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Introduced by: North, Barden

Proposed No.: 90-750

ORDINANCE NO. **9704**

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AN ORDINANCE relating to ethics in government amending the Employee Code of Ethics and the powers of the office of citizen complaints; amending Ordinance 473, Section 9; Ordinance 1308, Sections 3, 4, 6 and 7; Ordinance 1321, Section 4; Ordinance 6144, Section 2; K.C.C. 2.52.090; K.C.C. 3.04.020; K.C.C. 3.04.030; K.C.C. 3.04.035; K.C.C. 3.04.050; K.C.C. 3.04.060; K.C.C. 3.04.100; adding new sections to K.C.C. Ch. 3.04 and prescribing penalties.

PREAMBLE:

Sound public policy requires government to conduct itself in an open and fully disclosed manner. Public office is a public trust, and such trust can be earned and maintained only when officials exercise impartial and independent judgment in a manner which is efficient, fair and accountable.

The council recognizes that the district and superior courts are subject to the Code of Judicial Conduct and have developed personnel guidelines for judicial employees which establish high standards for ethical conduct by judicial officers and employees. In light of these provisions as well as the need to maintain the separation of powers between the legislative and judicial branches under the Washington constitution it is unnecessary to impose any duplicative or potentially inconsistent regulations upon such officers and employees.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1: There is hereby added a new section to K.C.C. Ch. 3.04 to read as follows:

Policy. It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.

Public confidence in government is essential and must be sustained by establishing and enforcing rules to assure the impartiality and honesty of officials and employees in all public transactions and decisions. Each affected agency of county government should inform its employees of the provisions of this ordinance and strive to effectively enforce its requirements by seeking appropriate assistance from the office

1 of citizen complaints, the board of ethics and the prosecuting
2 attorney when considering and acting upon allegations of
3 misconduct.

4 NEW SECTION. SECTION 2. There is hereby added to
5 K.C.C. 3.04 a new section to read as follows:

6 Definitions.

7 A. "Accomplice" means a person who with knowledge that it
8 will promote or facilitate the commission of a crime or
9 violation of an ordinance:

10 1. solicits, commands, encourages, or requests another
11 person to commit it; or

12 2. aids or agrees to aid such other person in planning
13 or committing it.

14 B. "Compensation" means anything of economic value,
15 however designated, which is paid, granted or transferred, or
16 is to be paid, granted or transferred for, or in consideration
17 of, personal services to any person.

18 C. "County action" means any action on the part of King
19 County, including, but not limited to:

20 1. Any decision, determination, finding, ruling or
21 order; and

22 2. Any grant, payment, award, license, contract,
23 transaction, sanction, or approval, or the denial thereof, or
24 the failure to act with respect thereto. "County action" shall
25 not include actions of the county's judicial branch but shall
26 include employees of the department of judicial administration.

27 D. "County Employee" or "Employee" means any individual
28 who is appointed as an employee by the appointing authority of
29 a county agency, office, department, council, board, commission
30 or other separate unit or division of county government,
31 however designated, but does not include employees of the
32 county's judicial branch. The term "county employee" also
33 includes county elected officials and members of county boards,
34 commissions, committees, or other multi-member bodies, but does
35 not include officials or employees of the county's judicial

1 branch but does include employees of the department of judicial
2 administration.

3 E. "Department" means:

- 4 1. in the executive branch, an executive department or
5 administrative office which reports to the executive;
- 6 2. the department of assessments;
- 7 3. the office of the prosecuting attorney;
- 8 4. in the legislative branch the council together with
9 any subordinate legislative branch agency;
- 10 5. the department of judicial administration.

11 F. "Doing business with the county" or "transactions with
12 the county" means to participate in any proceeding,
13 application, submission, request for ruling or other
14 determination, contract, claim, case, or other such particular
15 matter which the county employee or former county employee in
16 question believes, or has reason to believe:

- 17 1. Is, or will be, the subject of county action; or
- 18 2. Is one to which the county is or will be a party; or
- 19 3. Is one in which the county has a direct and
20 substantial proprietary interest.

21 G. "Gift" means anything of economic value, but shall not
22 include campaign contributions regulated by the provisions of
23 RCW Ch. 42.17, the King County Charter and ordinances
24 implementing them, informational materials exclusively for
25 official or office use, memorials, trophies, and plaques of no
26 commercial value, gifts of \$20.00 or less for bona fide, non-
27 recurring, ceremonial occasions or any gifts which are not
28 used and which within thirty days after receipt are returned to
29 the donor, or donated to a charitable organization without
30 seeking a tax deduction.

