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DMSSUB2.ORD (MW:clt)

Introduced by: Audrey Gruger

Proposed No.: 93 - 615

11032

ORDINANCE NO.

1
2 AN ORDINANCE establishing the Department of
3 Metropolitan Services and its divisions, creating
4 a new title in the King County Code, establishing
5 funds for the department, establishing the rules
6 and regulations for the operations of the
7 department; and amending Ordinance 1438,
8 Section 3, as amended; Ordinance 4324,
9 Section 36; Ordinance 9651, Sections 1 and 2;
10 Ordinance 4324, Section 19, as amended; Ordinance
11 7112, Section 5; Ordinance 3581, Section 5, as
12 amended; and K.C.C. 3.12.360, K.C.C. 3.12.170,
13 K.C.C. 3.12.290, K.C.C. 3.16.050, K.C.C.
14 4.10.050; and K.C.C. 4.12.040 and adding anew
15 chapter to K.C.C. 4.12.

16 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 NEW SECTION. SECTION 1. New title established. There is
18 hereby established a new Title 28 in the King County Code which
19 shall pertain to the department of metropolitan services.

20 NEW SECTION. SECTION 2. Statement of policy. On
21 November 2, 1992, King County voters approved Proposition No. 1
22 and King County Charter Amendment No. 1, providing for the
23 assumption by the county of the rights, powers, functions, and
24 obligations of the Municipality of Metropolitan Seattle
25 (Metro), effective January 1, 1994. The proposition called for
26 the creation of a new department of metropolitan services by
27 ordinance, and the charter amendment established a two year
28 transition period in which the organization, functions, and
29 responsibilities of Metro would remain essentially the same.

30 This ordinance sets forth the initial policies and
31 procedures under which the department of metropolitan services
32 will operate. It is based on the premise that most of Metro's
33 current policies and procedures will and should remain
34 applicable to the operation of the department for a period of
35 at least two years following assumption, while providing for
36 changes to those policies and procedures where necessary to
37 further important county policy goals or to avoid conflicts
38 between current Metro policies and procedures and the
39 requirements of the county's charter or state law. It is also
40 based on the premise that under Chapter 35.58 RCW the council

1 may establish policies, rules and regulations related to the
2 performance of metropolitan functions that are different from
3 those of other departments and agencies of the county.

4 It is anticipated that additional legislation affecting
5 the operation of the department may be enacted during the two
6 year transition period and thereafter, and that such
7 legislation may establish unified policies and procedures
8 applicable to all units of county government, including the
9 department.

10 Except as specifically provided for herein, the operation
11 of the department shall be subject to all otherwise applicable
12 provisions of the King County Code. The provisions of this
13 ordinance shall not be construed to alter, limit, or modify the
14 application of Chapter 36.56 RCW to the assumption by the
15 county of the rights, powers, functions, and obligations of
16 Metro effective January 1, 1994.

17 SECTION 3. Ordinance 1438, Section 3, as amended, and
18 K.C.C. 2.16.090 are each hereby amended to read as follows:

19 Department of executive administration - divisions -
20 duties. The department of executive administration is a staff
21 department primarily responsible for providing administrative
22 and management support to other agencies of county government
23 and for the management and coordination of the county's civil
24 rights and compliance program, cable communications, capital
25 planning and development for the Harborview 1987 and Prior
26 Bonds and the Phase One Regional Justice Center Projects, and
27 the ((centralized)) purchasing process for materials and
28 services purchased by the county for every agency of county
29 government other than, for a two year period beginning on
30 January 1, 1994, the department of metropolitan services. The
31 department is responsible to manage and be fiscally accountable
32 for the following divisions:

33 A. COMPUTER AND COMMUNICATIONS SERVICES DIVISION. The
34 functions of the division include:

1 1. Design, develop, operate, maintain and enhance
2 computer information systems for the county and other
3 contracting agencies.

4 2. Manage the office of cable communications pursuant
5 to K.C.C. 6.27A.

6 3. Provide telephone system design, installation,
7 maintenance and repair.

8 4. Manage the E-911 emergency telephone program.

9 5. Manage and operate the centralized printing and
10 graphic arts services.

11 B. RECORDS AND ELECTIONS DIVISION. The functions of the
12 division include:

13 1. Conduct all special and general elections held in
14 the county and register voters.

15 2. Manage the recording, processing, filing, storing,
16 retrieval, and certification of copies as required, of all
17 public documents filed with the division.

18 3. Process all real estate tax affidavits.

