written permission for the employee prior to the accrual of  
28   vacation in excess of four hundred and eighty (480) hours.



1 This excess vacation must be taken within six (6) months of the  
2 date the excess accrual was permitted.

3 I. Holidays.

4 1. Eligible regular full-time employees will be granted  
5 the following holidays as days off with regular pay for eight  
6 (8) hours. Regular part-time employees will be granted the  
7 following holidays as days off with pay prorated on the basis  
8 of their percentage of time worked in their regular work week.

9 All employees must be on pay status the workday immediately  
10 preceding and immediately following a holiday in order to be  
11 eligible for holiday pay.

- 12 a. New Year's Day;
- 13 b. Martin Luther King Jr. Day;
- 14 c. Lincoln's Birthday;
- 15 d. Washington's Birthday;
- 16 e. Memorial Day;
- 17 f. Independence Day;
- 18 g. Labor Day;
- 19 h. Veteran's Day;
- 20 i. Thanksgiving Day;
- 21 j. The day immediately following Thanksgiving Day;

22 and

- 23 k. Christmas Day.

24 2. The above holidays will be observed on days  
25 established annually by the department. A regular employee  
26 required to work on any of the eleven (11) days of holiday  
27 observance listed above will be compensated as follows:

1 a. Employees who are not exempt from FLSA and who are  
2 required by their supervisor to work on one of the above days  
3 of holiday observance will receive eight (8) hours of straight  
4 time holiday pay. In addition, they can elect to receive  
5 compensation for the actual time worked in one of the following  
6 ways:

7 (1) Compensatory time equal to the actual number  
8 of hours worked will be added to the employee's compensatory  
9 time bank; or

10 (2) The employee will be paid for the actual  
11 number of hours worked at the rate of time and one-half (1-1/2)  
12 the employee's hourly rate of pay.

13 b. FLSA-exempt employees who are required by their  
14 supervisor to work on one of the above days of holiday  
15 observance will receive compensation pursuant to executive  
16 policy for FLSA-exempt employees in compliance with the  
17 Washington State Minimum Wage Law and the federal Fair Labor  
18 Standards Act.

19 c. When any of the days of holiday observance listed  
20 in Section 12.I.1. of this ordinance falls on one of the  
21 employee's regularly scheduled days off and the employee is not  
22 required to work on the holiday, the employee's compensatory  
23 time bank will be credited with eight (8) hours of compensatory  
24 time.

25 d. In addition to the holidays specified in ((Section  
26 ~~12.I.1. of this ordinance~~) K.C.C. 28.04.090A, each eligible  
27 regular full-time employee with three (3) months or more of  
28 continuous employment may choose one (1) personal holiday per

1 calendar year without reduction in pay. The day selected must  
2 be approved by the employee's supervisor at least two (2) weeks  
3 in advance, unless waived by the supervisor. If an employee is  
4 prevented by the department from using this personal holiday  
5 within the calendar year, the day will be cashed out at the end  
6 of the year. Employees required to work on the day scheduled  
7 as their personal holiday will not receive holiday pay and the  
8 personal holiday will be rescheduled.

9 J. Sick Leave. The sick leave procedures referenced in  
10 this section are only applicable to regular employees.

11 Eligible employees will accrue sick leave at the rate of .046  
12 hours for each hour on pay status exclusive of overtime up to a  
13 maximum of eight (8) hours per month.

14 1. Sick leave may be used for the following reasons:

15 a. The employee's bona fide illness or incapacitating  
16 injury;

17 b. The employee's medical or dental appointments;  
18 provided that the employee's supervisor has been notified of  
19 and has approved the use of sick leave for such appointments;

20 c. A female employee's temporary disability caused by  
21 or contributed to by pregnancy and childbirth;

22 d. To care for the employee's child or the child of  
23 an employee's domestic partner if the following conditions are  
24 met:

25 (1) The child is under the age of eighteen (18);

26 (2) The employee is the natural parent,  
27 stepparent, adoptive parent, legal guardian or other person  
28 having legal custody and control of the child;

1           (3) The employee's child or the child of an  
2 employee's domestic partner has a health condition requiring  
3 the employee's personal supervision during the hours of his/her  
4 absence from work;

5           (4) The employee actually attends to the child's  
6 care during the absence from work.

7           2. Sick leave usage for emergency care of a member of  
8 the immediate family who resides with the employee shall be  
9 limited to five (5) days per calendar year.

10          3. When an employee has exhausted his/her accumulated  
11 sick leave, the employee's supervisor may permit the use of  
12 accrued vacation but is not required to do so.

13          4. Upon the employee's death or retirement from Metro  
14 with a pension from a retirement plan contributed to by Metro,  
15 an employee (or beneficiary or estate) will receive payment for  
16 thirty-five percent (35%) of the employee's accrued sick leave  
17 benefits. In all other cases, accumulated sick leave will be  
18 forfeited upon separation from employment; provided, however,  
19 employees who have been laid off and are recalled into the same  
20 classification within two (2) years from the date of layoff  
21 will have their sick leave balance restored to the amount in  
22 effect at the time of layoff.

23          K. Leaves of Absence - With or Without Pay. Only  
24 nonrepresented regular employees will be eligible for the  
25 leaves of absences referenced in this section.

26          1. Funeral Leave. In the event of the death of a close  
27 relative, eligible employees will be granted two (2) days' paid  
28 leave to attend the funeral or memorial service. One additional

1 day will be granted when the funeral or memorial service is  
2 held at a distance of 100 miles or more from Seattle. While on  
3 funeral leave, employees will be paid their regular rate of pay  
4 for the work day(s) missed.

5 a. In addition to the authorized funeral leave,  
6 employees may use up to three (3) days of accumulated sick  
7 leave for funeral leave purposes, upon the approval of their  
8 supervisor.

9 b. A close relative for the purposes of funeral leave  
10 is defined as the spouse/domestic partner and children of an  
11 employee, spouse/domestic partner; mother, father, brothers,  
12 sisters, and grandparents of an employee; and, mother, father,  
13 brothers, sisters, children and grandparents of an employee's  
14 spouse/domestic partner. Funeral leave for persons other than  
15 those listed may be granted by a supervisor where a significant  
16 family relationship exists.