31 H. "Immediate family" means a county employee's spouse,
32 dependent children, and other dependent relatives if living in
33 his or her household.

1 I. "Ombudsman" means the director of the office of citizen
2 complaints established pursuant to Section 260 of the county
3 charter and K.C.C. Ch. 2.52, or his or her designee.

4 J. "Participate" means, in connection with a transaction
5 involving the county, to be involved in a county action
6 personally and substantially as a county employee either
7 directly, or through others through approval, disapproval,
8 decision, recommendation, the rendering of advice,
9 investigation, or otherwise.

10 K. "Person" means any individual, partnership,
11 association, corporation, firm, institution, or other entity,
12 whether or not operated for profit. The term does not include
13 governmental units of the State of Washington or the United
14 States unless so specified.

15 L. "Retaliatory action" means any action by a supervisor
16 or other employee which is intended to embarrass or to harass
17 any person as a result of such person having filed a written
18 complaint with the office of citizen complaints or having
19 raised privately or publicly any concern or question regarding
20 an actual or apparent violation of the provisions of this
21 ordinance.

22 M. "Thing of value" means anything of tangible worth which
23 is not compensation or a gift.

24 SECTION 3: Ordinance 1308, Section 3 and K.C.C. 3.04.020
25 are hereby amended to read as follows:

26 A. Just and equitable treatment. A. Use of Public
27 Property. No county (~~official or~~) employee shall request or
28 permit the use of county-owned vehicles, equipment, materials
29 or property or the expenditure of county funds for personal
30 convenience or profit. Use or expenditure is to be restricted
31 to such services as are available to the public generally or
32 for such (~~official or~~) employee in the conduct of official
33 business.

34 B. Obligations to Citizens. No county (~~official or~~)
35 employee shall grant any special consideration, treatment or

1 advantage beyond that which is available to every other
2 citizen.

3 C. Except as authorized by law and in the course of his or
4 her official duties, no county employee shall use the power or
5 authority of his or her office or position with the county in a
6 manner intended to induce or coerce any other person to provide
7 such county employee or any other person with any compensation,
8 gift, or other thing of value directly or indirectly.

9 D. No county employee may ask for or receive, directly or
10 indirectly, any compensation, gift, or thing of value, or
11 promise thereof, for performing or for omitting or deferring
12 the performance of any official duty, or action by the county
13 other than the compensation, costs or fees provided by law.

14 E. Campaign activities. County employees are encouraged
15 to participate in the political process on their own time and
16 outside of the workplace by working on campaigns for the
17 election of any person to any office or for the promotion of or
18 opposition to any ballot proposition, but shall not use or
19 authorize the use of the facilities of King County for such
20 purposes except as authorized by the provisions of R.C.W.
21 42.17.130.

22 SECTION 4. Ordinance 1308, Section 4, as amended and
23 K.C.C. 3.04.030 are hereby amended to read as follows:

24 Conflict of interest. No (~~official or~~) county employee
25 shall engage in any act which is in conflict with the
26 performance of official duties. A(~~n official or~~) county
27 employee shall be deemed to have a conflict of interest if the
28 (~~person~~) employee directly or indirectly:

29 A. Receives or has any financial interest in any purchase,
30 sale or lease to or by the county of any service or property
31 when such financial interest was received or obtained with the
32 prior knowledge that the county intended to purchase, sell or
33 lease such property or (~~obtain such~~) service;

34 B. Is beneficially interested, directly or indirectly, in
35 any contract, sale, lease, option or purchase that may be made

1 by, through, or under the supervision of the employee, in whole
 2 or in part, or accepts, directly or indirectly, any
 3 compensation, gift or thing of value from any other person
 4 beneficially interested therein;

5 ((B)) C. Accepts or seeks for others, directly or
 6 indirectly, any employment, travel expense, service,
 7 information, compensation, gift or thing of value on more
 8 favorable terms than those granted to other county employees or
 9 the public generally, from any person, ((firm or corporation
 10 having dealings)) doing business, or seeking to do business
 11 with the county for which the employee has responsibility or
 12 with regard to which he or she may participate ((+)).
 13 provided that this subsection shall not apply to the receipt by
 14 elected officials, or by employees who are supervised directly
 15 by an elected official, of meals, refreshments or
 16 transportation within the boundaries of King County when given
 17 in connection with meetings with constituents or meetings which
 18 are informational or ceremonial in nature;

19 ((e.)) D. Accepts, directly or indirectly, any gift,
 20 favor, loan, retainer, entertainment, travel expense,
 21 compensation or other thing of ((monetary)) value from any
 22 person((, ~~firm or corporation having dealings~~)) doing business
 23 or seeking to do business with the county when such acceptance
 24 ((would)) may conflict with the performance of the ((officer's
 25 or)) employee's official duties.