19 4. Act as the official custodian of all county records,
20 per general law.

21 5. Manage the printing and distribution of the King
22 County Code and supplements to the public.

23 C. LICENSING AND REGULATORY SERVICES DIVISION. The
24 functions of the division include:

25 1. Issue business, marriage, vehicle/vessel and pet
26 licenses, and collect license fee revenues.

27 2. Enforce county and state law relating to animal
28 control.

29 3. Regulate the operation, maintenance and/or conduct
30 of county licensed businesses, pet ownership and licensing
31 services for the public.

32 NEW SECTION. SECTION 4. A new section shall be added to
33 Chapter 2.16 of the King County Code as follows.

34 Department of metropolitan services - duties - divisions.

35 A. Effective January 1, 1994, there shall be established

1 a department of metropolitan services. For a period of at
2 least two years, beginning on January 1, 1994, the department
3 shall be independent of all other executive departments and
4 administrative offices of county government. The department
5 shall be responsible for the operation, management and
6 administration of the metropolitan functions of public
7 transportation and water pollution abatement under authority of
8 Chapter 35.58 RCW. Upon assumption, the department shall take
9 jurisdiction of all the assets and property, real and personal,
10 of Metro.

11 B. The department shall be composed of the following
12 divisions:

13 1. TRANSIT DIVISION. The division shall administer the
14 metropolitan public transportation function as set forth in
15 Chapter 35.58 RCW. The division shall be responsible for the
16 administration of functions and programs related to operations
17 and maintenance, capital program planning and development,
18 research and market strategy, sales and customer services, and
19 power and facilities in support of the metropolitan public
20 transportation function.

21 2. WATER POLLUTION CONTROL DIVISION. The division
22 shall administer the metropolitan water pollution abatement
23 function as set forth in Chapter 35.58 RCW. The division shall
24 be responsible for the administration of functions and programs
25 related to operations and maintenance of the metropolitan
26 sewerage system, business information resources, environmental
27 programs, and the environmental laboratories in support of the
28 metropolitan water pollution abatement function.

29 3. TECHNICAL SERVICES DIVISION. The division shall be
30 responsible for administration of functions and programs
31 related to the management of capital programs, contracting,
32 including minority/women business enterprise and contract
33 compliance, engineering and construction services,
34 environmental compliance, real property and property

1 management, facilities program management, and information
2 systems services in support of the department's functions.

3 4. FINANCE DIVISION. The division shall be responsible
4 for the administration of functions and programs related to
5 accounting and financial reporting systems, assets management,
6 insurance and risk management, worker's compensation in
7 accordance with the requirements of Title 51 RCW, budget
8 development and expenditure monitoring, financial management,
9 administrative services, monitoring the department's payroll
10 system and deferred compensation program, and procurement
11 management in support of the department's functions.

12 5. HUMAN RESOURCES DIVISION. The division shall
13 administer an effective personnel and human resources system
14 in accordance with Article 5 of the King County Charter. The
15 division shall be responsible for the administration of
16 personnel-related functions and programs in support of the
17 department's functions including, but not limited to: employee
18 and labor relations; formal hearings before the personnel
19 board; recruitment and selection of personnel; coordinating
20 orientation programs for new department employees;
21 administering unemployment and classification and compensation
22 programs; developing and administering centralized department
23 employee and supervisory training and other employee
24 development programs; developing and administering an
25 affirmative action program; developing and administering
26 department employee benefit programs; negotiating contracts
27 with providers; managing department employee benefit funds; and
28 conducting benefits enrollment processes.

29 6. EXECUTIVE DIVISION. The division shall be
30 responsible for the administration of functions and programs
31 related to communications, government relations, and internal
32 audit in support of the department's functions.

33 SECTION 5. Ordinance 7112, Section 5, and K.C.C. 4.10.050
34 are hereby amended as follows:

1 **Executive finance committee.** The executive finance
2 committee is hereby confirmed as being the "county finance
3 committee" referred to in RCW 36.29.020 and RCW 36.48.070 and
4 shall be composed of the following officials or their
5 designees: county executive, director of finance, director of
6 the budget office and the chairperson of the county council.
7 In addition, for a two-year period beginning January 1, 1994,
8 the director of the department of metropolitan services, or
9 his/her designee, shall be a member of the committee. The
10 executive finance committee shall be responsible for directing
11 the director of finance in determining the maximum prudent
12 extent to which residual treasury cash shall be invested
13 pursuant to RCW 36.20.020 and this chapter. Actions of the
14 committee shall be by majority vote except when the chairperson
15 of the council determines such action constitutes a policy
16 determination, as opposed to an administrative determination,
17 which should be referred to the council. The councilmember or
18 designee serving on the executive finance committee may defer
19 action on the proposal until the county council makes such
20 policy determination regarding the proposed action.

