

## SUBSTITUTE ORDINANCE NO. 1308

1 AN ORDINANCE relating to County public officials  
2 and employees; prohibiting acts resulting in  
3 conflict of interest; establishing a Code of  
4 Ethics for King County officials and employees;  
5 prescribing penalties; and repealing Sections 1  
6 through 5 and Section 7, Ordinance No. 204, and  
7 K.C.C. 3.04.010 through 3.04.050.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Sections 1 through 5 and Section 7, Ordinance No.  
10 204 and K.C.C. 3.04.010 through 3.04.050 are hereby repealed.

11 SECTION 2. CODE OF ETHICS. There is hereby established a  
12 Code of Ethics for all County officials and employees to provide  
13 guidance for public employees in the event of conflicts and to  
14 prevent conflicts of interest.

15 SECTION 3. JUST AND EQUITABLE TREATMENT.

16 (1) Use of Public Property. No County official or employee  
17 shall request or permit the use of County owned vehicles, equip-  
18 ment, materials or property for personal convenience or profit.  
19 Use is to be restricted to such services as are available to the  
20 public generally or for such official or employee in the conduct  
21 of official business.

22 (2) Obligations to Citizens. No County official or  
23 employee shall grant any special consideration, treatment or ad-  
24 vantage beyond that which is available to every other citizen.

25 SECTION 4. CONFLICT OF INTEREST. No official or employee  
26 shall engage in any act which is in conflict with the performance  
27 of official duties. An official or employee shall be deemed to  
28 have a conflict of interest if the person:

29 (1) Receives or has any financial interest in any sale to  
30 or by the County of any service or property when such financial  
31 interest was received with the prior knowledge that the County  
32 intended to purchase such property or obtain such service;

33 (2) Accepts or seeks for others, any service, information,  
or thing of value on more favorable terms than those granted to  
the public generally, from any person, firm or corporation having  
dealings with the County;

1 (3) Accepts any gift or favor from any person, firm or  
2 corporation having any dealings with the County if the person  
3 knows or has reason to know that it was intended to obtain  
4 special consideration;

5 (4) Influences the selection of, or the conduct of business  
6 with a corporation, person or firm having business with the  
7 County if personally or through relatives the person shall have  
8 financial interest in or with said corporation, person or firm;

9 (5) Is an employee, officer, partner, director or con-  
10 sultant of any corporation, firm or person having business with  
11 the County, unless such relationship has been disclosed as pro-  
12 vided by this ordinance;

13 (6) Engages in or accepts private employment or renders  
14 services for private industry when such employment or service is  
15 incompatible with the proper discharge of official duties or  
16 would impair independence of judgment or action in the perfor-  
17 mance of official duties;

18 (7) Appears in behalf of a private interest before any  
19 regulatory governmental agency, or represents a private interest  
20 in any action or proceeding against the interest of the County in  
21 any litigation to which the County is a party, unless the person  
22 has a personal interest and this personal interest has been dis-  
23 closed to the regulatory governmental agency. A County Council  
24 member may appear before regulatory governmental agencies on  
25 behalf of constituents in the course of his or her duties as a  
26 representative of the electorate or in the performance of public  
27 or civic obligations. However, no official or employee shall  
28 accept a retainer or compensation that is contingent upon a  
29 specific action by a County agency;

30 (8) Directly or indirectly possesses a substantial or con-  
31 trolling interest in any business entity which conducts business  
32 or contracts with the County, or in the sale of real estate,  
33 materials, supplies or services to the County, without disclosing

1 such interest as provided by this ordinance. A substantial in-  
2 terest is an interest that exceeds one-tenth of one percent of the  
3 outstanding securities of the business concern; or, if the inter-  
4 est is in an unincorporated business concern, exceeds on percent  
5 of the net worth of such concern; or the financial interest of a  
6 corporation, person or firm exceeds five percent of the net worth  
7 of the employee and his household relatives;