26 A conflict ((or possibility of conflict)) shall be deemed
 27 to exist where a reasonable and prudent person would believe
 28 that ((it)) the gift, compensation, thing of value, or more
 29 favorable terms, was given for the purpose of obtaining special
 30 consideration or to influence county action; ((provided that,
 31 ~~application of this provision shall take into consideration the~~
 32 ~~established customs and practice of the agency.~~)) The
 33 financing of the conduct of county election campaigns shall
 34 continue to be governed by the provisions of R.C.W. 42.17 and
 35 the provisions of the county charter and county ordinances;

1 ~~((D-))~~ E. Participates in, ~~((F))~~ influences, or attempts
2 to influence, directly or indirectly, the selection of, or the
3 conduct of business or a transaction with a ~~((corporation)),~~
4 person ~~((or firm having))~~ doing or seeking to do business with
5 the county if ~~((personally or through relatives))~~ the
6 ~~((person))~~ employee has a financial interest in or with said
7 ~~((corporation,))~~ person ~~((or firm))~~;

8 ~~((E-))~~ F. Discusses or accepts an offer of future
9 employment with any person doing or seeking to do business with
10 the county if either:

11 (1) the employee knows or has reason to believe that
12 the offer of employment was or is intended, in whole ~~or~~ in
13 part, directly or indirectly, as compensation or reward for the
14 performance or nonperformance of a duty by the employee during
15 the course of county employment or to influence county action
16 pertaining to the business, or

17 (2) the employee has responsibility for a matter upon
18 which the person is doing or seeking to do business with the
19 county unless the employee has first disclosed in writing to
20 his or her appointing authority that the employee intends to
21 discuss future employment with a specific person and the
22 appointing authority has designated, in a memorandum filed with
23 the ombudsman and the clerk of the council, a method of
24 providing for an alternative decisionmaker with regard to
25 matters involving such person for which the employee otherwise
26 would have responsibility;

27 ~~((F-))~~ G. Within one year of entering county employment
28 awards a county contract or participates in a county action
29 benefiting a person that formerly employed him or her provided,
30 that participation other than contract award may be authorized
31 in a memorandum by the appointing authority following written
32 disclosure by the affected employee and that such authorization
33 shall be filed with the ombudsman and the clerk of the council;

34 ~~((E-))~~ H. Is an employee, agent, officer, partner, director
35 or consultant of any ~~((corporation, firm-or))~~ person ~~((having))~~

1 doing or seeking to do business with the county, unless such
2 relationship has been disclosed as provided by this chapter;

3 ((F-))I. Engages in or accepts ((private)) compensation,
4 employment or renders services for ((private industry,)) any
5 person or a governmental entity other than King County when
6 such employment or service is incompatible with the proper
7 discharge of official duties or would impair independence of
8 judgment or action in the performance of official duties. In
9 addition, the following employees must obtain the prior written
10 consent of their highest ranking supervisor authorizing either
11 new or continued employment, or the acceptance of any
12 compensation or any thing of value for services performed
13 outside King County government:

14 1. The deputy county executive, the chief officer of
15 each executive department or administrative office as defined
16 by the provisions of the county charter, the manager of each
17 division of such department or office, and all persons who
18 report directly to such individuals;

19 2. All non-elected council employees, provided that the
20 personal staff of each individual councilmember shall obtain
21 such consent from such councilmember;

22 3. All non-elected employees of the prosecuting
23 attorney;

24 4. All non-elected employees of the department of
25 judicial administration;

26 5. All non-elected employees of the department of
27 assessments.