21 NEW SECTION. SECTION 6. Funds created.

22 A. The following funds are hereby established as King
23 County first-tier funds managed by the director, continuing
24 Metro funds which were previously established for the purposes
25 specified, and are added as new sections to Chapter 4.08 of the
26 King County Code.

27 1. Water Quality Operating Fund, previously known as
28 the "Municipality of Metropolitan Seattle Sewer Revenue Fund,"
29 created by Resolution No. 7, adopted by the Metro Council on
30 November 26, 1958, to account for the revenues and operations
31 of the water quality enterprise.

32 2. Water Quality Construction Fund, previously known as
33 the "Municipality of Metropolitan Seattle Sewer Construction
34 Fund," created by Section 9 of Resolution No. 90, adopted by

1 the Metro Council on May 18, 1961, to account for the proceeds
2 of revenue bonds of the water quality enterprise.

3 3. Water Quality Revenue Bond Fund, previously known as
4 the "Municipality of Metropolitan Seattle Sewer Revenue Bond
5 Fund," created by Section 10 of Resolution No. 90 of the Metro
6 Council, to account for debt service payments and reserves of
7 revenue bonds of the water quality enterprise.

8 4. Public Transportation Operating Fund, 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, to account for
12 the operations of the public transportation enterprise.

13 5. Public Transportation Construction Fund, previously
14 known as the "Municipality of Metropolitan Seattle Public
15 Transportation Construction Fund," created by Resolution No.
16 2209, adopted by the Metro Council on October 17, 1974, to
17 account for capital improvement projects of the public
18 transportation enterprise.

19 6. Two-tenths Sales Tax Revenue Receiving Fund,
20 previously known as the "Municipality of Metropolitan Seattle
21 Two-tenths Sales Tax Revenues Receiving Fund," to account for
22 the receipt of the two-tenths percent sales tax as required by
23 Resolution No. 4937, adopted by the Metro Council on June 19,
24 1986.

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

30 8. Limited Sales Tax General Obligation Bond Fund,
31 previously known as the "Municipality of Metropolitan Seattle
32 Limited Sales Tax General Obligation Bond Fund," to account for
33 debt service on the limited sales tax general obligation bonds
34 of the public transportation enterprise, as provided in
35 Resolution No. 4937 of the Metro Council.

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

4 SECTION 7. Ordinance 4324, Section 19, as amended, and
5 K.C.C. 3.12.290 are hereby amended:

6 **Personnel board appeals.** A. In the case of an appeal by
7 a career service employee to the board, written notice of
8 appeal shall be filed by the employee with the chairman of the
9 board and the manager within thirty days of the employee having
10 been notified of the disciplinary action as provided for by
11 this chapter or within ten days of completion of the grievance
12 or appeal process contained in this ordinance or any applicable
13 collective bargaining agreement. For appeals not involving
14 disciplinary action, the applicable period shall be fourteen
15 days from the action from which the appeal is taken, or
16 fourteen days from the time the employee should reasonably have
17 known of the action, whichever is longer. The written notice
18 of appeal shall contain a statement of the following:

- 19 1. the action or alleged action from which the appeal
20 is taken;
- 21 2. the grounds for appeal;
- 22 3. the relief requested.

23 The board may only hear appeals which are within its
24 jurisdiction, as set forth by Section 540 of the Charter.

25 B. All decisions of the personnel board shall be final
26 unless appealed to a court of competent jurisdiction within 14
27 days.

28 C. The personnel board or the court shall award a career
29 service employee reasonable attorney's fees incurred in any
30 appeal in which the employee is the prevailing party, provided
31 that the employee shall be considered the prevailing party only
32 where the county has a written settlement offer in effect 30
33 days prior to the hearing of the personnel board or court and
34 the award obtained by the employee exceeds the terms of that
35 settlement offer. Provided further, that such reasonable

1 attorneys fees shall not exceed the actual fees paid by the
2 employee.

3 D. The manager of the personnel division shall on a
4 quarterly basis, or as frequently as requested by the county
5 council, provide a status report on appeals to the personnel
6 board and appeals of personnel board decisions, as well as
7 other complaints, and human rights complaints. These reports
8 shall be made to the operations and administration services
9 committee, or its successor.