8 (9) As a County Council member has a financial or other  
9 private interest in any legislation or other matters coming be-  
10 fore the Council, and fails to disclose such an interest on the  
11 records of the County Council. This provision shall not apply if  
12 the County Council member disqualifies himself or herself from  
13 voting by stating the nature and extent of such interest. Any  
14 other official or employee who has a financial or other private  
15 interest, and who participates in discussion with or gives an  
16 official opinion to the County Council and fails to disclose on  
17 the records of the County Council the nature and extent of such  
18 interest; shall be deemed in violation of this ordinance;

19 (10) Has an interest in any property being considered for  
20 revaluation or has a personal interest or connection with another  
21 person's petition while:

22 (a) an elected county official,

23 (b) Deputy County Executive and his/her Executive  
24 Secretary,

25 (c) King County Executive's Administrative Assistants  
26 and Executive Secretary,

27 (d) King County Councilmen/women's Executive Secretar-  
28 ies,

29 (e) County Administrative Officer, his/her Administra-  
30 tive Assistants and his/her Executive Secretary,

31 (f) Chief Officer of each executive department, his/  
32 her Administrative Assistants, and his/her Executive Secretary,

33 (g) Chief Officer of each administrative office, his/

1 her Administrative Assistants, and his/her Executive Secretary,

2 (h) Council Administrator-Clerk, his/her Administra-  
3 tive Assistants, and his/her Executive Secretary,

4 (i) the Ombudsman, his/her Executive Secretary, and  
5 the Deputy King County Ombudsman,

6 (j) all employees of the Department of Assessments,

7 (k) all employees assigned to the Board of Equali-  
8 zation and/or the Board of Appeals,

9 (l) any other county employee who has direct contact  
10 with the Board of Appeals and Equalization in the carrying out of  
11 his or her duties, and

12 (m) member of the King County Board of Appeals and/or  
13 Board of Equalization.

14 SECTION 5. APPEALS. All persons deemed to have a conflict  
15 of interest and wishing to appeal to the County Board of Equali-  
16 zation, shall be governed by the following procedure:

17 The appeal shall be automatically denied by the County Board  
18 of Equalization without hearing and a minute entry shall be made.  
19 The petitioner may then take action to appeal the decision of the  
20 County Board of Equalization to the State Board of Appeals in  
21 accordance with R.C.W. 84.08.130.

22 SECTION 6. DISCLOSURE OF INCOME AND INVESTMENTS. All candi-  
23 dates for County elective office within five days after filing  
24 their declaration of candidacy, and all elected officials, paid  
25 in whole or in part from County funds, all persons appointed by  
26 the County Executive, to include Board and Commission members,  
27 all persons appointed by the County Administrator which are sub-  
28 ject to the approval of the County Executive, all employees of the  
29 Council, and such other public employees as may be determined by  
30 the Board of Ethics, shall file with the Board of Ethics within  
31 ten days of employment or appointment and on or before January 31  
32 of each year a written statement of:

33 (1) All sources of income in excess of \$1,500 per year; and

1 (2) The name of any corporation, firm or enterprise in  
2 which he or she has a direct financial interest in excess of  
3 \$1,500; PROVIDED, that policies of insurance issued to himself or  
4 herself, or spouse, accounts in banks, savings and loan associa-  
5 tions or credit unions, are not to be considered financial interes  
6 and

7 (3) Every office or directorship held by the employee, his  
8 or her spouse, or any member of his or her family in any corpor-  
9 ation, association, firm or enterprise, both profit and non-  
10 profit, doing business in King County; and

11 (4) A list by legal description or popular address of all  
12 real property owned in King County by the employee, his or her  
13 spouse; or member of the family, including options to buy if the  
14 property is valued in excess of \$1,500; and

15 (5) With respect to attorneys or others practicing before  
16 state and local regulatory agencies during the preceding twelve-  
17 month period, the name, the agency or agencies and the name of  
18 the firm, partnership or association in which the person is a  
19 member, partner or employee and the gross compensation in excess  
20 of \$1,500 received by the attorney and the firm, partnership or  
21 association respectively for such practice before such regulatory  
22 agency.