28 If such employment or service is deemed by the highest-
29 ranking supervisor to pose a conflict of interest, the employee
30 immediately shall divest such employment and failure to do so
31 shall be grounds for dismissal;

32 J. Enters into a business relationship outside county
33 government with any other employee for whom he or she has any
34 supervisory responsibility;

1 K. Enters into a business relationship outside county
 2 government with any person with regard to a matter for which
 3 the employee has responsibility as a county employee;

4 ~~((G-))~~L. Appears ~~((in))~~ on behalf of a ~~((private~~
 5 ~~interest))~~ person before any regulatory governmental agency, or
 6 represents a ~~((private-interest))~~ person in any action or
 7 proceeding against the interest of the county in any litigation
 8 to which the county is a party, unless the ~~((person))~~ employee
 9 has a personal interest in the litigation and this personal
 10 interest has been disclosed to the regulatory governmental
 11 agency or adjudicating individual or body. A county council
 12 member may appear before regulatory governmental agencies on
 13 behalf of constituents in the course of his or her duties as a
 14 representative of the electorate or in the performance of
 15 public or civic obligations; however, no official or employee
 16 shall accept a retainer, or compensation, or any gift or thing
 17 of value that is contingent upon a specific action by a county
 18 agency;

19 ~~((H-))~~M. Directly or indirectly possesses a substantial or
 20 controlling interest in any person ~~((business-entity))~~ which
 21 ~~((conducts))~~ does or seeks to do business ~~((or-contracts))~~ with
 22 the county~~((, or in the sale of real estate, materials,~~
 23 ~~supplies, or services to the county,))~~ without disclosing such
 24 interest as provided by this chapter. A substantial interest
 25 is an interest that exceeds one-tenth of one percent of the
 26 outstanding securities of the ~~((business-concern))~~person; or,
 27 if the interest is in an unincorporated business concern,
 28 exceeds one percent of the net worth of such concern; or the
 29 financial interest of a ~~((corporation))~~, person ~~((or-firm))~~
 30 exceeds five percent of the net worth of the employee and his
 31 ~~((household-relatives))~~ or her immediate family;

32 ~~((I-))~~N. As a county council member has a financial or
 33 other private interest in any legislation or other matter~~((s))~~
 34 coming before the council, and fails to disclose such an
 35 interest on the records of the county council. Any other

1 ((~~official or~~)) employee who has a financial or other private
 2 interest, and who participates in ((~~discussion with or gives an~~
 3 ~~official opinion to~~)) an action or proposed action of the
 4 county council and fails to disclose on the records of the
 5 county council the nature and extent of such interest, shall be
 6 deemed in violation of this chapter;

7 ((~~F~~))O. Has an interest in any property being considered
 8 for revaluation by the county board of appeals and equalization
 9 or has a personal interest or connection with another person's
 10 petition for revaluation while:

- 11 1. An elected county official,
- 12 2. Deputy county executive and his/her confidential
 13 secretary,
- 14 3. King County executive's administrative assistants
 15 and office manager,
- 16 4. King County council men/women's executive
 17 secretaries,
- 18 5. County administrative officer, his/her confidential
 19 secretary,
- 20 6. Chief officer of each executive department, his/her
 21 administrative assistants, and his/her confidential secretary,
- 22 7. Chief officer of each administrative office, his/her
 23 administrative assistants, and his/her confidential secretary,
- 24 8. Council administrator, his/her administrative
 25 assistants, and his/her secretary,
- 26 9. The ombudsman, his/her secretary,
- 27 10. All employees of the ((~~D~~))department of
 28 ((~~A~~))assessments,
- 29 11. All employees assigned to the board of equalization
 30 and/or the board of appeals,
- 31 12. Any other county employee who has direct contact
 32 with the board of appeals and equalization in the carrying out
 33 of his or her duties, and
- 34 13. Member of the King County board of appeals and/or
 35 board of equalization,

1 14. Clerk of the council, his/her secretaries, ((office
2 coordinators));

3 ((K-))P. As an appointive member of a board or commission,
4 has a ((member of their immediate family)) close relative
5 serving on the same board or commission. For the purposes of
6 this subsection, ((immediate family)) close relative is defined
7 as:

8 Husband		Wife
9 Father		Father-in-law
10 Mother		Mother-in-law
11 Brother		Brother-in-law
12 Sister		Sister-in-law
13 Son		Son-in-law
14 Daughter		Daughter-in-law
15 <u>Niece</u>		<u>Nephew</u>
16 <u>Grandparent</u>		<u>Grandchild</u>
17 <u>Uncle</u>		<u>Aunt</u>

18 Q. Discloses or uses for the personal benefit of the
19 employee or his or her immediate family any information
20 acquired in the course of official duties which is not
21 available as a matter of public knowledge or public record;

22 R. Acts as an accomplice in any act by an immediate family
23 member which, if such act were performed by the employee would
24 be prohibited by the provisions of subsections A, B, C, D, E,
25 F, G, H, J, K, M, N, O or Q of this section; provided, however,
26 that it shall not be a conflict of interest for such family
27 member to enter into a bona-fide contract of employment which
28 is not intended to influence the action of the county employee;

29 S. The provisions of subsections 4.B, E, and N of this
30 ordinance are not violated by the possession by an employee of
31 a financial interest in a person or other entity which is not a
32 substantial interest as defined by subsection 4.M herein.