17 2. Court Leave. All employees will be allowed  
18 necessary leave to serve on the jury of a federal, state or  
19 municipal court. Eligible employees who are subpoenaed to  
20 appear as a witness in court for a case in which the county is  
21 not a party will be allowed necessary leave; provided they are  
22 neither a party nor the representative of a party in a court  
23 action. Eligible employees, upon receiving notification to  
24 report to serve on jury duty or when subpoenaed, must notify  
25 their supervisor immediately. Eligible employees who are  
26 impanelled for jury duty or subpoenaed will receive their  
27 regular rate of pay, not to exceed eight (8) hours per day for  
28 each scheduled workday served, provided they submit to the

1 department any compensation received for these functions.

2 Money received as specific reimbursement for travel expenses  
3 will be refunded to the employee.

4 a. Employees who are excused from jury duty during  
5 the hours that they are regularly scheduled to work must notify  
6 their supervisor immediately and may be required to report to  
7 work.

8 3. Military Leave. An eligible employee who is a  
9 member of the Washington National Guard or any organized  
10 reserve of the armed forces of the United States and required  
11 by such membership to be on active duty, or active duty for  
12 training purposes, will be allowed fifteen (15) working days of  
13 military leave during each calendar year.

14 a. For all days missed up to a maximum of fifteen  
15 (15) days, which would have been the employee's regularly  
16 scheduled day(s) to work, the employee will be paid his or her  
17 regular rate of pay. Employees must file a copy of their  
18 official orders and an affidavit of performance with their  
19 immediate supervisor in order to be paid.

20 b. In addition, an employee will be allowed a leave  
21 of absence without pay and without loss of position for active  
22 duty for training purposes in excess of fifteen (15) working  
23 days or for active duty enlistment not to exceed four (4)  
24 years. Such employee will be eligible for reinstatement  
25 provided the employee is able to perform the duties of the  
26 former position and his/her application for reinstatement is  
27 received by the department within ninety (90) days after  
28 termination of the employee's period of active duty or period

1 of hospitalization continuing after discharge for a period of  
2 not more than one (1) year. Reinstated employees will receive  
3 credit for the unpaid balance of their sick leave and will  
4 maintain their rate of sick leave and vacation accrual in  
5 effect at the start of their leave.

6 c. An employee who leaves a position to volunteer for  
7 the National Guard or armed forces and is not accepted will be  
8 reinstated, provided an application is received by the  
9 department within thirty (30) days from the date of rejection.

10 All matters relating to military leave will be handled in  
11 accordance with applicable state and federal law.

12 d. Any employee who upon demand by the United States  
13 Government vacates his or her full-time position with the  
14 department either to determine his or her physical fitness to  
15 enter, or to actually enter upon active duty or training in the  
16 Washington National Guard, the United States Armed Forces, or  
17 the United States Public Health Service shall receive medical,  
18 dental and life benefits for the time period commencing with  
19 the beginning of the employee's military leave of absence and  
20 continuing until active duty has been completed. These  
21 employees shall continue to receive the medical, dental and  
22 life benefits that they received prior to separation from  
23 employment with the department.

24 4. Sabbatical Leave. All eligible full-time employees  
25 will be eligible for an unpaid sabbatical leave of absence upon  
26 completion of eight (8) years of active service with the  
27 department. Such employees may request sabbatical leave for a  
28 minimum of six (6) months and up to one (1) year for the

1 purpose of pursuing personal growth and development  
2 opportunities. During this period of time an employee is still  
3 subject to all applicable rules and regulations including the  
4 King County Code of Ethics.

5 a. Sabbatical leaves cannot be requested in  
6 conjunction with other types of leave. Requests for sabbatical  
7 leaves must be made ninety (90) days in advance of the  
8 requested leave. The decision to grant such leaves is at the  
9 discretion of the department depending upon the workload and  
10 staffing requirements of the division.

11 b. Employees granted sabbatical leaves have the  
12 option to continue insurance benefits received prior to the  
13 commencement of their leave by paying the appropriate premium  
14 rates.

15 5. Leave of Absence Without Pay. A leave of absence  
16 without pay for other than military leave may be granted to an  
17 eligible employee by the appropriate manager. Employees must  
18 request a leave of absence without pay in writing and present  
19 the request to their supervisor. The employee must use all  
20 accumulated vacation and compensatory time before being granted  
21 a leave of absence without pay. However, if in the judgement  
22 of the manager/designee there is a serious medical reason for  
23 the leave, the employee does not have to use accumulated  
24 vacation and compensatory time prior to being granted a leave  
25 of absence without pay.

26 a. A leave of absence without pay will terminate at  
27 the end of the period granted. Except for military leave, in



1 no case may a continuous leave of absence without pay be  
2 granted for a period longer than one (1) year.

3 b. Except as allowed for military leave or as may be  
4 required by applicable federal or state law, an employee on  
5 leave of absence without pay will not qualify for paid employee  
6 benefits during the leave period if the leave is for thirty  
7 (30) or more days. The employee's supervisor must notify the  
8 department's benefits and records section immediately of any  
9 leave of absence in excess of thirty (30) days.

10 c. The department will reinstate employees in their  
11 former classification at the end of a leave of absence without  
12 pay provided the employees are able to perform the duties of  
13 their positions. Employees on leave will be subject to layoff  
14 to the same extent as active employees. Failure to return from  
15 leave of absence without pay on the specified date will  
16 constitute a resignation from the county.

17 L. Bus Passes. Department employees and those retired  
18 from the department or its predecessor agencies shall be issued  
19 a pass entitling the holder thereof to ride without payment of  
20 fare on coaches operated by the county. Such passes shall be  
21 restricted to use only by the employee or retired employee and  
22 unauthorized use shall result in forfeiture of the pass for one  
23 calendar year. The transit operating fund shall be reimbursed  
24 by other appropriate funds for bus passes provided to employees  
25 other than transit division employees or those hired in support  
26 of transit operations.

27 M. Notwithstanding the provisions of K.C.C. 3.12.330, the  
28 executive shall be responsible for administration of the

1 personnel system for the department in accordance with the  
2 policies and standards set forth in this ordinance. As the  
3 executive's designee, the director shall be responsible for the  
4 implementation of the personnel system for the department,  
5 including negotiation of labor contracts consistent with the  
6 guidance provided by the Labor Policy Committee and the  
7 department's affirmative action program, and shall be  
8 responsible for all applicable affairs in which there has not  
9 been a formally defined relationship by virtue of council  
10 action or administrative guideline.