23 SECTION 7. PENALTIES. Any person wilfully violating this  
24 ordinance shall be guilty of a misdemeanor and shall also be  
25 subject to the civil penalties provided herein for the negligent  
26 violation of this ordinance.

27 (1) Any elected official found guilty of a negligent viola-  
28 tion of this ordinance shall be subject to penalties as provided  
29 by R.C.W. 42.12.010 and King County Charter Section 680 and shall  
30 be subject to a civil penalty of loss of pay not to exceed one  
31 month's salary. In addition to the sanctions for aiding, abetting  
32 seeking or requesting a violation of this ordinance, any person or  
33 organization which wilfully attempts to secure preferential treat-

1 ment in its dealings with the County by offering any valuable  
2 gifts, whether in the form of services, loan, thing or promise, in  
3 any form to any County official or employee, shall have its cur-  
4 rent contracts with the County cancelled and shall not be able  
5 to bid on any other County contract for a period of two years.

6 (2) An employee of the County found guilty of a negligent  
7 violation of this ordinance shall be subject to civil penalties  
8 up to and including termination from employment and/or loss of  
9 pay not to exceed one month's salary.

10 (3) Members of Boards and Commissions found guilty of a  
11 negligent violation of this ordinance shall be subject to  
12 immediate removal from such appointment.

13 SECTION 8. CONSTITUTIONALITY. Should any section, sub-  
14 section, paragraph, sentence, clause or phrase of this ordinance  
15 be declared unconstitutional or invalid for any reason, such  
16 decision shall not affect the validity of the remaining  
17 portions of this ordinance.

18 PASSED by the Council at a regular meeting thereof on the  
19 17<sup>th</sup> day of July, 19 72.

20 KING COUNTY COUNCIL  
21 KING COUNTY, WASHINGTON

22 Mary J. Quinn  
23 Chairman

24 ATTEST:

25 Lee Kraft  
26 Administrator-Clerk  
27 King County Council

28 APPROVED this 21<sup>st</sup> day of July, 19 72.

29 [Signature]  
30  
31 King County Executive  
32  
33



STATE OF WASHINGTON  
DEPARTMENT OF REVENUE  
OLYMPIA 98501

June 2, 1972

LEE KRAFT  
CLERK  
KING COUNTY COUNCIL

72 JUN 5 AM 10:17

RECEIVED

Mr. Lee Kraft  
King County Council Administrator  
Room 402-A, King County Courthouse  
Seattle, Washington 98104

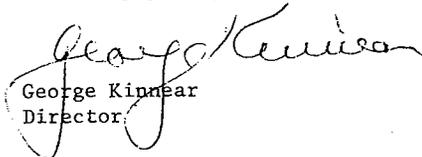
Dear Mr. Kraft:

I have received your letter of June 1, 1972, regarding Board of Equalization members.

For your information, I doubt that we will expand our new regulation. The question is being considered by the Department's attorneys, but, tentatively, I do not believe we have the administrative authority.

King County is able to obtain its authority by legislative action of the Council. Our authority is limited by existing statute and case law (Charles E. Buell v. City of Bremerton, Supreme Court docket no. 42259, En Banc., April 20, 1972). In other words, I believe we must await action of the State Legislature before we can conform with King County's action.

Sincerely yours,

  
George Kinnear  
Director

GK:v

219935

OFFICE OF THE PROSECUTING ATTORNEY  
KING COUNTY COURTHOUSE  
SEATTLE, WASHINGTON 98104

CHRISTOPHER T. BAYLEY  
PROSECUTING ATTORNEY

(206) 344-2550

10 May 1972

The Honorable Tracy J. Owen  
King County Councilman  
B U I L D I N G

Re: Proposed Ordinance No. 72-241  
Code of Ethics

Dear Mr. Owen:

You asked for our opinion on the validity of Section 1, No. 11, of proposed ordinance No. 72-241 which would provide that certain stated officials may appeal personal tax matters directly to the State Board of Tax Appeals rather than to the County Board of Equalization.