33 SECTION 5. Ordinance 6144, Section 2, and K.C.C. 3.04.035
34 are hereby amended to read as follows:

1 Conflict of interest - former employees and members of
2 county boards and commissions.

3 A. A conflict of interest shall be deemed to exist if any
4 individual (~~(person)~~) who has served as a member of a county
5 board or commission, does within a period of (~~(one)~~) two years
6 after the termination of such service (~~(or employment)~~),
7 appears before such board or commission, or receives
8 compensation for any services rendered on behalf or in
9 assistance of any person(~~(, firm, corporation or association)~~)
10 in relation to any action (~~(case, proceeding, application or~~
11 ~~matter)~~) with respect to which such (~~(person)~~) individual was
12 directly concerned and in which he or she personally
13 participated, either directly or indirectly, during the period
14 of his or her service (~~(or employment)~~). The foregoing will
15 also apply during the same period of time to any (~~(person)~~)
16 individual who is a partner, associate, or member of a (~~(firm,~~
17 ~~corporation or association)~~) person with which the former board
18 or commission member has a financial interest;

19 B. All other county employees are prohibited from
20 attempting to influence for compensation their former
21 departments within one year after termination of county
22 employment: provided, that such prohibition shall not apply to
23 former deputy prosecuting attorneys with respect to their
24 representation of defendants in criminal proceedings. For two
25 years after leaving the county's employ, former employees are
26 required to disclose past county employment prior to
27 participation in any county action;

28 C. No former county employee may assist any person for
29 compensation or share in compensation received by any person on
30 matters concerning which the former employee is prohibited from
31 participating personally.

32 SECTION 6. Ordinance 1308, section 6, as amended and
33 K.C.C. 3.04.050 re hereby amended to read as follows:

34 Disclosure of income and investments.

1 All elected county officials; ~~((persons))~~ employees
2 appointed by the county executive (~~(, to include board and~~
3 ~~commission members 7))~~; all ~~((persons))~~ employees appointed by
4 the ~~((county administrator))~~ deputy county executive, or
5 department directors, and ~~((which))~~ who are subject to the
6 approval of the county executive ~~((7))~~; all employees of the
7 council ~~((,))~~; and such other public employees as may be
8 determined by the board of ethics, shall file with the board of
9 ethics within ten days of employment or appointment and on or
10 before April 15th of each year thereafter a written statement
11 of:

12 A. All sources of income in excess of one thousand five
13 hundred dollars per year; and

14 B. The name of any ~~((corporation, firm))~~ mutual fund or
15 other person or enterprise in which he or she has a direct
16 financial interest in excess of one thousand five hundred
17 dollars: provided, that policies of insurance issued to
18 himself or herself, or spouse, accounts in banks, savings and
19 loan associations or credit unions, are not to be considered
20 financial interest; and

21 C. Every office or directorship held by the employee,
22 ~~((his or her spouse, or any member of his or her))~~ or his or
23 her immediate family in any ~~((corporation, association, firm or~~
24 ~~enterprise, both profit and nonprofit,))~~ person or other
25 governmental entity doing business in King County; and

26 D. A list by legal description or popular address of all
27 real property owned in King County by the employee, or his or
28 her ~~((spouse, or member of the))~~ immediate family, including
29 options to buy if the property is valued in excess of one
30 thousand five hundred dollars; and

31 E. All real property located in King County, divested by
32 the employee or his or her immediate family during the
33 reporting year, the value of which exceeds one thousand five
34 hundred dollars; and

1 ~~((E-))~~ F. With respect to attorneys or others practicing
2 before state and local regulatory agencies during the preceding
3 twelve-month period, the name, the agency or agencies and the
4 name of the ~~((firm, partnership or association))~~ person ~~((in))~~
5 of which the ~~((person))~~ individual is a member, partner or
6 employee and the gross compensation in excess of five hundred
7 dollars received by the attorney and the ~~((firm, partnership or~~
8 ~~association))~~ person respectively for such practice before such
9 regulatory agency; and

10 G. All candidates for county elective office as defined in
11 RCW 42.17.020 as amended and nominees for appointment to county
12 boards and commissions ~~((shall,))~~ within two weeks of becoming
13 a candidate or nominee, as defined by RCW 42.17.020, and all
14 elected officials, paid in whole or in part by county funds
15 shall file with the ~~((board of ethics))~~ department of records
16 and elections ~~((on or before April 15th of each year,))~~ a code
17 of ethics financial statement, which includes subsections ~~((A~~
18 ~~through five E-))~~ A. through F. above. These requirements may
19 be satisfied by filing with the ~~((board of ethics))~~ department
20 of records and elections a copy of the report required to be
21 filed by RCW 42.17.240 commonly referred to as Form F-1, if
22 this form contains an original signature of the person filing
23 the report. The department of records and elections shall
24 forward a copy of such statements, reports and forms to the
25 board of ethics within 10 days of their receipt.