11 N. Notwithstanding the provisions of K.C.C. 2.16.030, the  
12 director shall be responsible for advising the county executive  
13 and council on matters of labor policy affecting the department  
14 and for negotiating collective bargaining agreements with  
15 recognized bargaining agents within the parameters established  
16 by the Labor Policy Committee, for approval by the council.

17 SECTION 3. Ordinance 11032, Section 20, and K.C.C. 28.24  
18 are ((is)) hereby amended to read as follows:

19 **Procurement and contracting procedures.**

20 A. The director shall ensure that equipment, materials,  
21 supplies and services are procured efficiently and  
22 economically, with maximum practicable competition, and in  
23 compliance with the King County Charter, this section and  
24 applicable state and federal laws and regulations.

25 B. Equipment, materials, supplies and services purchased  
26 or work ordered for the department, the estimated cost of which  
27 is not more than \$25,000, and leases and purchases involving  
28 special facilities or market conditions, and purchases which

1 are clearly and legitimately limited to a single source of  
2 supply may be acquired or ordered by the county executive or  
3 the director, if designated by the county executive, whenever  
4 deemed to be in the best interest of the department. Such  
5 purchases must be made within budget appropriations or other  
6 council authorization consistent with the charter, this  
7 section, K.C.C. 4.04.040, and applicable state and federal laws  
8 and regulations.

9 C. The competitive bidding procedures of the department  
10 shall be as follows:

11 1. Contracts for equipment, materials, supplies, and  
12 non-professional services, the estimated cost of which is in  
13 excess of \$25,000, shall be awarded pursuant to competitive  
14 sealed bidding as provided in this section and under the  
15 following conditions:

16 a. time permits the solicitation, submission and  
17 evaluation of sealed bids;

18 b. award will be made on the basis of price and other  
19 price-related factors;

20 c. it is not necessary to conduct discussions with  
21 the responding bidders about their bids; and

22 d. there is reasonable expectation of receiving more  
23 than one sealed bid.

24 2. The director shall cause a notice inviting sealed  
25 bids to be published in a newspaper of general circulation  
26 throughout King County at least once a week for two consecutive  
27 weeks, the first publication of which shall be not less than  
28 ten days before letting of such contract. The plans and

1 specifications for such work or equipment, materials, supplies,  
2 and non-professional services must at the time of publication  
3 of such notice be on file with the director and open to public  
4 inspection. The notice shall state generally the work to be  
5 done or equipment, materials, supplies, and non-professional  
6 services to be purchased and shall call for bids for doing the  
7 same to be sealed and filed with the department on or before  
8 the day and hour specified. The notice may be published in  
9 such additional newspapers or magazines and for such additional  
10 period of time as the director shall deem to be in the best  
11 interest of the department.

12 3. Each bid shall be accompanied by a bid guarantee  
13 payable to King County for a sum not less than five percent of  
14 the amount of the bid; provided, said guarantee shall be in  
15 such form as may be established or approved by the director;  
16 and, provided further, said guarantee requirement may be waived  
17 by the director if he/she deems such action necessary to  
18 promote participation in the bidding and such action is  
19 consistent with applicable federal or state laws and  
20 regulations. The director may further require a  
21 performance/payment bond on the accomplishment of its public  
22 works, or the purchase of supplies and materials and the  
23 performance of necessary work or services; provided, the bond  
24 shall be payable to the order of King County, shall be in such  
25 form as may be established or approved by the director, and  
26 shall be in an amount not less than twenty-five percent of the  
27 contract price.

1           4. Any bids received shall be considered as offers to  
2 contract with King County. At the time and place named, bids  
3 received by the department shall be publicly opened and read  
4 and the director shall require the bids to be analyzed and make  
5 his/her recommendation. Minor irregularities in bid form may  
6 be waived.

7           5. Contracts shall be awarded on the basis of the best  
8 bid. Any bid or any portion of any bid and/or all bids may be  
9 rejected. In determining "best bid", in addition to price, the  
10 following elements shall be given consideration:

11           a. The ability, capacity and skill of the bidder to  
12 perform the contract or provide the service required;

13           b. The character, integrity, reputation, judgment,  
14 and efficiency of the bidder;

15           c. Whether the bidder has the financial resources and  
16 experience to perform the contract properly and within the  
17 times specified;

18           d. The quality and timeliness of performance by the  
19 bidder of previous contracts with the department, other county  
20 agencies and other local governments and state and federal  
21 agencies, including but not limited to, the relative costs,  
22 burdens, time and effort necessarily expended by the department  
23 or such governments and agencies in securing satisfactory  
24 performance and resolving claims;

25           e. The previous and existing compliance by the bidder  
26 with laws relating to public contracts or services, including,  
27 but not limited to, minority and women business enterprise and  
28 equal employment opportunity requirements;

1 f. The history of the bidder in filing claims and  
2 litigation on prior projects involving the department or on  
3 other public or private projects; and

4 g. Such other information as may be secured having a  
5 bearing on the decision to award the contract. The bid of any  
6 bidder may be rejected whose performance under a previous  
7 contract, even though finally accepted, imposed additional  
8 costs or burdens upon the department or other county agencies  
9 in obtaining satisfactory performance and resolving claims.

10 D. If soliciting competitive sealed bids is not  
11 appropriate under the conditions described in this section,  
12 equipment, materials, supplies, non-professional services, and  
13 work purchased and ordered, the estimated cost of which is in  
14 excess of \$25,000, shall be let by contract under the following  
15 competitive sealed proposals procedures.

16 1. The director shall cause a notice inviting  
17 statements of qualifications and/or proposals to be published  
18 in a newspaper of general circulation throughout King County at  
19 least once a week for two consecutive weeks, the first  
20 publication of which shall be not less than ten days before  
21 letting of such contract. The notice shall state generally the  
22 work to be done or equipment materials, supplies, or  
23 non-professional services to be purchased and shall call for  
24 statements of qualifications and/or proposals to be submitted  
25 to the department on or before the day and hour named therein.

26 The notice may be published in such additional newspapers or  
27 magazines and for such additional period of time as the  
28 director shall deem to be in the best interest of the

1 department. The request for statements of qualifications  
2 and/or proposals shall state the relative importance of price  
3 and all other evaluation factors, including but not limited to  
4 the elements listed in this section for evaluating competitive  
5 sealed bids.

