



**King County**

**Executive signature:** \_\_\_\_\_

*Dow Constant*

**Effective date:** \_\_\_\_\_

*1/11/16*

**I. Purpose**

This policy provides a standardized approach to the development and adoption of Rules of County Agencies, including: required content elements; the required review and approval process; centralized coding/indexing, maintenance, and distribution.

**Applicability and Audience**

This policy applies to the Administrative Offices and Executive Departments supervised by the King County Executive.

**II. Definitions**

**Agency:** For the purposes of this policy, "agency" means executive departments and administrative offices.

**ARMMS:** Department of Executive Services, Records and Licensing Services Division, Archives, Records Management, and Mail Services Section, or its successor agency.

**Emergency Rules:** Rules that are adopted without opportunity for public comment in accordance with King County Code 2.98.070. Emergency rules shall not remain in effect for longer than one hundred and fifty (150) days.

**Official County Newspaper:** The local newspaper with which the County contracts each year to publish most required public notices.

**Public Rules:** Agency orders, directives, or regulations (1) the violation of which subjects a person outside County employment to a penalty; (2) that subject a person outside County employment to the payment of a fee; (3) that establish, alter, or revoke any procedure, practice or requirement relating to departmental hearings; or (4) that establish, alter, or revoke any qualifications or standards for the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession..

**III. Policy**

**A. Developing Rules**

1. A department may only adopt a rule under this chapter to implement an ordinance or other law. Any rule in conflict with an ordinance or other law is null and void to the extent of the conflict.
2. A department should adopt rules that are clearly and simply stated so the rules are understandable.

3. Rules shall refer to the ordinance or other law upon which the rule is based.
4. There shall be an opportunity for the public to comment on all proposed Rules as laid out in Section C. Review and Enactment.
5. Amendments to or repeal of any rule shall follow the same review and comment process as the adoption of a new rule and shall cite the existing rule.
6. Emergency Rules must also meet the criteria established above. If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of public health, safety or general welfare, or that the formal review process would be contrary to public interest, the rule is exempt from formal review process as described in section IV.C.3.
7. Emergency Rules shall expire one hundred and fifty (150) days after the effective date.

**B. Coding/Indexing**

King County Rules and Emergency Rules will be coded and indexed by the Records and Licensing Services Division, Archives, Records Management, and Mail Services Section (ARMMS), or its successor agency.

**C. Review and Enactment**

1. Preliminary Review by the Key Stakeholders  
A preliminary review by the key stakeholders of proposed rules for review and comment is recommended. There is no required timeline for this part of the review process, but ten business days is recommended. Proposed changes should be documented either by revisions made to the rule or by inclusion on a list of proposed revisions.
2. Review by ARMMS  
Prior to the formal review and revision process, the proposed rule will be routed to ARMMS, or its successor agency, for coding and review to ensure proper format. ARMMS review shall be completed within ten business days.
3. Formal Review  
Proposed rules must be made available for review by individuals or agencies to be affected by the rule, including: community groups, public individuals, other public agencies, county agencies, the Clerk of the Council, and each member of the King County Council. All individuals or agencies must be given at least 45 days to review and comment on the proposed rule. During the formal review process, the following steps must be taken:
  - a. A Notice of Intent to Adopt Rules, to include notice of the public comment period of at least forty-five days, is to be published at least once in the County's official county newspaper
  - b. Written public comment should be allowed for at least forty-five days after publication of Notice of Intent to Adopt.

- c. To the extent practicable, a chance for oral comment should be provided in one of the following ways, to be determined by initiating department, and specified in the Notice of Intent to Adopt:
  - i. SCHEDULED PUBLIC MEETING: A specific date, time, and place for members of the public to meet with a representative of the initiating agency and orally express their comments.
  - ii. REQUESTED PUBLIC MEETING: Notice of the County's intention to hold a scheduled public hearing only if five or more persons make a written request for same within the forty-five day written comment period.
  - iii. WALK-IN COMMENT PERIOD: A scheduled period of five working days, the dates to be published in the Notice of Intent to Adopt, during which the initiating agency solicits oral comments on the proposed rule
- d. Taking comments and revising draft rule.  
The initiating agency must fully consider all written and oral comments sent within 45 days of the publishing of the Notice of Intent to Adopt. The proposed rule should be revised as necessary.

Emergency rules must include a finding and a brief a statement of the reasons for the finding that immediate adoption or amendment of a rule is necessary for the preservation of public health, safety or general welfare, and that observance of the notice and comment process would be contrary to the public interest.

- 5. Enactment:  
The effective date of a rule shall be **thirty days** after the date the final Rule is filed with ARMMS, unless a later date is required by law or specified in the Rule. For Emergency Rules, the effective date is the date the rule is filed with ARMMS. The original signed rule shall be transmitted to ARMMS for preservation and publication.

**D. Repeal**

Repeal of any rule shall follow the review and enactment process detailed above.

**IV. Implementation Plan**

- A. This policy becomes effective for Executive Branch agencies on the date that it is signed.
- B. Operations Cabinet members are responsible for communicating this policy to the management structure within their respective agencies and other appropriate parties.

**V. Maintenance**

- A. This policy will be maintained by ARMMS or its successor agency.
- B. Changes to the policy may be proposed by ARMMS or the Operations Cabinet.
- C. This policy will automatically expire five years after its effective date. ARMMS will initiate new or revised policy prior to the expiration date.

**VI. Consequences for Noncompliance**

Rules adopted under K.C.C. 2.98.060 are not valid unless adopted in substantial compliance with that section.

**Appendices:**

None

Contact the Archives, Records Management, and Mail Services Section (ARMMS) for further guidance on developing rules.