10 E. For the two year period beginning January 1, 1994 and
11 ending December 31, 1995, the manager of the human resources
12 division of the department of metropolitan services shall
13 perform the functions of the manager for appeals by employees
14 of the department of metropolitan services.

15 SECTION 8. Ordinance 4324 and K.C.C. 3.12.360 are hereby
16 amended as follows:

17 Effect of collective bargaining. When a collective
18 bargaining agreement establishes a condition of employment,
19 benefit or procedure which conflicts with a condition, benefit
20 or procedure established by this ordinance or the personnel
21 provisions of Title 28, pertaining to the department of
22 metropolitan services, the collective bargaining agreement
23 shall take precedence with respect to those employees covered
24 by the agreement, so long as the following conditions are met:

25 A. the condition of employment, benefit or procedure
26 created by the agreement is lawful;

27 B. the agreement has been adopted by the council by
28 ordinance.

29 Adoption of the agreement by ordinance shall be deemed an
30 amendment of this chapter or Title 28 only with respect to the
31 affected employees and subject condition, benefit or
32 procedure.

33 SECTION 9. Ordinance 4324, Section 36, and
34 K.C.C. 3.12.170 shall be amended as follows:

1 **Equal pay for equal work.** It is the policy of the county
2 that compensation for all county employees shall be equitably
3 provided on the basis of equal pay for equal work.

4 A. Findings of fact. The council finds that federal,
5 state and local laws against discrimination provide adequate
6 and appropriate remedies for any pay which is unequal on the
7 basis of unlawful discrimination. The equal pay policy set
8 forth in this section is intended to set forth general county
9 policy for equitable pay in county government for all equal
10 jobs, even as to jobs between which no disparate impact exists
11 upon protected classes. Pay for represented employees is
12 determined pursuant to the collective bargaining procedures
13 established by law. This section shall not affect the
14 collective bargaining position of the exclusive bargaining
15 representatives of any employee or of the county.

16 The assumption by King County pursuant to Proposition One,
17 effective January 1, 1994, will cause thousands of current
18 employees of the Municipality of Metropolitan Seattle (METRO)
19 to become county employees. King County and METRO have
20 historically used different methods of determining
21 compensation, and a thorough study of classifications of
22 positions and pay for them in each government is necessary
23 before the effects of equalizing pay between the two
24 institutions can be evaluated.

25 As a result, the council finds that pending the completion
26 of such study it is appropriate to not compare pay between
27 employees of the department of metropolitan resources and those
28 of other county employees or to declare that such pay shall be
29 equal for equal jobs unless a disparate impact on a protected
30 class is shown, requiring remedial action.

31 B. Effective January 1, 1994 and until compensation and
32 classification schedules have been adopted to apply to all
33 county employees, this section shall not apply to compensation
34 differences between the department of metropolitan services and
35 other county agencies.

1 SECTION 10. Ordinance 9651, Sections 1-2, and K.C.C.

2 3.16.050 are hereby amended as follows:

3 Labor policy committee. A. Established. There is
4 established a Labor Policy Committee consisting of: the county
5 executive; the director of the office of financial management;
6 the manager of the personnel division, or the manager of its
7 successor; and ~~((three))~~ four members of the county council,
8 appointed annually by the council chair. For the period from
9 January 1, 1994 through December 31, 1995, there shall be three
10 additional members: the director of the department of
11 metropolitan services, the manager of the department of
12 metropolitan services human resources division and the manager
13 of the department of metropolitan services finance division.

14 ~~((Five))~~ Seven members of the Labor Policy Committee shall have
15 voting privileges. The manager of the personnel division, the
16 manager of the department of metropolitan services human
17 resources division, and the manager of the department of
18 metropolitan services finance division shall be ~~((a))~~
19 nonvoting members of the committee. The personnel manager
20 shall be the primary person responsible for convening meetings
21 of the committee on the following schedules for the following
22 purposes:

23 1. No later than February of each year, the committee
24 shall meet to review the schedule of collective bargaining
25 agreements to be negotiated in the upcoming year and establish
26 policy recommendations for contract negotiations related to
27 wages, hours, and working conditions. The policy
28 recommendations shall be established only upon an affirmative
29 vote of a majority of the voting members of the committee.

30 2. Following the establishment of policy
31 recommendations, the committee shall meet on a quarterly basis
32 to review the progress of the contract negotiations.

33 3. On an as-needed basis, the personnel manager or the
34 director of the department of metropolitan services shall
35 convene special meetings of the committee in particular cases