6 2. Discussions may be conducted with responsible  
7 offerors to determine which proposals should be evaluated in  
8 more detail and/or which offerors should be requested to submit  
9 best and final offers in evaluating proposals. The department  
10 may request clarifications and consider minor adjustments in  
11 the proposals in order to better understand the proposals and  
12 to qualify them for further consideration; provided, that  
13 information discussed or obtained from one offeror shall not be  
14 disclosed to competing offerors during the discussions and  
15 negotiations. Except to the extent protected by state and  
16 federal laws, proposals shall be considered public documents  
17 and available for review and copying by the public after an  
18 award of contract recommendation is made.

19 3. Award shall be made to a responsible offeror whose  
20 proposal is determined to be the most advantageous to the  
21 department, taking into consideration price and the other  
22 established evaluation factors.

23 E. The director is hereby authorized to establish  
24 procedures for qualifying equipment, materials, supplies and  
25 non-professional services prior to procurement of such items.  
26 Under such procedures, only equipment, materials, supplies and  
27 non-professional services that are determined to meet the

1 qualifying criteria will be acceptable in the subsequent  
2 procurement.

3 F. The director is hereby authorized to establish and  
4 maintain a small works roster pursuant to Chapter 39.04 RCW and  
5 King County Charter Section 815.

6 1. The small works roster shall consist of all  
7 responsible contractors who have requested to be included on  
8 the roster and who are properly licensed and registered as may  
9 be required by the laws of the state of Washington. The small  
10 works roster may make distinctions between contractors based on  
11 geographic areas served and the nature of the work the  
12 contractor is qualified to perform.

13 2. At least twice every year, the department shall  
14 advertise in a newspaper of general circulation throughout King  
15 County the existence of the small works roster, shall solicit  
16 the names of contractors for such roster, and shall add to the  
17 roster those contractors who request to be included and who are  
18 properly licensed and registered to perform such work.

19 3. Contracts for public works or improvements estimated  
20 to cost \$25,000 to \$100,000 shall be exempt from the  
21 requirements for advertisement and competitive bid set forth in  
22 this section. In lieu of advertisement and competitive bid,  
23 the department shall solicit quotations, confirmed in writing,  
24 from contractors on the small works roster for the category or  
25 job type involved and shall award the work to the responsible  
26 contractor with the lowest quotation or reject all quotations.

27 Such solicitation shall include an estimate of the scope and  
28 nature of the work to be performed, and materials and equipment



1 to be furnished. Whenever possible, at least five contractors  
2 shall be invited to submit bids.

3 4. The department shall solicit quotations randomly  
4 from contractors on the small works roster in a manner which  
5 will reasonably distribute the opportunity for these contracts  
6 among the contractors on the roster; provided, that whenever  
7 possible, the department shall solicit quotations for each  
8 project from at least one women and one minority business  
9 enterprise, which have been certified as such by the Washington  
10 State Office of Minority and Women Business Enterprise and are  
11 on the roster; and, provided further, that such contracts may  
12 be reserved solely for competition among certified minority and  
13 women business enterprises consistent with minority and women  
14 business enterprise utilization policies established by the  
15 council. Once a contractor has been afforded an opportunity to  
16 submit a proposal, that contractor shall not be afforded  
17 another opportunity until all other contractors on the small  
18 works roster have been afforded an opportunity to submit a  
19 proposal on a contract.

20 5. Immediately after an award is made, the quotations  
21 obtained shall be recorded, open to public inspection and  
22 available by telephone inquiry.

23 6. The director shall report annually to the executive  
24 on the efficacy of the small works roster program and its  
25 effect on participation by minority and women business  
26 enterprises.

27 G. Spare parts, replacement parts and maintenance  
28 contracts for existing equipment and systems where only

1 proprietary items and services are compatible with the existing  
2 equipment and systems and where such items and services can be  
3 acquired only from the manufacturer or from a single  
4 distributor may be acquired, ordered or paid in the best  
5 interests of the department by the director within budget  
6 appropriations or other council authorization therefor.

7 H. Routine expenses of government, such as utilities  
8 charges, governmental taxes, and governmental fees for licenses  
9 and permits may be acquired, ordered or paid in the best  
10 interests of the department by the director within budget  
11 appropriations or other council authorization therefor.

12 I. The county executive or the director, if designated by  
13 the county executive, is hereby authorized to approve payments  
14 of claims, settlements and judgments, and to acquire, order and  
15 pay for professional and expert services in support of claims,  
16 settlements and litigation, as may be in the best interests of  
17 the department within budget appropriations or other council  
18 authorization therefor; provided, that this provision shall not  
19 apply to payments of claims, settlements and judgments related  
20 to torts claims and lawsuits against the department.

21 J. Professional services to be performed for the  
22 department by other than employees, including but not limited  
23 to engineering, financial, marketing, appraisal and other  
24 specialized or professional services, the estimated cost of  
25 which exceeds \$25,000, shall be procured consistent with the  
26 following procedures.

1           1. The county executive or the director, if designated  
2 by the county executive, may authorize the procurement of  
3 professional services in the following circumstances:

4           a. when the services cannot be performed on a timely  
5 basis by employees of the department,

6           b. the services are not part of the routine  
7 assignments for such employees, or

8           c. the services require specialized professional or  
9 technical expertise not available from such employees.

10          2. The director shall cause a notice inviting  
11 statements of qualifications and/or proposals to be published  
12 in a newspaper of general circulation throughout King County at  
13 least ten days before the date for submitting such statements  
14 of qualifications and/or proposals. The request for statements  
15 of qualifications and/or proposals shall describe the services  
16 required, list the types of information and data required of  
17 each proposer, identify applicable minority/women/disadvantaged  
18 business enterprise and equal employment opportunity  
19 requirements, and state the relative importance of the  
20 evaluation criteria.

21          3. The director shall establish a selection board to  
22 review and evaluate statements of qualifications and/or  
23 proposals and, if appropriate, hear oral presentations by  
24 proposers. The selection board shall select and rank the most  
25 qualified proposers. In selecting and ranking such proposers,  
26 the selection board shall, at a minimum, consider the  
27 evaluation elements set forth under the competitive sealed bid  
28 provisions in this section. The ranking of proposers shall be

1 subject to approval by the director. If the director approves  
2 the ranking, the director may authorize contract negotiations  
3 with the top ranked proposer or proposers. Negotiations may be  
4 conducted concurrently or sequentially.