It is our opinion that such a provision would be invalid. The jurisdiction of the State Board of Tax Appeals is established by statute and is limited thereby to appeals from decisions of the County Board of Equalization. The county cannot, by ordinance, confer jurisdiction upon the State Board to hear direct appeals. However, the conflict of interest problem which the proposed ordinance attempts to remedy can be solved in another manner.

The ordinance could provide that property tax appeals to the County Board by certain officials who might have a conflict of interest would be automatically denied without hearing by a minute entry. The decision of the County Board could then be appealed by the petitioner to the State Board. The petitioner would not be prejudiced since he would have a full hearing on the merits before the State Board.

We would be happy to assist you in drafting appropriate amendments to the proposed ordinance if you so desire.

For CHRISTOPHER T. BAYLEY, King County Prosecuting Attorney:

NORMAN K. MALENG  
Chief, Civil Deputy

lt

LEE KRAFT  
CLERK  
KING COUNTY COUNCIL

72 MAY 15 AM 9:10

RECEIVED

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**KING COUNTY COUNCIL**

Tracy J. Owen, Chairman

Room 403, King County Court House  
Seattle, Washington 98104

344-2500

April 25, 1972

Mr. Christopher T. Bayley  
King County Prosecuting Attorney  
B U I L D I N G

Dear Mr. Bayley:

Attached please find a copy of Proposed Ordinance No. 72-241 relating to a Code of Ethics for King County officials and employees. Section 1, No. 11, relates to appealing personal tax matters to the State Board of Appeals rather than with the County Board of Equalization when a possible conflict of interest might arise.

Would you please review the proposed amendments to the ordinance and investigate to see if persons who might have a possible conflict of interest in King County may appeal personal tax matters directly to the State Board of Appeals rather than to the County Board of Equalization?

Mr. Bob Tenney, Chairman of the State Board of Appeals, has stated that he would have no objection to the State Board of Appeals handling these matters. However, he feels an Attorney General's opinion is necessary before the Board can assume such authority.

The public hearing on this matter is scheduled for May 15, 1972. We would appreciate an answer as soon as possible.

Yours very truly,

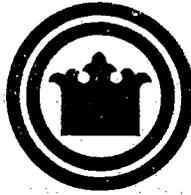
Tracy J. Owen, Chairman  
King County Council

LK:jkw

Attachment

**COPY**

7219935



**KING COUNTY COUNCIL**

Dave J. Mooney, District No. 9  
**RECEIVED**  
Room 403, King County Court House  
Seattle, Washington 98104

APR 13 AM 11:50

**LEE KRAFT  
CLERK  
KING COUNTY COUNCIL**

TO: Lee Kraft  
Administrator-Clerk of the Council

FROM: Councilman Dave Mooney

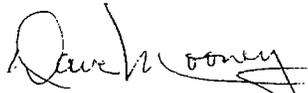
DATE: April 12, 1972.

RE: Proposed Amendment to Conflict of Interest  
Ordinance

I would appreciate it if you would put into ordinance form the following amendment to the Conflict of Interest Ordinance, which I will bring before the Committee of the Whole on Friday morning, April 14, 1972.

Any appeal of the County Executive or his appointments; members of the County Council or their appointments; any elected official, or any member of the County Assessor's Office, shall be filed directly with the State Board of Equalization rather than with the King County Board of Equalization.

If you have any questions, please give me a call.

  
Dave Mooney  
King County Councilman  
District Nine

DM:pd

7219905

7219935

ORDINANCE NO. 1308  
File No. \_\_\_\_\_

Before the  
King County Council  
of King County, Washington

*Bx1 ✓*

**SUBJECT:** CODE OF ETHICS  
County public officials and employees

Establishing Code of Ethics for  
King County Officials and employees,  
prescribing penalties; prohibiting  
acts resulting in conflict of  
interest; repealing Sections 1 thru  
5 and Section 7, Ordinance No. 204,  
and K.C.C. 3.04.010 thru 3.04.050.

**ACTION:**

Adopted

*and  
no  
Amended Sep 6 2103  
Amended Sept 4 2184*

7/17/1972

Ent. Council Record, Vol. \_\_\_\_\_ Page \_\_\_\_\_