26 H. The financing of county election campaigns shall
27 continue to be governed by the provisions of RCW 42.17, and the
28 King County Charter and King County Code.

29 SECTION 7. Ordinance 1308, Section 7 and K.C.C. 3.04.060
30 are hereby amended to read as follows:

31 ~~((Any person wilfully violating this chapter is guilty of a~~
32 ~~misdemeanor and shall also be subject to the civil penalties~~
33 ~~provided herein for negligent violation of this chapter;))~~

34 A. Criminal Penalties. Any negligent or wilful violation
35 of the provisions of this ordinance shall constitute a

1 misdemeanor and upon conviction be punishable by a fine not to
 2 exceed \$1,000 or imprisonment in the county jail not to exceed
 3 ninety days; or both;

4 B. Civil Penalties.

5 1. Any elected official guilty of a ~~((negligent))~~
 6 violation of this chapter shall be subject to penalties as
 7 provided by RCW 42.12.010 and the King County Charter ~~((Section~~
 8 ~~680))~~ and shall be subject to a civil penalty of loss of pay
 9 not to exceed one month's salary. ~~((In addition to the~~
 10 ~~sanctions for aiding, abetting, seeking or requesting a~~
 11 ~~violation of this chapter, a))~~ Any person ~~((or organization))~~
 12 which wilfully attempts to secure preferential treatment in its
 13 dealings with the county by offering any valuable
 14 consideration, thing of value or gift((s)), whether in the form
 15 of services, loan, thing or promise, in any form to any county
 16 official or employee, shall have its current contracts with the
 17 county canceled and shall not be able to bid on any other
 18 county contract for a period of two years.

19 ~~((B))~~ 2. An employee of the county found guilty of a
 20 ~~((negligent))~~ violation of this chapter shall be subject to
 21 disciplinary action and civil penalties up to and including
 22 termination from employment and/or loss of pay not to exceed
 23 one month's salary.

24 ~~((C-))~~ 3. Members of boards and commissions found guilty
 25 of a ~~((negligent))~~ violation of this chapter shall be subject
 26 to immediate removal from such appointment;

27 C. Civil and criminal liability under the provisions of
 28 this section shall be imposed on any person who either directly
 29 or as an accomplice commits a violation of this ordinance;

30 D. A county employee who engages in retaliatory action as
 31 defined herein shall be subject to civil and criminal penalties
 32 as set forth in this section.

33 NEW SECTION. SECTION 8. There is hereby added a new
 34 section to K.C.C. ch. 3.04 to read as follows:

1 Duty to notify supervisor. Any employee who becomes aware
2 that he or she may have a potential conflict of interest which
3 arises in the course of his or her official duties shall notify
4 in writing his or her supervisor or appointing authority of
5 such potential conflict.

6 Upon receipt of such notification the supervisor or
7 authority shall take action to resolve the potential conflict
8 of interest, including but not limited to designating within a
9 reasonable time an alternative employee to perform the duty
10 which is involved in the potential conflict. The disposition
11 of the potential conflict shall be stated in writing in files
12 maintained by the supervisor or official. The supervisor or
13 official may request an advisory opinion from the board of
14 ethics before disposing of such potential conflict.

15 NEW SECTION. SECTION 9. There is hereby added a new
16 section to K.C.C. ch. 3.04 to read as follows:

17 Complaints, Investigations.

18 A. It shall be the responsibility of the ombudsman to
19 investigate and report apparent criminal violations of this
20 ordinance to the appropriate law enforcement authorities and to
21 enforce this ordinance according to the powers granted herein;

22 B. Complaints alleging a violation of any of the provisions
23 of this ordinance shall be filed with the ombudsman. Any such
24 complaint shall be in writing, verified and signed by the
25 complainant. The complainant may state in writing whether the
26 complainant wishes his or her name not to be disclosed pursuant
27 to the provisions of RCW 42.17.310(e). The complaint shall
28 describe the basis for the complainant's belief that one or
29 more of the provisions of this ordinance has been violated.

