

ORDINANCE NO. 6531

AN ORDINANCE relating to the rules of county agencies, establishing policy regarding the application of rules, amplifying definitions, providing format guidelines; and amending Ordinance 2165, Sections 1, 2 and 3 and KCC 2.98.010, 020 and 030 and adding a new section.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 21.65, Section 1, and KCC 2.98.010 are hereby amended to read as follows:

Chapter Intent. Within King County government, the rule making process shall consist of the establishment of formal procedures through which ordinances adopted by the King County Council and enacted by the County Executive are translated into sets of specific requirements to be carried out and enforced by county agencies. It is the intent of the King County Council to adopt a policy with regard to rulemaking by agencies of county government which will be consistent with the spirit and law of (~~Initiative-measure-276, passed by a vote of the people November 7, 1972 at the state general election, which measure is designated as Laws of 1973, Regular Session, Chapter 1~~) the "Public Disclosure Act" (RCW 42.17) specifically those sections pertaining to public records. It is the further intent of the council that rules adopted by county government shall be consistent with the "Open Public Meetings Act" (~~adopted by the Legislature as Laws of the First Extra Session of 1971, Chapter 250~~) (RCW 42.30). Finally, it is the intent of the council that rules shall be adopted by county government in such a manner as to promote efficiency of government and also afford citizens fair notice and due process.

SECTION 2. Ordinance 2165, section 2, and KCC 2.98.020 are hereby amended to read as follows:

Definitions. For the purpose of this chapter:

A. "Agency" means any county administrative office, executive department, board, commission, officer, political

1 subdivision or other ((agency)) organizational unit of the  
 2 county authorized by law to make rules or to adjudicated  
 3 contested cases, except those in the legislative branch (which  
 4 are subject to the rules of procedure required by King County  
 5 Charter, Section 220.40 or as otherwise provided by ordinance).

6 B. "Contested case" means a proceeding before an agency in  
 7 which an opportunity for a hearing before such agency is  
 8 required by law or constitutional right prior or subsequent to  
 9 the determination by the agency of the legal rights, duties or  
 10 privileges of specific parties. Contested cases shall also  
 11 include cases in which the granting of an application is  
 12 contested by a person having standing to contest under law or  
 13 agency rules.

14 C. "Penalty" means a punishment established by law or  
 15 ordinance imposed as a consequence of failing to abide by or  
 16 comply with lawful orders, rules or regulations. A penalty may  
 17 be in the form of a sum of money, imprisonment, loss of  
 18 privilege or status, or administrative sanction appropriate to  
 19 the nature of the offense.

20 ((6+)) D. "Rule" means any agency order, directive or  
 21 regulation of general applicability:

22 1. The violation of which subjects a person outside of  
 23 county employment to a penalty (~~or administrative sanction~~);

24 2. Which subjects a person outside of county employment  
 25 to the payment of a fee;

26 ((2+)) 3. Which establishes, alters or revokes any  
 27 procedure, practice or requirement relating to agency hearings;  
 28 or

29 ((3+)) 4. Which establishes, alters or revokes any  
 30 qualifications or standards for the issuance, suspension or  
 31 revocation of licenses to pursue any commercial activity, trade  
 32 or profession. (~~The term does not include rules, regulations~~  
 33 ~~or policy concerning only the internal management of an agency.~~)

1        NEW SECTION. SECTION 3. Application A. In keeping with  
2 the intent of this chapter, the policy promulgated herein shall  
3 apply only to rules involving matters other than the internal  
4 management of county agencies.

5        B. The following shall not apply to rules, penalties or  
6 fees set by the County Board of Health pursuant to state law.  
7 Rules shall apply to the implementation of policy established by  
8 ordinance. Any rule which is in conflict with such a policy  
9 shall be null and void. Penalties shall be established only by  
10 ordinance. Fees and the amount of fees shall be authorized only  
11 by ordinance. All fees and the amount of fees not provided for  
12 by ordinance shall be null and void after June 30, 1984.

13        SECTION 4. Ordinance 2165, Section 3, and KCC 2.98.030 are  
14 hereby amended to read as follows:

15        Statements filed with council clerk. A. Each agency shall  
16 adopt rules, as defined in Section 2.98.020, and shall file such  
17 rules with the clerk of the King County council.

18        B. In addition, each agency shall file with the clerk of  
19 the King County council and shall prominently display and make  
20 available for inspection and copying at the central office of  
21 such agency, for guidance of the public:

22        1. Descriptions of its central and field organization and  
23 the established places at which the employees from whom, and the  
24 methods whereby, the public may obtain information, make  
25 submittals or requests, or obtain copies of agency decisions;

26        2. Statements of the general course and method by which  
27 its operations are channeled and determined, including the  
28 nature and requirements of all formal and informal procedures  
29 available;  
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1           3. Rules of procedure;

2           4. Substantive rules of general applicability adopted as  
3 authorized by law, and statements of general policy or  
4 interpretations of general applicability formulated and adopted  
5 by the agency; and

6           5. Each amendment or revision to, or repeal of any of the  
7 foregoing.

8           C. Except to the extent that he has actual and timely  
9 notice of the terms thereof, a person may not in any manner be  
10 required to resort to, or be adversely affected by, a matter  
11 required to be published or displayed and not so published or  
12 displayed.

13           D. Rules adopted by agencies and prepared for filing,  
14 distribution and display shall as a minimum comply with the  
15 following format requirements:

16           1. Rules shall be reproduced on eight and one-half by  
17 eleven inch white paper.

18           2. Each set of rules shall contain a cover sheet on which  
19 shall be displayed in capitalized letters the title of the  
20 agency issuing the rules, the subject or title of the rules, and  
21 the date the rules become effective.

22           3. There shall be displayed on the top of each subsequent  
23 page, the title of the issuing agency and the effective date of  
24 the rules.

25           4. Reference shall be made, either in a foreword to the  
26 rules or within the rules themselves, to the law or ordinance  
27 upon which the rules are based.