5 4. Contracts for architectural and engineering services  
6 shall be procured in accordance with Chapter 39.80 RCW. The  
7 provisions of K.C.C. 4.04.220 and 4.04.230 related to the  
8 selection of design consultants and the involvement of the  
9 Design Commission shall not apply to the selection of design  
10 consultants by the department.

11 K. Any public work performed by employees of the  
12 department, the estimated cost of which exceeds the amount set  
13 forth in RCW 39.04.020, shall be performed consistent with the  
14 provisions of Chapter 39.04 RCW.

15 L. Notwithstanding any other provisions of this chapter,  
16 the county executive or the director, if designated by the  
17 county executive, may make or authorize others to make  
18 emergency purchases of equipment, materials, supplies,  
19 services, or construction items pursuant to and in accordance  
20 with K.C.C. 4.16.050.

21 M. The director may designate employees in the department  
22 to act as the purchasing agents of the department for the  
23 purpose of carrying out this section.

24 N. The county executive and the director, if designated  
25 by the county executive, are authorized to enter into  
26 cooperative and/or joint agreements on behalf of the county  
27 with federal, state and local governments for the purchase of  
28 supplies, materials and equipment whenever in the judgment of

1 the county executive or the director, if designated, purchases  
2 may thereby be more advantageously made. Whenever supplies,  
3 materials and equipment are purchased for the department by  
4 such federal, state or local governments, such purchases may be  
5 accomplished in the manner prescribed by the provisions of  
6 applicable law, charter or chapter of such federal, state or  
7 local governments, rather than the provisions of this section.

8 The federal, state or local governmental units shall be  
9 reimbursed for necessary costs of performing purchasing  
10 services for the department. Contracts for the purchase of  
11 supplies, materials and equipment by the department may be  
12 based on competitive sealed bids or competitive sealed  
13 proposals accomplished by federal, state or local governments  
14 in the manner prescribed by the provisions of applicable law,  
15 charter, chapter or regulations.

16 O. Whenever in the judgment of the council special  
17 circumstances require a procedure different from that set forth  
18 herein, the council may authorize the making of purchases, the  
19 ordering of work or the performance of services in such other  
20 manner as may be deemed to be appropriate to the circumstances.

21 P. The director shall establish procedures for  
22 considering and determining bid and proposal protests and  
23 appeals. The director shall render the final administrative  
24 determination on all such protests and appeals.

25 Q. The director shall comply with the following  
26 procedures in contract debarment and suspension actions.

27 1. After reasonable notice to the person involved and  
28 reasonable opportunity for that person to be heard, the

1 director shall have authority to debar a person, firm or other  
2 legal entity for cause from consideration for award of  
3 contracts with the department. The debarment shall be for a  
4 period of not more than two years.

5 2. The director shall have the authority to suspend a  
6 person, firm or other legal entity from consideration for award  
7 of contracts if there is probable cause for debarment. The  
8 suspension shall be for a period of not more than six months.

9 3. The authority to debar or suspend shall be exercised  
10 in accordance with procedures established by the director.

11 4. The causes for debarment or suspension include the  
12 following:

13 a. Conviction for commission of a criminal offense as  
14 an incident to obtaining or attempting to obtain a public or  
15 private contract or subcontract, or in the performance of such  
16 contract or subcontract;

17 b. Conviction under state or federal statutes of  
18 embezzlement, theft, forgery, bribery, falsification or  
19 destruction of records, receiving stolen property, or any other  
20 offense indicating a lack of business integrity or business  
21 honesty which currently, seriously, and directly affects  
22 responsibility as a contractor to the department;

23 c. Conviction under state or federal antitrust  
24 statutes arising out of the submission of bids or proposals;

25 d. Violation of contract provisions, such as the  
26 following, of a character which is regarded by the director to  
27 be so serious as to justify debarment action:

1 (1) deliberate failure without good cause to  
2 perform in accordance with the specifications or within the  
3 time limit provided in the contract, or

4 (2) substantial failure to comply with commitments  
5 to and contractual requirements for participation by women and  
6 minority business enterprises and equal employment opportunity,  
7 or

8 (3) a recent record of failure to perform or of  
9 unsatisfactory performance in accordance with the terms of one  
10 or more contracts; provided that failure to perform or  
11 unsatisfactory performance caused by acts beyond the control of  
12 the contractor shall not be considered to be a basis for  
13 debarment;

14 e. Violation of ethical standards set forth in  
15 contracts with the department; or

16 f. Any other cause the director determines so serious  
17 and compelling as to affect responsibility as a contractor to  
18 the department, including debarment by another governmental  
19 entity for any cause similar to those set forth herein.

20 5. The director shall issue a written decision stating  
21 the reasons for the debarment or suspension. Such decision  
22 shall be promptly mailed or otherwise furnished to the debarred  
23 or suspended person and any other party intervening.

24 6. The director's decision of debarment or suspension,  
25 unless fraudulent, shall constitute the final and conclusive  
26 decision on behalf of King County.

27 R. When a procurement involves the expenditure of federal  
28 or state assistance, grant or contract funds, and the method of

1 procurement required by such agency differs from the  
2 requirements of this section, the director shall conduct the  
3 procurement in accordance with any mandatory applicable federal  
4 or state laws and regulations.

5 S. The director shall ensure the department complies with  
6 state law applicable to the award by the department of public  
7 contracts, including, without limitation, Title 39 R.C.W. and  
8 Chapter 60.28 R.C.W.

9 T. The director is authorized to accept work upon  
10 completion or partial completion, as appropriate, performed  
11 under construction contracts by the department, and to take all  
12 actions necessary to effect such acceptance pursuant to  
13 applicable laws and within the terms of the contracts.