30 The person against whom a complaint is filed or an
31 investigation is conducted, shall be known as the respondent;

32 C. Upon receipt of a complaint meeting the requirements of
33 subsection B of this section, the ombudsman shall cause to be
34 served or mailed, by certified mail, return receipt requested,
35 a copy of the complaint to the person alleged to have committed

1 one or more violations of the provisions of this ordinance
2 within twenty days after the filing of said complaint, and
3 shall promptly make an investigation thereof;

4 D. The investigation by the ombudsman shall be directed to
5 ascertain the facts concerning the violation or violations of
6 this ordinance alleged in the complaint and shall be conducted
7 in an objective and impartial manner and in furtherance of such
8 investigation the ombudsman is authorized to use the subpoena
9 power to compel sworn testimony from any person and require the
10 production of any records relevant or material to the
11 investigation except information which is legally privileged or
12 otherwise required by law not to be disclosed;

13 E. During the investigation, the ombudsman shall consider
14 any statement of position or evidence with respect to the
15 allegations of the complaint which the complainant or
16 respondent, wishes to submit;

17 F. The results of the investigation shall be reduced to
18 written findings of fact and the finding shall be made that
19 there either is or is not reasonable cause for believing that
20 the respondent has violated one or more of the provisions of
21 this ordinance;

22 G. If a finding is made that there is no reasonable cause,
23 said finding shall be served on the complainant and respondent;

24 H. If the finding is made that reasonable cause exists to
25 believe that the respondent has violated one or more of the
26 provisions of this ordinance, the ombudsman shall prepare an
27 order to that effect, copies of which shall be delivered to the
28 complainant, the respondent, the highest ranking supervisor of
29 the respondent, the office of the prosecuting attorney, and the
30 board of ethics, and the original thereof filed with the
31 division of records and elections. Such reasonable cause order
32 shall include:

33 1. A finding that one or more violations of the
34 ordinance has occurred; and

35 2. The factual basis for such finding.

1 NEW SECTION. SECTION 10. There is hereby added to K.C.C.
2 ch. 3.04 a new section to read as follows.

3 Appeal. A. Any respondent aggrieved by an order of the
4 ombudsman may request in writing within ten days of the service
5 of the order upon the respondent an appeal hearing before the
6 board of ethics. The request shall cite the order appealed
7 from and contain a brief statement of the reasons for seeking
8 the appeal hearing;

9 B. Any order issued by the ombudsman pursuant to this
10 section shall become final ten days after service of the order
11 unless a written request for an appeal hearing as set forth
12 above is received by the board of ethics within the ten-day
13 period;

14 C. If an order of the ombudsman has been timely appealed, a
15 hearing shall be conducted by the board of ethics for the
16 purpose of affirming, denying, or modifying the order. The
17 parties to the hearing shall be the respondent and the
18 ombudsman or his or her designee. There shall be a verbatim
19 record kept of the hearing and the board of ethics shall have
20 the power to administer oaths and affirmations, issue
21 subpoenas, and compel attendance, take evidence, and require
22 the production of any books, papers, correspondence, memoranda,
23 or other records relevant or material to the hearing. The
24 burden of proving that a violation occurred shall at all times
25 be upon the ombudsman. The board of ethics' decision shall be
26 based upon a preponderance of the evidence. Such hearing shall
27 be conducted within a reasonable time after receipt of the
28 request for appeal. Written notice of the time and place of
29 the hearing shall be given at least ten days prior to the date
30 of the hearing to the parties;

31 D. At the hearing, each party shall have the following
32 rights:

33 1. To call and examine witnesses on any matter relevant
34 to the issues raised by the order of the executive or his or
35 her designee;

- 1 2. To introduce documentary and physical evidence;
- 2 3. To cross-examine opposing witnesses on any matter
- 3 relevant to the issues of the complaint;
- 4 4. To impeach any witness regardless of which party
- 5 first called the witness to testify;
- 6 5. To rebut evidence against him or her; and
- 7 6. To represent himself or herself or to be represented
- 8 by anyone of his choice who is lawfully permitted to do so;

9 E. Following review of the evidence submitted, the board
10 shall within a reasonable time enter written findings and
11 conclusions and shall affirm or modify the order previously
12 issued if the board finds that one or more violations of this
13 ordinance has occurred. The board shall reverse the order if
14 it finds no violations of this ordinance have occurred. A copy
15 of the board's decision shall be delivered to the ombudsman,
16 the respondent, the office of the prosecuting attorney and the
17 complainant.

18 SECTION 11. Ordinance 473, section 9 and K.C.C. 2.52.090 are
19 hereby amended to read as follows:

20 Powers. The director shall have the following powers:

21 A. To investigate, on complaint or on his own, any
22 administrative act of any administrative agency;

23 B. To prescribe the methods by which complaints are made,
24 received and acted upon; he may determine the scope and manner
25 of investigations to be made; and, subject to the requirements
26 of this chapter, to determine the form, frequency and
27 distribution of his conclusions and recommendations;

28 C. To request and he shall be given by each administrative
29 agency the assistance and information he deems necessary for
30 the discharge of his responsibilities; he may examine the
31 records and documents of all administrative agencies; and he
32 may enter and inspect premises within administrative agencies'
33 control;

34 D. To administer oaths and hold hearings in connection
35 with any matter under inquiry;

1 E. To issue a subpoena to compel any person to appear,
2 give sworn testimony or produce documentary or other evidence
3 reasonable in scope and generally relevant to a matter under
4 inquiry; however, the subpoena power shall be limited to
5 matters under written complaints by a citizen of the city or
6 county;

7 F. To undertake, participate in, or cooperate with general
8 studies or inquiries, whether or not related to any particular
9 administrative agency or any particular administrative act, if
10 he believes that they may enhance knowledge about or lead to
11 improvements in the functioning of administrative agencies;

12 G. To investigate and enforce the provisions of the Code
13 of Ethics, K.C.C. Ch. 3.04, pursuant to the terms thereof.

14 SECTION 12. Ordinance 1321, section 4 and K.C.C. 3.04.100
15 are hereby amended to read as follows:

16 Board of ethics - Authority. A. Whenever requested by a
17 county officer or employee, or whenever it deems it in the
18 public interest, the board of ethics shall render advisory
19 opinions, in writing, concerning questions of ethics, conflicts
20 of interest, and the applicability of the code of ethics.

21 ~~((The board of ethics, on its own motion, may investigate any~~
22 ~~suspected or alleged violation of the code of ethics. The~~
23 ~~board shall investigate all written complaints with regard to~~
24 ~~violation of the code of ethics. The board may administer~~
25 ~~oaths in connection with any matter under inquiry. Any witness~~
26 ~~in a proceeding before the board of ethics shall have the right~~
27 ~~to be represented by counsel.~~

28 ~~The board shall render a written decision when it has~~
29 ~~concluded its investigation.))~~ Copies of the opinion shall be
30 delivered to the ombudsman, the county executive and all
31 members of the King County council. Such opinion may also be
32 released to the public at the discretion of the board with such
33 omissions as may be necessary to protect the confidence and
34 privacy of county officers or employees. A written copy of the

1 board's opinion shall be delivered to the officer or employee
2 requesting the opinion.

3 ~~((A copy of the opinion shall be presented to the person or
4 organization which was the subject of the investigation. No
5 opinion, after an investigation, may be issued unless the
6 person complained against has had an opportunity to have a fair
7 hearing. Any person being investigated may demand a public
8 hearing.))~~

9 B. The board shall hear appeals from orders of the
10 ombudsman as provided in this ordinance.

11 NEW SECTION. SECTION 13. Authorization to Implement
12 Procedures. The ombudsman and the board of ethics are each
13 authorized to implement such forms, administrative processes,
14 and operational procedures as are necessary to comply with the
15 provisions of this ordinance; provided that such forms,
16 processes and procedures shall be promulgated in compliance
17 with K.C.C. 2.98, Rules of County Agencies.

18 The executive is directed to prepare, with the assistance
19 of council staff, the office of the prosecuting attorney, the
20 ombudsman and the board of ethics, information regarding the
21 provisions of this ordinance to be made available to employees
22 and members of boards and commissions. The availability of
23 these materials and of copies of this ordinance shall be
24 described in a summary form which shall be distributed to all
25 county employees on or before February 20, 1991 and an
26 acknowledgment of receipt of such form shall be signed and
27 returned by each employee to the Office of Personnel on or
28 before March 20, 1991. Each new employee shall sign and return
29 such form prior to commencing work for King County.

30 NEW SECTION. SECTION 14. The executive is directed to
31 forward a copy of this ordinance once enacted to the presiding
32 judges of the district and superior courts for consideration by
33 the courts in their evaluation of possible future amendments to
34 existing codes of judicial conduct and personnel
35 administration.