14 U. The following provisions shall apply to privatization  
15 contracts entered into by the department:

16 1. The specifications for each privatization contract  
17 which, in order to enable a successful bidder or proposer to  
18 perform, involves construction, reconstruction, maintenance, or  
19 repair of a facility shall contain a provision stating the  
20 hourly minimum rate of wage, not less than the prevailing rate  
21 of wage, which may be paid to laborers, workmen, or mechanics  
22 in each trade or occupation required for such facility employed  
23 in the performance of such contract, either by the contractor,  
24 subcontractor, or other person doing or contracting to do the  
25 whole or any part of the work contemplated in the construction,  
26 reconstruction, maintenance, or repair of the facility and such  
27 contract shall contain a stipulation that such laborers,



1 workmen, or mechanics shall be paid not less than such  
2 specified hourly minimum rate of wage.

3 2. The director is authorized and directed to establish  
4 a process under which the payment of prevailing wage by such  
5 contractor or its subcontractors may be monitored and enforced.

6 W. The following provisions shall apply to the purchase  
7 of diesel fuel for the department:

8 1. Periodically, but at least annually, the director  
9 shall establish a list of interested vendors of diesel fuel,  
10 after causing a notice inviting such interest to be published  
11 in a newspaper of general circulation throughout King County at  
12 least once a week for two consecutive weeks. The notice may be  
13 published in such additional newspapers or magazines and for  
14 such an additional period of time as the director shall deem to  
15 be in the best interest of the county.

16 2. From time to time, and whenever the department  
17 requires diesel fuel to meet the needs of its public  
18 transportation function, the director shall cause each person  
19 or firm on the interested vendors list established herein, to  
20 be solicited for a price quote. The director may reject all  
21 such quotes, but if the director elects to purchase, he/she  
22 shall only accept the lowest quoted price, subject to the  
23 provisions of this section.

24 3. The director shall annually set aside an amount  
25 equal to at least ten percent of the annual diesel fuel needs  
26 for minority and women business enterprise (M/WBE)  
27 participation, which shall be purchased solely through the  
28 procedures established hereunder. Until the annual set aside

1 is reached, price quotations for diesel fuel submitted by  
2 certified M/WBE's shall be subject to a five percent preference  
3 factor which shall be applied by deducting five percent from  
4 the lowest prices quoted by such M/WBE's, and then comparing  
5 said modified prices with the price submitted by other bidders  
6 or proposers not certified as M/WBE's. In the event that the  
7 foregoing procedure does not result in a purchase of diesel  
8 fuel from an M/WBE, the director shall conduct one or more  
9 purchases limited to participation by certified M/WBE's for the  
10 purposes of effectuating the intent of this section. For the  
11 purposes of this section, the term "M/WBE" shall mean those  
12 businesses or joint ventures as defined by the department's  
13 Minority/Women Business Enterprise program.

14 4. In addition to these provisions, diesel fuel may  
15 also be purchased through the competitive procurement  
16 procedures established by the council.

17 5. The director shall, at a minimum, maintain records  
18 for each solicitation or make reasonable attempt to solicit  
19 from each person or firm on the vendors list, the name of the  
20 person responding, and the price quoted, if any.

21 X. In addition to the requirements of K.C.C. Chapter  
22 3.04, the following provisions shall apply to the Code of  
23 Ethics for suppliers:

24 1. For the purposes hereof, the term "Supplier" shall  
25 include, but not be limited to, contractors, subcontractors and  
26 materials and equipment suppliers, and engineering,  
27 architectural, advertising, planning, management and financial

1 consultants who are selected to perform or provide specific  
2 materials, work and services for the department.

3           2. Each Supplier entering into contracts with the  
4 department to perform or to provide work, services, or  
5 materials, which costs the county in excess of \$2,500, shall  
6 covenant as follows:

7           a. No person or selling agency except bona fide  
8 employees or designated agents or representatives of the  
9 Supplier has been or will be employed or retained to solicit or  
10 secure said contract with an agreement or understanding that a  
11 commission, percentage, brokerage, or contingent fee may be  
12 paid; and

13           b. No gratuities, in the form of entertainment, gifts  
14 or otherwise, have been or will be offered or given by the  
15 Supplier or any of its agents, employees or representatives, to  
16 any official, member or employee of the department or other  
17 governmental agency with a view toward securing said contract  
18 or securing favorable treatment with respect to the awarding or  
19 amending thereof, or the making of any determination with  
20 respect to the performance of said contract.

21           3. Each Supplier entering into a contract with the  
22 department to perform or to provide work, services, or  
23 materials, which costs the county in excess of \$2,500, shall  
24 covenant thereby that it has no direct or indirect pecuniary or  
25 proprietary interest, and that it shall not acquire any such  
26 interest, which conflicts in any manner or degree with the  
27 performance of the services required to be performed under said  
28 contract and that it shall not employ any person or agent

1 having any such interest. In the event that a Supplier or its  
2 agents, employees or representatives acquire such a conflict of  
3 interest, it shall immediately disclose such interest to the  
4 director and take action immediately to eliminate the conflict  
5 or to withdraw from the contract as the director may require.

6 4. If the director has reason to believe that the  
7 covenants set forth in this section have been breached, the  
8 director shall so notify the Supplier in writing. The Supplier  
9 shall respond to said notice within ten (10) days of receipt  
10 with a detailed written explanation or answer to any facts,  
11 allegations, or questions contained or referenced in the  
12 notice. The Supplier may also request a hearing on the matter  
13 by the director which shall be conducted within fifteen (15)  
14 days of the receipt by the director of the request unless a  
15 later date is concurred in by the director and the Supplier.  
16 The decision of the director shall be a prerequisite to appeal  
17 thereof to Superior Court. If, after consideration of  
18 Supplier's response and any hearing, the director determines  
19 that the covenants herein required have been breached, the  
20 director shall have the discretion to exercise those remedies  
21 provided by federal or state laws or regulations or by the  
22 contract in the event of said breach and/or prohibited  
23 conflicts of interest.

24 5. The director shall insure that this section complies  
25 with all applicable laws and regulations of federal and state  
26 agencies providing financial assistance to department projects  
27 and operations. The director is also authorized and directed  
28 to take such actions as may be necessary to include the

1 covenants set forth herein within all department-Supplier  
2 contracts to which they apply.

3 ~~((Y. The director shall take such steps as are necessary  
4 to ensure that products manufactured or fabricated in the  
5 Republic of South Africa are not acquired for installation or  
6 construction of facilities of the department.))~~

7 ((Z)) Y. The following provisions shall apply to the  
8 disposition of surplus personal property of the department.  
9 The provisions of K.C.C. Chapter 3.58 shall not apply to the  
10 department except as specifically provided in this section.

11 1. Personal property with an estimated value of not  
12 more than \$30,000 no longer required for the purposes of the  
13 department, as determined by the director, may be sold or  
14 disposed of by the director in such manner as the director  
15 shall deem to be in the best interests of the department.  
16 Personal property with an estimated value in excess of \$30,000  
17 shall be sold or disposed of as provided in this section,  
18 unless otherwise specified herein.

19 2. Personal property with an estimated value of more  
20 than \$30,000 and up to \$250,000 no longer required for the  
21 purposes of the department shall be sold or disposed of at  
22 public auction or by competitive bidding. If competitive  
23 bidding is selected by the director, the following procedures  
24 shall be followed.

25 a. The director shall cause a notice advertising the  
26 sale of the properties or property rights and inviting sealed  
27 proposals therefor to be published in a newspaper of general  
28 circulation throughout King County at least once a week for two

1 consecutive weeks, the final publication of which shall be not  
2 more than two days before the opening of such proposals. The  
3 notice shall indicate the date and time of any public hearing  
4 on the disposition, describe in detail the properties and  
5 approved terms and conditions of payment and shall call for  
6 proposals to be sealed and filed with the council on or before  
7 the day and hour named therein. The notice may be published in  
8 additional newspapers or magazines and for additional periods  
9 of time, or other forms of advertising and publicity may be  
10 used as the director shall deem to be in the best interests of  
11 the department.

12           b. At the time and place named, proposals received by  
13 the director shall be publicly opened and read and the director  
14 shall cause said proposals to be analyzed and thereafter make  
15 recommendations to the county executive as to the best proposal  
16 for each property, taking into consideration the price, terms  
17 and financing responsibility of the bidders and any other  
18 information relating to the sale or disposition of the  
19 property.

20           c. The director shall have the right to reject any  
21 and all such proposals.

22           d. If necessary, a public hearing on the disposition  
23 shall be conducted prior to consideration of action on the best  
24 proposal by the executive.

25           3. Whenever the director determines that unneeded and  
26 surplus properties of the department can be sold or disposed of  
27 only to a single source or under special conditions, the

1 director may arrange for said sale or disposition subject to  
2 approval by the executive of the terms and conditions thereof.

3 4. The director shall carry out the purposes of this  
4 section and take such actions as may be necessary to facilitate  
5 the sale or disposition of personal properties. The county's  
6 purchasing agency within the department of executive  
7 administration may be utilized to sell or dispose of unneeded  
8 properties of the department whenever, in the judgment of the  
9 director, the sale or disposition thereof may be more  
10 advantageously made by said agents.

11 5. In compliance with the charter and  
12 K.C.C. 4.04.040.B.5, the executive or the director, if  
13 designated by the county executive, is authorized to sell,  
14 transfer, exchange, lease or otherwise dispose of any property  
15 to the state or any municipality or any political subdivision  
16 thereof, or the federal government, on such terms and  
17 conditions as may be mutually agreed upon by the proper  
18 authorities of said governmental agencies.

19 6. If personal property which had been acquired from a  
20 city or county without compensation is no longer required for  
21 department purposes, but is required by the city or county from  
22 which it was acquired, the director shall transfer said  
23 property to such city or county.

24 7. Unneeded personal properties may also be rented or  
25 leased to private corporations, associations, and individuals  
26 according to the procedures set forth in this section. Lease  
27 or rental agreements for a term of more than three years or for  
28 an annual rental of more than \$30,000 shall be approved in

1 advance by the county executive in accordance with the charter  
2 and K.C.C. 4.04.040.B.5. This provision shall not apply to  
3 other procedures applicable to the lease or rental of transit  
4 buses.

5 8. Whenever in the judgment of the council special  
6 circumstances require a procedure different from that set forth  
7 herein, the council may authorize the sale or disposition of  
8 unneeded property in such other manner as may be deemed to be  
9 appropriate to the circumstances.

10 9. Whenever the procedures of a grant agency having an  
11 interest in the property requires disposition in a manner  
12 different from the procedures set forth herein, the director  
13 shall dispose of such property in accordance with the  
14 procedures required by the grant agency.

15 10. Personal property with an estimated value of more  
16 than \$250,000 shall not be disposed of without prior approval  
17 by motion of the council.

18 ((AA)) Z. The director is hereby authorized to take all  
19 actions necessary and appropriate to implement the policies and  
20 provisions set forth in this chapter.



1 ((BB)) AA. The director is authorized and directed to  
2 promulgate such rules, regulations and guidelines as the  
3 director deems necessary to carry out the purposes or  
4 provisions of this section.

5 SECTION 4. Ordinance 11032, Section 21, and K.C.C. 28.28  
6 are ((is)) hereby amended to read as follows:

7 **Real property.** A. The following provisions shall govern  
8 the acquisition and disposition of real property, and interests  
9 therein, by the department. Provisions of the King County Code  
10 shall not apply to the department except as specifically  
11 provided in this chapter.

12 B. The department shall comply with Chapter 8.26 RCW and  
13 the Uniform Relocation Assistance and Real Property Acquisition  
14 Policies Acts of 1970 and 1971, as amended, and with  
15 regulations promulgated thereto. The director is authorized to  
16 take such steps as are necessary to implement said requirements  
17 and regulations. The executive and the director, if designated  
18 by the executive, are authorized to enter into contracts with  
19 other public agencies of the state of Washington for the  
20 administration thereof on such terms and provisions as the  
21 executive deems appropriate.

22 C. Temporary and permanent easements granted to the  
23 county which are necessary for the construction, operation and  
24 maintenance of facilities of the department may be executed by  
25 the executive or by the director, if designated by the  
26 executive, within budget appropriations or other council  
27 authorization therefor. Temporary and permanent easements for  
28 utility purposes may be granted by the executive or by the

1 director, if designated by the executive, if such easements  
2 will not interfere with or hinder the operations of the  
3 metropolitan public transportation or water pollution abatement  
4 functions, as applicable; provided, that utility easements that  
5 exceed \$30,000 in value shall be subject to prior approval by  
6 the council.

7 D. Leasehold interests in real property which are  
8 necessary for the construction, operation and maintenance of  
9 facilities of the department may be acquired by the executive  
10 or by the director, if designated by the executive, in  
11 accordance with King County Charter Section 495 and K.C.C.  
12 4.04.040 and within budget appropriations or other council  
13 authorization therefor.

14 E. Interim lease or rental agreements of county-owned  
15 properties under the jurisdiction of the department which were  
16 acquired for metropolitan public transportation or water  
17 pollution abatement purposes may be executed by the executive  
18 or the director, if designated by the executive, upon  
19 compliance with the following provisions:

20 1. The director shall cause advertisements for bids or  
21 proposals for the lease of said properties including any  
22 improvements thereon to be published in a newspaper of general  
23 circulation in King County at least once a week for two  
24 consecutive weeks. Each advertisement shall state the location  
25 of the property to be leased, describe improvements and  
26 indicate whom to contact for information regarding the property  
27 or the lease. The director may refuse all offers and not lease  
28 the property, or readvertise.

1           2. With the approval of the executive, the director may  
2 negotiate a lease or rental agreement for said properties in  
3 lieu of advertising for bids or proposals.

4           3. Lease and rental agreements shall be based on fair  
5 market rental value as provided in K.C.C. 4.56.160; provided,  
6 that references to the "manager of the real property division"  
7 and "the real property division" shall mean the director and  
8 the department, respectively.

9           4. Lease agreements may have a term of not more than  
10 five years without prior approval of the council. K.C.C.  
11 4.56.180 and 4.56.190 shall be applicable to lease agreements  
12 with terms greater than five years.

13           F. Real property shall be surplused and disposed of  
14 according to the following procedures:

15           1. The director shall conduct an annual review of all  
16 real property under the jurisdiction of the department and  
17 determine whether such real property is still required for the  
18 proper operations of the metropolitan public transportation and  
19 water pollution abatement functions. Real property no longer  
20 required for such operations may be declared surplus by the  
21 director.

22           2. The director shall notify other departments of the  
23 county of any surplus real property. If another department  
24 demonstrates a need for such real property, custodianship of  
25 the property shall be transferred to that department upon the  
26 transfer from that department of an amount equivalent to the  
27 fair market value of the property.

1           3. Prior to the sale of surplus real property, council  
2 approval shall be obtained in accordance with K.C.C. 4.56.080;  
3 provided, that for surplus real property for which a minimum  
4 sale value was established by the Metro Council prior to  
5 January 1, 1994, and for which the department receives a final  
6 offer at not less than said minimum, and excepting the property  
7 commonly known as the West Seattle Boathouse property, located  
8 at the 1900 Block of Harbor Avenue Southwest, described as:

9           Parcel A: Lots 5 through 21, inclusive, Block 446 as  
10 shown on the Official Map of Seattle Tide Lands filed in the  
11 Office of the Board of State Land Commissioner's of Olympia,  
12 Washington.

13           Parcel B: That portion of Lot 26, Block 72, Replat of the  
14 West Seattle Land and Improvement Company's Third Plat,  
15 according to the plat thereof recorded in Volume 9 of Plats,  
16 page 58, in King County, Washington, lying adjacent to Block  
17 446, of Seattle Tide Lands to the southwesterly thereof and  
18 easterly of S.W. Bluff Street.

19           All situated in King County, Washington. No approval of  
20 the council shall be required and the executive or the  
21 director, if designated by the executive, may execute documents  
22 to effect the sale thereof.

23           4. The director shall recommend to the executive  
24 whether the sale should be conducted by sealed bids, public  
25 auction or otherwise.

26           5. If the executive concurs in the sale by sealed bids,  
27 the director shall proceed as follows:

1           a. The director shall cause a notice advertising the  
2 sale of the properties or property rights and inviting sealed  
3 bids or proposals therefor to be published in a newspaper of  
4 general circulation throughout King County at least once a week  
5 for two consecutive weeks, the final publication of which shall  
6 be not more than five days before the opening of such bids or  
7 proposals. The notice may be published in additional  
8 newspapers or magazines and for additional periods of time, or  
9 other forms of advertising and publicity may be used as the  
10 director shall deem appropriate and necessary.

11           b. The notice shall indicate the date and time of any  
12 public hearing, if required, on the disposition, describe in  
13 detail the properties and approved terms and conditions of  
14 payment, and shall call for bids or proposals to be sealed and  
15 filed with the department on or before the day and hour named  
16 therein.

17           c. At the time and place named, the bids or  
18 proposals, as the case may be, received by the director shall  
19 be publicly opened and read. The director shall cause said  
20 bids or proposals to be analyzed and thereafter make a  
21 recommendation to the executive as to the best bid or proposal  
22 for each property. In analyzing bids or proposals, the  
23 director shall take into consideration the price, terms and  
24 financing responsibility of the bidders or offerors and any  
25 other information relating to the sale or disposition of the  
26 property. The director may reject any and all such bids or  
27 proposals.

1           d. If necessary, a public hearing on the sale shall  
2 be conducted prior to the final decision to sell the surplus  
3 real property.

4           6. If the executive concurs in the sale by public  
5 auction, the director shall cause notice of the sale to be  
6 advertised as provided in K.C.C. 4.56.090.

7           7. If the executive concurs in the sale by means other  
8 than competitive process or public auction, the director shall  
9 follow whatever procedures are approved by the executive.

10          8. Sales or transfers of real property to public  
11 agencies, other than departments of King County, shall be  
12 administered in accordance with Chapter 39.33 RCW.

13          G. When the council determines that real property which  
14 had been acquired from a component city or county without  
15 compensation is no longer required for the metropolitan  
16 function for which it was acquired, but is required by the city  
17 or county from which it was acquired, the council shall by  
18 ordinance transfer said property to such city or county.

1 H. Whenever the procedures of a grant agency having an  
2 interest in the real property requires disposition in a manner  
3 different from the procedures set forth herein, the director  
4 shall dispose of such property in accordance with the  
5 procedures required by the grant agency.

6 INTRODUCED AND READ for the first time this 2nd day  
7 of May, 1994.

8 PASSED by a vote of 13 to 0 this 6th day of  
9 February, 1995.

10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

12  
13 Kent Puller  
14 Chair  
15

16 ATTEST:

17  
18  
19 Janet Masun  
20  
21 DEPUTY Clerk of the Council

22 APPROVED this 16th day of February,  
23  
24 1995.

25  
26  
27 Doug Lake  
28 King County Executive  
29